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UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF CALIFORNIA

DONGXING CHI,

Petitioner,

v.

JEREMY CASEY, *et al.*,

Respondents.

Case No. 26-cv-02540-AGS-SBC

**PETITIONER'S REPLY TO
RESPONDENTS' RESPONSE TO
PETITION**

Honorable Andrew G. Schopler
United States District Judge

Honorable Steve B. Chu
United States Magistrate Judge

Petitioner Dongxing Chi ("Mr. Chi" or "Petitioner") respectfully submits this reply to Respondents' Response to his habeas petition.

As set forth below, Mr. Chi's continued detention has become unreasonably prolonged, and he has met his initial burden under *Zadvydas v. Davis*, 533 U.S. 678 (2001), by providing good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future. In contrast, Respondents have failed to carry their burden to rebut that showing with concrete evidence. Accordingly, his continued detention violates 8 U.S.C. § 1231(a)(6) as construed by *Zadvydas*, and he is entitled to immediate release.

I. Petitioner Has Met His Initial Burden

Mr. Chi has been detained pursuant to 8 U.S.C. § 1231(a)(6) since his removal order became administratively final on December 2, 2025. Under *Zadvydas*, once a petitioner provides "good

1 reason to believe that there is no significant likelihood of removal in the reasonably foreseeable
2 future,” the burden shifts to the government to rebut that showing. 533 U.S. 678, 701 (2001).

3 “The good reason to believe standard is not a very high bar.” *Sahin v. Casey*, No. 3:26-cv-
4 1078 JES BJW, 2026 WL 800558 (S.D. Cal. Mar. 23, 2026). The standard “does not place a burden
5 upon the detainee to demonstrate there is no reasonably foreseeable, significant likelihood of
6 removal or show that his detention is indefinite; it is something less than that.” *Zakeri v. DOJ*, No.
7 2:25-cv-3187 AC, 2026 WL 1031034 (E.D. Cal. Apr. 16, 2026) (internal citation omitted).

8 Here, Mr. Chi has met his initial burden. There are good reasons to believe that his removal
9 to China is not significantly likely in the reasonably foreseeable future, because: a) Mr. Chi does
10 not possess a valid Chinese passport or travel document, and removal cannot be effectuated without
11 issuance of such documentation by the Chinese government; b) Mr. Chi lacks meaningful ties to
12 China. He has been residing in the United States, and his family and community ties are located
13 here; c) China has historically been unwilling to accept certain nationals subject to removal from
14 the United States, particularly individuals who have sought asylum, and there is no evidence that
15 such circumstances have changed with respect to Mr. Chi; and d) nearly six months have elapsed
16 since Mr. Chi’s removal order became final, yet he remains detained with no travel document issued
17 and no concrete indication that removal is imminent. Respondents have failed to present evidence
18 showing that the necessary steps to effectuate removal have been completed or will be completed
19 within a reasonably foreseeable timeframe.

20 Under these circumstances, Mr. Chi has established that his removal is not reasonably
21 foreseeable. Continued detention in the absence of a realistic prospect of removal raises the very
22 constitutional concerns identified in *Zadvydas*, namely the prohibition against indefinite civil
23 detention. *Zadvydas v. Davis*, 533 U.S. 678, 682 (2001) (“[I]ndefinite detention of [noncitizens] ...
24 would raise serious constitutional concerns”).

25 **II. The Government Has Failed to Rebut Petitioner’s Showing**

26 Respondents contend that they have met their burden because “ICE is working diligently to
27 obtain a travel document” and because Mr. Chi was previously removed to China in 2025. Dkt. 4.
28 These arguments are insufficient.

1 First, past removal does not establish present likelihood, particularly where the current
2 removal process requires renewed identity verification and issuance of a new travel document.
3 Respondents offer no evidence that China has approved or is close to approving Petitioner's
4 repatriation in this instance.

5 Second, Respondents' assertion that ICE is "actively working" to obtain travel documents
6 does not satisfy its burden. Generalized statements of ongoing efforts do not satisfy *Zadvydas*. The
7 government's own declaration confirms only that Mr. Chi's case is pending with Chinese
8 authorities. Indeed, Respondents admit that identity verification by Chinese authorities "is taking
9 several months" and remains pending, with no indication of when, or whether, verification will be
10 completed or a travel document will be issued. Such speculative progress does not establish a
11 significant likelihood of removal in the reasonably foreseeable future.

12 Courts have repeatedly rejected similar arguments. "[T]he Government's burden to furnish
13 evidence demonstrating that removal is likely in the reasonably foreseeable future is not met by a
14 pending request for travel documents, alone." *Trejo v. Warden of the Ero El Paso E. Mont.*, 807 F.
15 Supp. 3d 697 (W.D. Tex. 2025); see *Fermine v. Dir. of Immigr. & Customs En't*, No. 06-cv-1578,
16 2007 U.S. Dist. LEXIS 61516, 2007 WL 2284606 (W.D. La. May 23, 2007) (finding no significant
17 likelihood of removal in the reasonably foreseeable future where ICE was continuing efforts to
18 obtain a travel document and Trinidad had not yet refused the request).

19 In sum, the government's position rests on speculation: that China will eventually verify
20 Petitioner's identity and issue travel documents at some unknown point in the future. Such
21 conjecture does not satisfy its burden. *Zadvydas* requires more than hope; it requires evidence of a
22 realistic, near-term prospect of removal, at a minimum, some identifiable timeline for effectuating
23 removal. But Respondents provided none.

24 For the foregoing reasons, Mr. Chi respectfully requests that the Court grant the Petition
25 and order his immediate release.

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Respectfully submitted,
Juris Path Law Firm, PC

/s/Yunchao Song

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