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DETAINED

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

RENG RONG YU, a/k/a "Runrong Yu",
an individual,

Case No.: '26CV2438 LL DDL

Petitioner,

**PETITION FOR WRIT OF HABEAS
CORPUS (28 U.S.C. § 2241, ALIEN
DETAINEE)**


v.

Agency file no.: 

TODD M. LYONS, Acting Director, U.S.
Immigration and Customs Enforcement;
MARCOS CHARLES, Acting Executive
Associate Director, Enforcement and
Removal Operations, U.S. Immigration
and Customs Enforcement;
MARKWAYNE MULLIN, Secretary,
U.S. Department of Homeland Security;
STEVEN C. STAFFORD, U.S. Marshal
for the Southern District of California;
TODD BLANCHE, U.S. Attorney
General; and DOE 1, Warden of the
facility in which Petitioner is currently
being detained within the County of San
Diego, California,

Respondents.


1 **TO THE HONORABLE COURT AND TO THE PARTIES AND THEIR**
2 **COUNSEL OF RECORD:**

3 **PLEASE TAKE NOTICE** that Petitioner RENG RONG YU, a/k/a
4
5 “Runrong Yu” (“Petitioner”), A-Number  by and through his
6 attorneys hereby petitions the Court for a Writ of Habeas Corpus, pursuant to Art. I,
7 § 9, cl. 2 of the United States Constitution; 28 U.S.C. § 2241; 28 U.S.C. § 1331;
8 and 28 U.S.C. § 1651; and 28 U.S.C. §§2201, 2202, and for the following relief:

9
10 (1) issue a Writ of Habeas Corpus and directive to Respondents to immediately
11 release Petitioner from immigration custody; (2) declare that Petitioner's continued
12 detention by ICE/ERO is unlawful under the Fifth Amendment to the United States
13 Constitution and under the Immigration and Nationality Act; (3) declare that INA §
14 236(c) mandatory detention does not apply to Petitioner following the vacatur of
15 his § 1324 conviction; (4) enjoin Respondents from re-detaining Petitioner on the
16 basis of the vacated conviction or the October 30, 2025 Removal Order absent a
17 further order of a court of competent jurisdiction; (5) in the alternative only, if this
18 Court declines to order immediate release, order Respondents to immediately
19 provide Petitioner within seven (7) days a bond hearing before an Immigration
20 Judge at which the government bears the burden of proving by clear and convincing
21 evidence that Petitioner poses a danger or a flight risk sufficient to justify continued
22 detention; and (6) grant such other and further relief as this Court deems just and
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1 proper.

2 **INTRODUCTION**

3 1. Petitioner Reng Rong Yu (a/k/a "Runrong Yu"), Alien Registration
4 Number  respectfully petitions this Court for a writ of habeas corpus
5 directing his immediate release from custody. Petitioner is presently held by the
6 United States Marshals Service pursuant to an immigration detainer lodged by U.S.
7 Immigration and Customs Enforcement, Enforcement and Removal Operations
8 ("ICE/ERO"), within the County of San Diego, California.
9

10
11 2. Petitioner's continued detention is constitutionally and statutorily
12 unlawful. The sole legal predicate for both his removal order and his immigration
13 detention — a March 14, 2025 federal criminal conviction under 8 U.S.C. §
14 1324(a)(1)(A)(ii), (v)(I) — was judicially vacated on February 26, 2026, by the
15 United States District Court for the Southern District of California pursuant to 28
16 U.S.C. § 2255. With that conviction nullified, the Immigration Judge's October 30,
17 2025 Order of Removal — which rested exclusively on the bar arising from that
18 conviction — is legally untenable. A Motion to Remand is presently pending before
19 the Board of Immigration Appeals.
20

21 3. ICE has no lawful basis to continue holding Petitioner. The mandatory
22 detention statute that triggered his civil immigration detention, INA § 236(c),
23 applies only to aliens removable on account of qualifying criminal convictions.
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1 That conviction no longer exists. Petitioner's continued confinement — without
2 bond, without a hearing, and without any valid legal predicate — violates the Due
3 Process Clause of the Fifth Amendment to the United States Constitution, and the
4 statutory framework governing immigration detention. This Court should order his
5 immediate release.
6

7 **CUSTODY**
8


9 4. Petitioner is currently being held by the U.S. Marshals Service under
10 an ICE Hold on behalf of ERO and within the County of San Diego, California.
11

12 **JURISDICTION AND VENUE**

13 5. This Court has jurisdiction under 28 U.S.C. § 2241(c)(3) because
14 Petitioner is in custody in violation of the Constitution and laws of the United
15 States.
16

17 6. Venue is proper in the Southern District of California pursuant to 28
18 U.S.C. §§ 1391 and 2242 because Petitioner is detained by Respondents within this
19 District.
20

21 **PARTIES**

22 7. Petitioner, Reng Rong Yu  originally of China, is a
23 lawful permanent resident currently detained by Respondents at a federal facility
24 within the County of San Diego, California. He has been in Respondents' custody
25 since at least on or around July 1, 2025.
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1 8. Respondent Todd M. Lyons is the Acting Director of U.S.
2 Immigration and Customs Enforcement (ICE). He is a legal custodian of Petitioner
3 and is named in his official capacity.
4

5 9. Respondent Marcos Charles is the Acting Executive Associate
6 Director of Enforcement and Removal Operations for U.S. Immigration and
7 Customs Enforcement (ICE). He is a legal custodian of Petitioner and is named in
8 his official capacity.
9

10 10. Respondent Markwayne Mullin is the Secretary of the United States
11 Department of Homeland Security (DHS). He is a legal custodian of Petitioner and
12 is named in his official capacity.
13



14 11. Respondent Steven C. Stafford, is the United States Marshal for the
15 Southern District of California.
16

17 12. Respondent Todd Blanche is the acting Attorney General of the United
18 States Department of Justice. He is a legal custodian of Petitioner and is named in
19 his official capacity.
20

21 13. Respondent DOE 1 is the Warden of facility where Petitioner is
22 currently detained within the geographical jurisdiction of this Court, believed to be
23 within the County of San Diego, State of California. He is a legal custodian of
24 Petitioner and is named in his official capacity. Respondent DOE 1 is sued under
25 said fictitious name given the unavailability of public information regarding his or
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1 her identity. On information and belief, DOE 1 is believed to be agent or employee
2 of the other Respondents. Upon discovery of the identity of Respondent DOE 1,
3 Petitioner will seek leave to amend this Petition to provide the correct name.
4

5 **STATEMENT OF FACTS**

6 14. Petitioner Mr. Reng Rong Yu (a/k/a "Runrong Yu") 
7 was born on  in Taishan, Guangdong, China.
8

9 15. On December 13, 2019, Petitioner was admitted to the United States as
10 a lawful permanent resident at San Francisco, California.





11 16. On March 14, 2025, Petitioner was convicted in the U.S. District Court
12 for the Southern District of California under 8 U.S.C. 1324(a)(1)(A)(ii), (v)(I),
13 "Conspiracy to Transport Certain Aliens", and he was sentenced to 60 days
14 imprisonment - *United States v. Reng Rong Yu*, case number 24-cr-1662-JO.
15 Petitioner was remanded to the custody of the U.S. Bureau of Prisons (BOP).
16
17

18 17. On July 1, 2025, U.S. Department of Homeland Security issued a
19 Notice to Appear (NTA) to Petitioner. The sole charge of removability was INA
20 Section 212(a)(6)(E)(i): "you are an alien who at any time knowingly has ...
21 abetted, or aided any other alien to enter ... the United States in violation of law."
22
23 NTA, **Exhibit 1**.
24

25 18. The same day, the BOP released Petitioner into the custody of U.S.
26 Immigration and Customs Enforcement, Enforcement and Removal Operations
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1 (ERO).

2 19. On September 16, 2025, Petitioner filed before an Immigration Judge
3 (IJ) of the Executive Office of Immigration Review a Form I-589 Application for
4 Asylum, Withholding of Removal, and Protection under the Convention Against
5 Torture.
6

7 20. Petitioner fears that if he is returned to China, he will be persecuted by
8 the Chinese Communist Party (CCP) because (1) he converted to Christianity in
9 March of 2024 and still practices that religion and (2) he is a supporter of 
10  and he has attended  events here in
11 the United States and contributed money to that organization.  has
12 been outlawed by the CCP and is violently persecuted in China.
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15 21. On October 30, 2025, the IJ orally denied Petitioner's asylum
16 application due to Petitioner's prior conviction under, 8 U.S.C. 1324. The IJ ordered
17 that Petitioner be removed to China. Removal Order, **Exhibit 2**.
18

19 22. However, on February 26, 2026, the same Court vacated that
20 conviction under 28 U.S.C. 2255. Minute Order, **Exhibit 3**.
21

22 23. On March 24, 2026, Petitioner filed a Motion to Remand with the
23 Board of Immigration Appeals seeking to remand his removal proceedings to the IJ
24 because the District Court's vacatur of the conviction removed the sole basis of the
25 IJ's removal order. Motion to Remand, **Exhibit 4**.
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1 33. The Immigration Judge's October 30, 2025 removal order was issued on
2 one ground and one ground only: Petitioner's conviction under 8 U.S.C. § 1324. That
3 conviction operated both as the basis for the charge of removability under INA §
4 212(a)(6)(E)(i) and as the IJ's stated rationale for denying relief. The IJ conducted no
5 merits adjudication of Petitioner's asylum, withholding, or CAT claims.
6

7 34. When the District Court vacated that conviction under 28 U.S.C. § 2255
8 on February 26, 2026, the legal foundation of the removal order collapsed. A vacated
9 conviction is a legal nullity — it is treated as though it never occurred. *See Pickering*
10 *v. Gonzales*, 465 F.3d 263, 267-68 (6th Cir. 2006); *see also Cardoso-Tlaseca v.*
11 *Gonzales*, 460 F.3d 1102, 1107 (9th Cir. 2006). A removal order that rests exclusively
12 on a vacated conviction cannot stand as a lawful predicate for continued detention.
13
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15 35. Petitioner's pending Motion to Remand before the BIA seeks exactly
16 this recognition — that the case must be returned to the Immigration Judge for a full
17 merits hearing on his unresolved claims. That motion remains pending, but the legal
18 reality it reflects — that the removal order has no surviving predicate — is already
19 established as a matter of law. ICE cannot continue to rely on that order to hold
20 Petitioner without bond while the BIA deliberates.
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23 **B. Mandatory Detention Under INA § 236(c) No Longer Applies.**
24

25 36. ICE detained Petitioner under INA § 236(c), which requires detention
26 — without bond — of aliens removable on specified criminal grounds, including
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1 alien smuggling. But § 236(c)'s mandatory detention authority is predicated on a
2 valid, subsisting criminal conviction. The statute mandates detention of an alien who
3 "is deportable" by reason of having committed a qualifying offense. Where no
4 qualifying conviction exists, § 236(c) does not apply.
5

6 37. The Supreme Court and the Ninth Circuit have recognized that
7 mandatory detention under § 236(c) requires a qualifying criminal predicate.
8 *Jennings v. Rodriguez*, 583 U.S. 281 FN. 1 (2018); *Nielsen v. Preap*, 139 S.Ct. 954,
9 971 (2019). With the § 1324 conviction vacated, Petitioner is no longer "an alien . .
10 . deportable" by reason of a qualifying conviction. § 236(c)(1). Mandatory detention
11 therefore has no continued application.
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14 38. ICE's only remaining authority would be discretionary detention under
15 INA § 236(a) — a wholly different regime that requires individualized assessment
16 and is subject to release on bond. But even under § 236(a), Petitioner's detention has
17 already become constitutionally problematic. He has been held for over nine months.
18 The Ninth Circuit has held that prolonged civil immigration detention, even under §
19 236(a), raises serious constitutional concerns and requires at minimum a bond
20 hearing at which the government bears the burden of justifying continued
21 confinement. *Diouf v. Napolitano*, 634 F.3d 1081, 1092 (9th Cir. 2011). Petitioner
22 has never received any such hearing. His detention, wholly unmoored from its
23 original statutory basis, cannot continue.
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1 **II. PETITIONER'S PROLONGED DETENTION WITHOUT A VALID**
2 **LEGAL PREDICATE VIOLATES THE DUE PROCESS CLAUSE OF**
3 **THE FIFTH AMENDMENT.**
4

5 39. The Due Process Clause of the Fifth Amendment prohibits the
6 government from depriving a person of liberty without due process of law. This
7 protection extends fully to noncitizens, including Lawful Permanent Residents.
8 *Zadvydas v. Davis*, 533 U.S. 678, 693-694 (2001). "[F]reedom from imprisonment
9 — from government custody, detention, or other forms of physical restraint — lies
10 at the heart of the liberty that [the Due Process] Clause protects." *Id.* at 690.
11

12 40. The Supreme Court in *Zadvydas* held that detention of a
13 noncitizen must be "reasonably necessary" to the purpose the detention is supposed
14 to serve: effectuating removal. 533 U.S. at 699-700. Where removal is not
15 "reasonably foreseeable," continued confinement is not permissible. *Id.* Here, the
16 case is even more stark: removal is not merely not foreseeable — the order of removal
17 itself is legally untenable. An order premised on a vacated conviction cannot serve
18 as the basis for constitutionally permissible detention.
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22 41. Under the balancing framework of *Mathews v. Eldridge*, 424 U.S.
23 319 (1976), the equities overwhelmingly favor Petitioner. His liberty interest is at its
24 maximum. The risk of erroneous deprivation is extreme — he is detained under the
25 authority of a criminal conviction that a federal court has annulled. The government's
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1 countervailing interest in maintaining mandatory detention without a hearing is
2 negligible to nonexistent: the conviction that justified that detention no longer exists.

3 42. Petitioner has been deprived of his physical liberty for over nine months.
4
5 He has never received a bond hearing. The Due Process Clause does not permit the
6 government to continue holding him in these circumstances. The writ must issue.

7 **III. REMOVAL IS NOT REASONABLY FORESEEABLE, RENDERING**
8 **CONTINUED POST-ORDER DETENTION UNLAWFUL UNDER**
9 **ZADVYDAS.**
10

11 43. Even treating the existing removal order as facially valid for
12 purposes of argument, continued detention under INA § 241(a) cannot be justified.
13 *Zadvydas* established that the post-removal-order detention statute, INA § 241(a)(6),
14 contains an implicit temporal limitation: the government may not detain a noncitizen
15 beyond a period "reasonably necessary" to effectuate removal. 533 U.S. at 699. The
16 Court identified six months as a presumptively reasonable period; beyond that point,
17 the burden shifts to the government to provide evidence of a significant likelihood of
18 removal in the reasonably foreseeable future. *Id.* at 701.
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22 44. Petitioner has been held far beyond six months. More critically, no
23 removal is foreseeable: the BIA Motion to Remand is pending, the underlying
24 conviction has been vacated, the removal order is legally infirm, and the criminal
25 case itself has been reset for trial. The government cannot plausibly represent that
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1 removal to China is imminent or even foreseeable in the near term. Continued
2 detention under these circumstances is precisely the prolonged and indefinite
3 confinement that *Zadvydas* held to be unlawful.

4
5 **IV. THE APPROPRIATE REMEDY IS IMMEDIATE RELEASE, NOT A**
6 **BOND HEARING.**

7 45. Petitioner recognizes that some courts, when confronted with unlawful
8 immigration detention, have ordered a bond hearing before an Immigration Judge as
9 an intermediate remedy. Petitioner respectfully submits that a bond hearing is
10 insufficient under the circumstances presented here, and that this Court should order
11 his immediate release.
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14 46. A bond hearing before an IJ presupposes that a lawful basis for detention
15 exists and that the question is simply whether conditions of release are appropriate.
16 That presupposition does not hold here. The mandatory detention statute has ceased
17 to apply because its criminal predicate has been vacated. The removal order has no
18 surviving legal foundation. There is nothing left to adjudicate in a bond hearing; the
19 threshold question — whether any lawful authority for continued detention exists —
20 has already been answered in the negative as a matter of law.
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23 47. The constitutional infirmity of prolonged detention calls for a remedy
24 commensurate with the harm. Where, as here, the government can point to no valid
25 statutory authority for detention, no pending removal that is reasonably foreseeable,
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1 and no conviction that could support mandatory confinement, the only adequate
2 remedy is release. Remanding to the IJ for a bond hearing under these circumstances
3 would not cure the constitutional violation — it would merely defer it.
4

5 48. This Court has ample authority to order immediate release. Section 2241
6 grants this Court broad remedial power to “dispose of the matter as law and justice
7 require.” 28 U.S.C. § 2243. Where continued detention lacks any lawful predicate,
8 law and justice require release.
9

10 **THE BALANCE OF EQUITIES AND PUBLIC INTEREST WEIGH IN**
11 **PETITIONER’S FAVOR**
12

13 49. The equities weigh overwhelmingly in Petitioner's favor. He is
14 essentially now a Lawful Permanent Resident detained without bond, without a
15 hearing, and without any valid legal predicate. Every day of continued confinement
16 is an irreparable deprivation of physical liberty — the most fundamental interest the
17 law protects. The government, by contrast, suffers no cognizable harm from
18 release: it cannot identify a valid removal order, a subsisting conviction, or any
19 statutory authority for mandatory detention. Where detention rests on a legal
20 nullity, there is no legitimate governmental interest to weigh against Petitioner's
21 liberty.
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25 50. The public interest points the same direction. The public has a
26 compelling interest in ensuring the government detains individuals only when the
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1 law authorizes it. There is no public benefit in perpetuating detention that is
2 unlawful on its face — and the public interest is affirmatively served by judicial
3 enforcement of constitutional limits on executive detention authority.
4

5 **PRAYER FOR RELIEF**

6 WHEREFORE, Petitioner RENG RONG YU respectfully requests that the Court
7 grant the following relief:
8

- 9 1. Issue a Writ of Habeas Corpus and directive to Respondents to
10 immediately release Petitioner from immigration custody;
- 11 2. Declare that Petitioner's continued detention by ICE/ERO is unlawful
12 under the Fifth Amendment to the United States Constitution and
13 under the Immigration and Nationality Act;
- 14 3. Declare that INA § 236(c) mandatory detention does not apply to
15 Petitioner following the vacatur of his § 1324 conviction;
16
- 17 4. Enjoin Respondents from re-detaining Petitioner on the basis of the
18 vacated conviction or the October 30, 2025 Removal Order absent a
19 further order of a court of competent jurisdiction;
20
- 21 5. In the alternative only, if this Court declines to order immediate
22 release, order Respondents to immediately provide Petitioner within
23 seven (7) days a bond hearing before an Immigration Judge at which
24 the government bears the burden of proving by clear and convincing
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1 evidence that Petitioner poses a danger or a flight risk sufficient to
2 justify continued detention; and

3 6. Grant such other and further relief as this Court deems just and proper.
4

5
6 Respectfully submitted,

7
8 Dated April 16, 2026.

9 */s/ [Steven K. Ridgill]*

10 _____
11 Steven Ridgill, SBN 338535
12 LAW OFFICE OF JUDITH L. WOOD
13 201 South Santa Fe Ave., Suite 101
14 Los Angeles, CA 90012
15 (213) 680-7801
16 steven@judy-wood.com
17 *Attorney for Petitioner*

EXHIBITS

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1. Notice to Appear, U.S. Department of Homeland Security
2. Removal Order, Immigration Court
3. Minute Order, U.S. District Court for the Southern District of California
4. Motion to Remand, Board of Immigration Appeals

VERIFICATION

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This petition cannot be immediately verified by RENG RONG YU because he is in Respondents' custody. Consequently, the undersigned counsel for Petitioner hereby verifies that the information in this petition is true and correct to the best of my knowledge and belief based on information provided directly by the Petitioner and Petitioner's family.

SWORN under penalty of perjury this date of April 16, 2026, at Placentia, California.

/s/ [Steven K. Ridgill]

Steven K. Ridgill, attorney for
Petitioner, Reng Rong Yu

CERTIFICATE OF WORD COUNT

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The undersigned, counsel of record for Petitioner, certifies that the preceding
Petition for Writ of Habeas Corpus contains 3,185 words.

Certified this date of April 16, 2026, at Placentia, California.

/s/ [Steven K. Ridgill]

Steven K. Ridgill, attorney for
Petitioner