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18 **IN THE UNITED STATES DISTRICT COURT**
19 **SOUTHERN DISTRICT OF CALIFORNIA**

20 HONG GE

21 Petitioner,

22 v.

23 WARDEN OF IMPERIAL REGION
24 DETENTION FACILITY; TODD LYONS, in his
25 official capacity as the Director of Immigration
26 and Customs Enforcement; MARKWAYNE
27 MULLIN, in her official capacity as Secretary of
28 the Department of Homeland Security; TODD
BLANCHE, in his official capacity as Acting
Attorney General of the United States.

Civil Action No. 3:26-cv-02213-JES-
BJW

TRAVERSE TO RESPONDENTS' AMENDED RETURN TO PETITION FOR WRIT OF
HABEAS CORPUS

1 Petitioner, Hong Ge, respectfully submits this Traverse to the Respondents' ("Government")
2 amended Return to Petition for Habeas Corpus (ECF No. 9). Petitioner has been detained by the
3 Government for over 13 months. Prior to filing the Petition, Petitioner never received any confirmation
4 from the Government regarding her status, whether she was subject to an order of removal, or when
5 removal would occur. *See* ECF No. 1 ¶ 3. On April 8, 2026, Petitioner filed the Petition challenging her
6 detention. The Government now seeks to dismiss the Petition because it claims that it possesses a travel
7 document and is ready to remove Petitioner. However, the Government's Return contains multiple
8 errors and ambiguities based on apparent mix-up between different noncitizens.
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10 The Government relies solely on the amended Declaration of Deportation Officer Lizbeth
11 Bribiesca ("Bribiesca Declaration") in support of its claim that removal is imminent. *See* ECF 10.
12 Officer Bribiesca previously submitted a declaration that referenced an entirely different person –
13 Tingting Gao. *See* ECF No 9-2. The discrepancy appears to be part of the Government's ongoing
14 conflation of Petitioner and Tingting Gao, a different Chinese national detained at San Luis Regional
15 Detention Facility who has a pending habeas petition in the District of Arizona under docket number
16 2:26-cv-02395-MJM--MTM. In fact, on April 14 the Government filed a Return to the Petition that
17 raised a serious (and false) allegation that Petitioner and his counsel are engaging in deceit, forum
18 shopping, and abuse of the writ by filing two separate petitions in two different districts for the same
19 petitioner, under different names. *See* ECF 7 at p. 1.¹
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26 ¹ Alleging that "Petitioner Hong Ge [REDACTED] also known as Tingting Gao [REDACTED] has
27 filed nearly identical habeas petitions, on the same day, through the same counsel, while using different
28 names, in both the Southern District of California as well as the District of Arizona" and that "Petitioner,
as of yesterday April 13, 2026, still appears to be actively pursuing both cases while failing to inform the
Court of her other case, and her other name, presumably to increase her chances of having one of the
two petitions granted."

1 The Government’s counsel never raised this serious and false allegation with Petitioner’s counsel
2 before filing it with the Court on April 14. On the morning of April 15, the Government filed a “Request
3 to Withdrawal” seeking to withdraw the Return. *See* ECF No. 8. The Government did not specify the
4 reason for the withdrawal, but it simultaneously filed a new Return that quietly excluded the troubling
5 and false allegations raised in its initial Return. However, the Government re-filed the same erroneous
6 declaration from Officer Bribiesca referencing Tingting Gao. Later the same day, the Government again
7 supplemented its filing with a revised Declaration from Officer Bribiesca. *See* ECF No. 10. The new
8 declaration acknowledged that the original declaration referenced Tingting Gao, but claimed it was due
9 to an internal mix up and asserted that all of the facts were true as to Petitioner Hong Ge. *See id.*
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11 Although the Government is slowly correcting its erroneous statements and allegations in
12 piecemeal fashion, considerable concerns remain as to whether the Government is actually addressing
13 Petitioner Hong Ge, or someone else. For example, the Government’s Return, Form I-213 Record of
14 Deportable/Inadmissible Alien (“Form I-213”), and Officer Bribiesca’s Declaration do not match up.
15 The Return claims that “[o]n April 1, 2026, ICE received a travel document titled ‘Permit for Entry’
16 from the Embassy of the People’s Republic of China for Petitioner Hong Ge” (ECF No. 9 at p. 3), but
17 Officer Bribiesca’s declaration makes no mention of a Permit for Entry or the Embassy of the People’s
18 Republic of China. Instead, the declaration merely states that “On April 1, 2026, ERO received a travel
19 document for Petitioner.” ECF No. 10-3 ¶ 17. Similarly, the Return states that “[o]n April 7, 2026, ICE
20 booked a removal flight for Petitioner and she is currently scheduled to be removed from the United
21 States on April 17, 2026” (ECF No. 9 at p. 3), but Officer Bribiesca’s declaration only states that
22 “Petitioner will be removed to China within the next five days.” ECF No. 10-3 ¶ 19. The Government
23 counsel’s representations do not constitute evidence, and Officer Bribiesca’s declaration lacks the level
24 of detail found in the Return and fails to include any documentary evidence that would be dispositive of
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1 this issue. The Return also claims that Petitioner was detained while attempting to enter the United
2 States on May 2, 2025 (ECF No. 9 at p. 2), but the Form I-213 states that Petitioner was detained on
3 March 2, 2025. *See* ECF No. 9-1. Officer Bribiesca's Declaration, on the other hand, doesn't reference
4 either date as the date of entry into the United States and only states that Petitioner entered Immigration
5 and Customs Enforcement custody on April 30, 2025. *See* ECF No. 9-2; 10 ¶ 9. Moreover, Officer
6 Bribiesca claims that "Petitioner did not claim fear of return to China." *See id.* However, the I-213
7 clearly states that "NO fear statement was taken from GE." ECF No 9-1 at p. 6.

9 In short, the Government has failed to provide sufficient credible evidence to demonstrate that
10 Petitioner's removal is significantly likely to occur in the reasonably foreseeable future. The
11 Government has provided no copies of any travel documents, permits for entry, or any other valid
12 documents that could easily verify the assertions made by the Government. This is particularly troubling
13 because the Petitioner has been detained for over 13 months based on a purported expedited order of
14 removal. The Government has not been able to remove Petitioner during her lengthy detention, yet the
15 Government now claims that it coincidentally secured a flight to China for Petitioner one day before the
16 Petition was filed.

18 To be clear, Petitioner is not challenging the finality of the purported removal order. But the
19 Government's request to dismiss the Petition based on contradictory and unclear information should be
20 denied without additional documentary evidence sufficient to substantiate the Government's claims that
21 removal is imminent. The government's authority to detain a noncitizen must be grounded in a specific
22 statutory grant. *See Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) ("[A] statute permitting indefinite
23 detention of an alien would raise a serious constitutional problem."). The *Zadvydas* Court found it
24 "necessary to recognize some presumptively reasonable period of detention" and decided upon six
25 months. *Id.* at 701. The Court provided that:
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1 [a]fter this 6-month period, once the alien provides good reason to believe that there is no
2 significant likelihood of removal in the reasonably foreseeable future, the Government must
3 respond with evidence sufficient to rebut that showing. And for detention to remain reasonable,
4 as the period of prior postremoval confinement grows, what counts as the "reasonably
5 foreseeable future" conversely would have to shrink. This 6-month presumption, of course, does
6 not mean that every alien not removed must be released after six months. To the contrary, an
7 alien may be held in confinement until it has been determined that there is no significant
8 likelihood of removal in the reasonably foreseeable future.

9 *Id.*

10 Petitioner has been detained for over a year, double the length of time deemed to be reasonable
11 under *Zadvydas*. Based on this fact alone, Petitioner has demonstrated that her removal is not likely to
12 occur. Therefore, the Government should be held accountable and demonstrate more than what it has
13 presented to the Court thus far in order to satisfy its burden of showing a significant likelihood of
14 removal in the reasonably foreseeable future. Without documentary evidence to substantiate its claims,
15 the Government's submission falls well short of the standard established by *Zadvydas*.

16 Dated: April 15, 2026

17 Respectfully Submitted,

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