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Attorneys for Petitioner Dongxing Chi

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

DONGXING CHI, an individual;

Petitioner,

v.

**PETITION FOR WRIT OF HABEAS
CORPUS**

'26CV3592 CAB VET

JEREMY CASEY, Warden of Imperial Regional
Detention Facility; PATRICK DIVVER,
Field Office Director of San Diego ICE Field
Office, U.S. Immigration and Customs
Enforcement, Enforcement and Removal
Operations; DAVID VENTURELLA, Acting
Director, U.S. Immigration and Customs
Enforcement; TODD BLANCHE, Acting
Attorney General of the United States;
MARKWAYNE MULLIN, Secretary of
Homeland Security, in their official capacities,

Respondents.

INTRODUCTION

1. Petitioner Dongxing Chi (alien registration number:  ("Mr. Chi" or "Petitioner") is a native and citizen of the People's Republic of China. Petitioner is in the physical custody of Respondents and U.S. Immigration and Customs Enforcement ("ICE"). Mr. Chi is detained at ICE's Imperial Regional Detention Facility in Calexico, California, and remains under the direct control of Respondents and their agents.

JURISDICTION AND VENUE

2. This action arises under the Constitution of the United States, 28 U.S.C. § 2241(c), and the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 et seq. This Court has subject matter jurisdiction under 28 U.S.C. § 2241, Article I, Section 9, Clause 2 of the United States Constitution (the “Suspension Clause”); and 28 U.S.C. § 1331, as Petitioner is presently in custody under color of the authority of the United States, and such custody violates the Constitution, laws, or treaties of the United States. *See Zadvydas v. Davis*, 533 U.S. 678, 688 (2001) (“We conclude that §2241 habeas corpus proceedings remain available as a forum for statutory and constitutional challenges to post-removal-period detention.”).

3. Venue lies in the Southern District of California, because this is an action in which Respondents are employees, officers, and agencies of the United States. Additionally, Petitioner is currently detained in the territorial jurisdiction of this Court, at the Imperial Regional Detention Facility in Calexico, California, and a substantial part of the events or omissions giving rise to this action occurred in this District.

THE PARTIES

4. Petitioner is a native and citizen of the People’s Republic of China. Petitioner was taken into ICE custody on or about May 31, 2025, and has remained in ICE custody continuously since that date.

5. Respondent JEREMY CASEY is sued in his official capacity as the Warden of the Imperial Regional Detention Facility. He has immediate physical custody of Petitioner under the facility’s contract with ICE to detain noncitizens. Respondent CASEY is a legal custodian of Petitioner.

6. Respondent PATRICK DIVVER is sued in his official capacity as Field Office Director of San Diego ICE Field Office. Respondent DIVVER is a legal custodian of Petitioner and has the authority to release him.

7. Respondent DAVID VENTURELLA is sued in his official capacity as Acting Director of ICE. In this capacity, Respondent Venturella directs and oversees ICE’s Enforcement and Removal Operations, the component agency responsible for Petitioner’s detention. Respondent

1 VENTURELLA is a legal custodian of Petitioner and has the authority to release him.

2 8. Respondent MARKWAYNE MULLIN is sued in his official capacity as the
3 Secretary of the DHS. In this capacity, Respondent MULLIN is responsible for the implementation
4 and enforcement of the INA and oversees ICE, the component agency responsible for Petitioner's
5 detention. Respondent MULLIN is a legal custodian of Petitioner.

6 9. Respondent TODD BLANCHE is sued in his official capacity as the Acting
7 Attorney General of the United States and the senior official of the U.S. Department of Justice
8 ("DOJ"). In this capacity, he has the authority to adjudicate removal cases and to oversee the
9 Executive Office for Immigration Review ("EOIR"), which administers the immigration courts and
10 the Board of Immigration Appeals. Respondent BLANCHE is a legal custodian of Petitioner.

11 LEGAL FRAMEWORK

12 10. The Constitution guarantees that the writ of habeas corpus is "available to every
13 individual detained within the United States." *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004) (citing
14 U.S. Const., Art I, § 9, cl. 2). Section 2241 of Title 28 confers the federal courts with the power to
15 issue writs of habeas corpus to persons "in custody in violation of the Constitution or laws or treaties
16 of the United States." 28 U.S.C. § 2241. This includes challenges by non-citizens in immigration
17 related matters. *See Zadvydas v. Davis*, 533 U.S. 678, 687 (2001); see also *A. A. R. P. v. Trump*,
18 145 S. Ct. 1364, 1367 (2025).

19 11. Section 1231 of Title 8 of the U.S. Code governs the detention and removal of
20 noncitizens who have been ordered removed.

21 12. Under Section 1231, once an individual in ICE custody is subject to a legally final
22 and executable order of removal, the government is required to deport them "within a period of 90
23 days . . . referred to as the 'removal period.'" 8 U.S.C. § 1231(a)(1)(A); see also *id.* § 1231(a)(1)(B)
24 (listing the circumstances that trigger the beginning of the removal period). Detention is mandatory
25 during the removal period. *See id.* § 1231(a)(2).

26 13. Individuals who are not removed within the 90-day removal period are no longer
27 subject to mandatory detention and should generally be released under conditions of supervision,
28 such as periodic reporting and other reasonable restrictions. *See id.* § 1231(a)(3).

1 14. Detention beyond the removal period is only permitted under certain, limited
2 circumstances. *See id.* § 1231(a)(6) (providing those certain inadmissible and removable
3 noncitizens “may be detained beyond the removal period” if they are determined “to be a risk to
4 the community or unlikely to comply with the order of removal”); 8 C.F.R. § 241.4.

5 15. The government’s post-removal period discretionary detention authority is subject
6 to constitutional limitations. In *Zadvydas*, the Supreme Court construed Section 1231(a)(6) to
7 contain an “implicit ‘reasonable time’ limitation” in light of the “serious constitutional problem”
8 raised by potentially indefinite civil detention. 533 U.S. at 682, 690.

9 16. The *Zadvydas* Court adopted a “presumptively reasonable period of detention” of
10 six months, inclusive of the 90-day removal period. *Id.* at 701. “After this 6-month period, once the
11 [noncitizen] provides good reason to believe that there is no significant likelihood of removal in
12 the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut
13 that showing.” *Id.*; *see also Clark v. Martinez*, 543 U.S. 371, 386 (2005) (extending *Zadvydas*’s
14 holding to inadmissible noncitizens). ICE codified these regulations at 8 C.F.R. § 241.13, which
15 are referred to as “the *Zadvydas* procedures.” *Johnson v. Guzman Chavez*, 594 U.S. 523, 529
16 (2021).

17 17. The government must release a noncitizen whom it has detained beyond the
18 presumptive six-month period if it is unable to present substantial evidence that removal is likely
19 to occur in the reasonably foreseeable future. *Clark*, 543 U.S. at 386; *see also Guzman Chavez*, 594
20 U.S. at 529.

21 18. Release is the proper remedy for unconstitutionally prolonged post-removal-order
22 detention. *See Zadvydas*, 533 U.S. at 699–700 (explaining that supervised release is the appropriate
23 relief when “the detention in question exceeds a period reasonably necessary to secure removal”
24 because, at that point, detention is “no longer authorized by statute”).

25 19. Immigration detention violates the Due Process Clause unless it is “reasonably
26 related” to the government’s purpose, which is to prevent danger or flight risk. *See Zadvydas*, 533
27 U.S. at 700 (“[I]f removal is reasonably foreseeable, the habeas court should consider the risk of
28 the alien’s committing further crimes as a factor potentially justifying confinement within that

1 reasonable removal period.”)

2 **STATEMENT OF FACTS**

3 20. Mr. Chi fled China and first entered the United States without inspection on
4 February 7, 2019, through the San Ysidro, California, port of entry. Upon detention, his passport
5 was taken by ICE, and it was believed to have expired in November 2024.

6 21. Following an initial screening on February 9, 2019, an asylum officer determined
7 that he possessed a credible fear of persecution.

8 22. Despite this finding, Mr. Chi was never afforded a meaningful opportunity to present
9 the merits of his case to the immigration court. On March 5, 2020, a removal order was entered
10 after his application for asylum and withholding of removal was withdrawn without his informed
11 consent. He was not provided with an interpreter to explain this decision to him. His prior counsel
12 failed to explain the legal consequences of the withdrawal, and that counsel has since become
13 unavailable to Mr. Chi.

14 23. On or about December 28, 2020, ICE released Mr. Chi on an Order of Supervision
15 (the “OSUP”) after concluding that his removal could not be effectuated at that time. By the date
16 of his release, he had been in immigration detention for approximately one year and ten months, a
17 period extending more than nine months beyond the entry of the March 5, 2020 removal order.
18 Under the terms of the OSUP, Mr. Chi was required, among other conditions, to appear for periodic
19 check-ins at an ICE Field Office.

20 24. Over the next four years, Mr. Chi consistently and dutifully complied with the terms
21 of the OSUP and all conditions of his release, reporting to ICE as required and never missing a
22 scheduled appointment. After each check-in, ICE provided him with a new date and time to check
23 in. He has never violated any OSUP requirement or condition of release.

24 25. During this period, he deeply integrated into the community of Grenada,
25 Mississippi. He obtained proper work authorization, developed professional skills, and, since 2023,
26 has owned and operated a restaurant with his wife. Mr. Chi lived openly in his community, paid
27 taxes, regularly attended church, and provided his place of business to the church to host English
28 classes without charge.

1 26. The stability of his life was abruptly interrupted on December 3, 2024, when he
2 reported for a routine ICE appointment as scheduled and was unexpectedly detained upon arrival
3 at the ICE reporting office. At no point before being taken into custody was he informed that he
4 was facing immediate detention. He was not provided advance notice, written or oral, that this
5 reporting appointment would result in being retaken to ICE custody. At no point was he informed
6 that he was subject to imminent removal or that his compliance with the OSUP would result in re-
7 detention.

8 27. Instead, he was served with a deficient notice of revocation of release after being re-
9 detained. The Notice of Revocation of Release ("NRR") provided to Mr. Chi, which was signed by
10 a deportation officer, stated that he would be afforded an information interview to respond to the
11 reasons for his detention. Yet, no such interview was ever conducted. Further, although he
12 requested an immigration judge review the custody determination, he was never offered an
13 opportunity to appear before an immigration judge to contest his re-detention.

14 28. On January 6, 2025, before he had an opportunity to seek any meaningful judicial
15 remedies, Mr. Chi was sent to China through a government-arranged charter flight on January 6,
16 2025, despite not possessing a valid passport.

17 29. Upon the return flight's arrival in China, Mr. Chi was immediately intercepted by
18 the local police officers and taken to the police station for interrogation and detention. While
19 detained, he experienced severe physical beatings and torture from the Chinese police officers.

20 30. After his family secured his release, Mr. Chi fled back to the United States, re-
21 entering at San Ysidro on May 31, 2025. On July 8, 2025, an immigration officer conducted a new
22 Credible Fear Interview and found not only that he was credible, but that he had established it was
23 more likely than not that he would face torture if returned again.

24 31. Mr. Chi was placed in removal proceedings on or about July 14, 2025. In these
25 proceedings, he applied for asylum, withholding of removal, and protection under the Convention
26 Against Torture, predicated on both the original harm and the new harms he experienced following
27 his forced return to China. An immigration judge subsequently denied his application on November
28 19, 2025.

1 32. On December 2, 2025, Mr. Chi, through his counsel, filed a written notice waiving
2 appeal of the Immigration Judge's order of removal. His removal order is therefore administratively
3 final.

4 33. Since Mr. Chi's removal order became final, Respondents have attempted to
5 effectuate his removal but have been unable to do so.

6 34. In April, Respondents initiated the identity and nationality verification process, a
7 necessary prerequisite before the Chinese government can issue travel documents. Upon
8 information and belief, that process remains pending before the Chinese government, and no
9 response has been received to date.

10 35. On May 19, 2026, ICE conducted its 180-day post-order custody review pursuant to
11 8 C.F.R. § 241.4 and issued a Decision to Continue Detention. In that decision, ICE stated only that
12 it "continues to work with the Government of the People's Republic of China to procure a travel
13 document."

14 36. To date, Respondents have not obtained the travel documents necessary to effectuate
15 Mr. Chi's removal. Nor have Respondents identified any concrete progress toward obtaining such
16 documents, provided any estimated timeline for removal, or indicated that removal is likely to occur
17 in the near future.

18 37. As of the filing of this Petition, Mr. Chi has remained in post-order detention for
19 more than six months since his removal order became administratively final.

20 38. There is no significant likelihood that Respondents will be able to remove Mr. Chi
21 in the reasonably foreseeable future. Mr. Chi fled China in 2019 due to persecution and no longer
22 possesses a valid Chinese passport or other travel document. The issuance of travel documents
23 depends entirely on the cooperation and approval of the Chinese government, which remains
24 outside Respondents' control.

25 39. Moreover, Mr. Chi previously sought asylum and protection from removal based on
26 persecution in China. China has historically been unwilling to accept certain nationals subject to
27 removal from the United States, particularly individuals who have sought asylum, and there is no
28 evidence that such circumstances have changed with respect to Mr. Chi.

40. Recent public reporting indicates that China's cooperation with U.S. deportation efforts has deteriorated further, prompting the United States to consider visa sanctions based on delays in China's acceptance of deportees. Michael Martina & Ted Hesson, U.S. Prepared Visa Sanctions on China Over Migrants Issue, Official Says, Reuters (May 5, 2026). Given the absence of a valid passport, the pending nationality verification, and the lack of any travel document, removal remains speculative and not reasonably foreseeable.

41. As of the date of this filing, Mr. Chi's removal order has been administratively final for more than six months. There is no significant likelihood of removal in the reasonably foreseeable future. Mr. Chi's continued detention has therefore become prolonged. If his detention continues pending the Chinese government's response and cooperation, his detention will become indefinite and violate his right to due process.

COUNT ONE

(Violation of The Immigration and Nationality Act – 8 U.S.C. § 1231)

42. Petitioner repeats and incorporates by reference into this cause of action the allegations set forth above.

43. Petitioner's detention is governed by the post-removal order detention statute, 8 U.S.C. § 1231(a), because he has been subject to a final order of removal since December 2, 2025.

44. 8 U.S.C. § 1231(a) authorizes detention “beyond the removal period” only for the purpose of effectuating removal. U.S.C. § 1231(a)(6); *see also Zadvydas v. Davis*, 533 U.S. at 699 (“[O]nce removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute.”).

45. In *Zadvydas*, the Supreme Court construed Section 1231(a) to contain an implicit reasonable time limitation in light of serious due process concerns. 533 U.S. at 682. “After this 6-month period, once the [noncitizen] provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing.” *Id.*

46. Petitioner has been detained since June 2025. His post-removal-order detention, following the date his removal order became administratively final on December 2, 2025, has

1 exceeded the six-month presumptively reasonable period of detention under *Zadvydas*. *See id.* at
2 701.

3 47. Petitioner has provided good reason to believe that there is no significant likelihood
4 of removal in the reasonably foreseeable future. Respondents have been unable to obtain a travel
5 document from the Government of China despite months of effort. ICE's own 180-day post-order
6 custody review, conducted on May 19, 2026, acknowledged that ICE "continues to work with" the
7 Chinese government to procure a travel document, yet none has been obtained. Moreover, Mr. Chi
8 previously sought asylum and protection from removal based on persecution in China. China has
9 historically been unwilling to accept certain nationals subject to removal from the United States,
10 particularly individuals who have sought asylum, and there is no evidence that such circumstances
11 have changed with respect to Mr. Chi. Recent public reporting indicates that China's cooperation
12 with U.S. deportation efforts has deteriorated further, prompting the United States to consider visa
13 sanctions based on delays in China's acceptance of deportees. Michael Martina & Ted Hesson, U.S.
14 Prepared Visa Sanctions on China Over Migrants Issue, Official Says, Reuters (May 5, 2026).
15 Given the absence of a valid passport, the pending nationality verification, and the lack of any travel
16 document, removal remains speculative and not reasonably foreseeable.

17 48. To date, Respondents have produced no evidence that travel documents are
18 forthcoming, that removal has been scheduled, or that meaningful progress has been made toward
19 effectuating Petitioner's removal. Accordingly, there is no significant likelihood of removal in the
20 reasonably foreseeable future.

21 49. Because there is no significant likelihood of removal in the reasonably foreseeable
22 future, Petitioner's continued detention is no longer authorized under 8 U.S.C. § 1231(a), and he is
23 entitled to immediate release from custody.

24 COUNT TWO

25 (Violation of Due Process)

26 50. Petitioner repeats and incorporates by reference into this cause of action the
27 allegations set forth above.

28 51. The Due Process Clause of the Fifth Amendment forbids the government from

1 depriving any person of liberty without due process of law. U.S. Const. amend. V. “Freedom from
2 imprisonment--from government custody, detention, or other forms of physical restraint--lies at the
3 heart of the liberty” that the Due Process Clause protects. *Zadvydas*, 533 U.S. at 690 (citing *Foucha*
4 *v. Louisiana*, 504 U.S. 71, 80 (1992)).

5 52. Civil immigration detention must be “nonpunitive in purpose” and bear a
6 “reasonable relation” to the authorized statutory purposes of preventing flight and danger to the
7 community. *Zadvydas*, 533 U.S. at 690 (citation omitted).

8 53. There is no evidence demonstrating that Petitioner’s continued detention serves any
9 legitimate governmental purpose. The first purpose, preventing flight, is no longer practicable
10 where, as here, “removal seems a remote possibility at best.” *Id.* Nor is there any evidence that
11 Petitioner poses a danger to the community. Prior to his detention, Petitioner lived openly in the
12 United States for more than five years, has no criminal history, and has violated no law.

13 54. Due process further requires meaningful consideration of alternatives to detention
14 during custody review. The primary purpose of immigration detention is to ensure removal, but
15 only if removal is reasonably foreseeable. *Zadvydas*, 533 U.S. at 697.

16 55. Detention is not reasonably related to this purpose if, as here, removal is not actually
17 foreseeable. Accordingly, alternatives to detention must be considered in determining whether Mr.
18 Chi’s continued detention is warranted.

19 56. Release from custody until ICE assesses and demonstrates that Mr. Chi is a flight
20 risk or danger to the community, or that his detention is not going to be indefinite, is far less costly
21 and burdensome for the government than keeping him detained. As the Ninth Circuit noted in 2017,
22 “[t]he costs to the public of immigration detention are ‘staggering’: \$158 each day per detainee,
23 amounting to a total daily cost of \$6.5 million.” *Hernandez v. Sessions*, 872 F.3d 976, 997 (9th Cir.
24 2017). It is safe to say that this amount might be even higher today.

25 57. Furthermore, Respondents’ current detention of Mr. Chi is punitive, as it bears no
26 “reasonable relation” to any legitimate government purpose, including the effectuation of his
27 removal. Mr. Chi has now been continuously detained for more than twelve months following his
28 second entry, including six months following the issuance of the final removal order. This

1 prolonged deprivation of liberty violates his right to due process.

2 58. Petitioner has shown that his removal is not likely to be effectuated within a
3 reasonable period. Continued detention purportedly undertaken to facilitate his removal to China,
4 while denying him meaningful procedural protections and continued liberty absent a valid
5 justification, violates due process.

6 59. As a result of Respondents' conduct, Mr. Chi has been detained for more than six
7 months following his final order of removal without any definite timeline for the end of his
8 detention.

9 60. Accordingly, Petitioner's continued detention violates the Due Process Clause of
10 the Fifth Amendment.

11
12 **PRAYER FOR RELIEF**

13 Based on the foregoing, Mr. Chi respectfully requests this Court to grant the following:

- 14 1. Assume jurisdiction over this matter.
- 15 2. Issue the writ of habeas corpus and order Respondents to show cause within three days
16 why the requested relief should not be granted;
- 17 3. Enjoin Respondents from transferring Petitioner from the jurisdiction of this District
18 pending these proceedings;
- 19 4. Declare that Respondents' detention of Petitioner violates the INA and the Due
20 Process Clause of the Fifth Amendment;
- 21 5. Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately
22 without the imposition of any conditions more restrictive than those previously in
23 place;
- 24 6. Order Respondents to return all of Petitioner's personal belongings, including his
25 passport and any other identity documents seized at the time of his detention;
- 26 7. Enjoin Respondents from transferring, re-arresting, or re-detaining Petitioner absent
27 lawful process, including a pre-deprivation hearing before a neutral decisionmaker at
28 which the government establishes by clear and convincing evidence that detention is

appropriate to prevent his flight or to protect the public;

8. Require Respondents, should they choose to conduct such a hearing, to provide Petitioner with reasonable advance notice of the time and place of the hearing;

9. Enjoin Petitioner's removal from the United States pending a final decision on this habeas action;

10. Enjoin Petitioner's removal from the United States without meaningful notice and opportunity to fully present a fear-based claim;

11. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act and any other applicable authority;

12. Grant further relief as the Court finds just and proper.

Dated: June 17, 2026

Juris Path Law Firm, PC

/s/Yunchao Song

Yunchao Song, Esq.

Attorneys for Petitioner Dongxing Chi