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7 **UNITED STATES DISTRICT COURT FOR THE**
8 **SOUTHERN DISTRICT OF CALIFORNIA**

9 FEIXUE WU,

10 Petitioner,

11 v.

12 CHRISTOPHER LAROSE,
13 WARDEN OF OTAY MESA DETENTION
CENTER, *et al.*,

14 Respondents.
15
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Case No. 26-cv-02696-AGS-BJW

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

17 Petitioner Feixue Wu ("Mr. Wu" or "Petitioner") submits this reply to Respondents' return
18 filed on May 6, 2026.

19 Mr. Wu respectfully requests that the Court order his immediate release because his
20 detention is unlawful under 8 U.S.C. § 1226(a). Respondents arrested and detained Mr. Wu without
21 a warrant and failed to provide him with a statutorily compliant bond hearing.

22 Respondents effectively concede that 8 U.S.C. § 1226(a), rather than § 1225(b), governs Mr.
23 Wu's detention. Detention under § 1226(a) requires the issuance of a warrant. The plain language
24 of § 1226(a) provides that a noncitizen may be arrested only "[o]n a warrant issued by the Attorney
25 General." 8 U.S.C. § 1226(a). As courts have recognized, "[i]ssuance of a warrant is a necessary
26 condition to justify discretionary detention under section 1226(a)." *Jesus Emery M. F. v. Warden*
27 *of the Golden State Annex Det. Facility*, No. 1:26-cv-01374-TLN-CKD, 2026 U.S. Dist. LEXIS
28

66190 (E.D. Cal. Mar. 26, 2026). Thus, absent a warrant, a noncitizen may not lawfully be arrested and detained under § 1226(a).

Respondents have produced no evidence demonstrating that a warrant was issued in connection with Mr. Wu's arrest and detention. Mr. Wu was stopped by law enforcement while he was working. At no point was Mr. Wu presented with, served with, or otherwise notified of any warrant authorizing his arrest or detention. Moreover, Mr. Wu was not provided a bond hearing complying with the requirements of § 1226(a). Accordingly, by arresting and detaining P Mr. Wu without a warrant, and by failing to provide him with a statutorily compliant bond hearing, Respondents violated the Immigration and Nationality Act and exceeded their statutory detention authority.

When a noncitizen's detention is not authorized by statute, the appropriate remedy is immediate release. *See e.g. Cardenas v. Chestnut*, No. 1:26-cv-02073-DAD-SCR (HC), 2026 WL 785871 (E.D. Cal. Mar. 20, 2026) (ordering the petitioner's immediate release where the respondent failed to identify an applicable detention statute to justify the petitioner's detention); *Estuardo v. Warden*, No. 1:26-cv-02354-DAD-AC, 2026 U.S. Dist. LEXIS 94474 (E.D. Cal. Apr. 28, 2026) (ordering release where the government failed to demonstrate that a warrant had been issued under § 1226(a)); *Jose G.R. v. Warden*, No. 2:26-cv-00707-TLN-SCR, 2026 U.S. Dist. LEXIS 54231 (E.D. Cal. Mar. 16, 2026) (same); *Jesus Emery M. F. v. Warden of the Golden State Annex Det. Facility*, No. 1:26-cv-01374-TLN-CKD, 2026 U.S. Dist. LEXIS 66190 (E.D. Cal. Mar. 26, 2026) (same).

Accordingly, Petitioner respectfully requests that the Court grant the Petition and order his immediate release.

Dated: May 7, 2026

Respectfully submitted,

Juris Path Law Firm, PC

/s/Yunchao Song

Yunchao Song, Esq.

Attorneys for Petitioner