

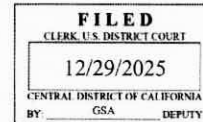
MC-275

Name: WENFENG FAN

Address: ADELANTO DETECTION CENTER

10250 RANCHO ROAD

ADELANTO, CALIFORNIA 92301



CDC or ID Number: [REDACTED] (W5C-103-02L)

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

(Court)

WENFENG FAN

Petitioner

vs.

BONDI, ET AL (cont. on additional page)

Respondent

PETITION FOR WRIT OF HABEAS CORPUS

No. 5:25-CV-03619-JFW-SK

(To be supplied by the Clerk of the Court)

INSTRUCTIONS—READ CAREFULLY

- If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.
- If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.

- Read the entire form *before* answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the superior court, you only need to file the original unless local rules require additional copies. Many courts require more copies.
- If you are filing this petition in the Court of Appeal in paper form and you are an attorney, file the original and 4 copies of the petition and, if separately bound, 1 set of any supporting documents (unless the court orders otherwise by local rule or in a specific case). If you are filing this petition in the Court of Appeal electronically and you are an attorney, follow the requirements of the local rules of court for electronically filed documents. If you are filing this petition in the Court of Appeal and you are *not* represented by an attorney, file the original and one set of any supporting documents.
- If you are filing this petition in the California Supreme Court, file the original and 10 copies of the petition and, if separately bound, an original and 2 copies of any supporting documents.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.

Approved by the Judicial Council of California for use under rule 8.380 of the California Rules of Court (as amended effective January 1, 2007). Subsequent amendments to rule 8.380 may change the number of copies to be furnished to the Supreme Court and Court of Appeal.

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This petition concerns:

- ☐ A conviction ☐ Parole
☐ A sentence ☐ Credits
☐ Jail or prison conditions ☐ Prison discipline
☒ Other (specify): UNLAWFUL PROLONGED DETENTION

1. Your name: WENFENG FAN
 2. Where are you incarcerated? ADELANTO DETENTION FACILITY
 3. Why are you in custody? ☒ Criminal conviction ☐ Civil commitment

Answer items a through i to the best of your ability.

- a. State reason for civil commitment or, if criminal conviction, state nature of offense and enhancements (for example, "robbery with use of a deadly weapon").

Police arrested me at my home on July 29, 2025 and stated that I was supposed to be deported a long time ago to other country. However, I was detained in Adelanto Facility for more than 4 months since August 15, 2025 waiting for deportation without providing a future date.

- b. Penal or other code sections: _____

- c. Name and location of sentencing or committing court:

- d. Case number: _____

- e. Date convicted or committed: July 29, 2025

- f. Date sentenced: N/A

- g. Length of sentence: N/A

- h. When do you expect to be released? Do not know.

- i. Were you represented by counsel in the trial court? ☐ Yes ☒ No *If yes, state the attorney's name and address:*

4. What was the LAST plea you entered? (Check one):

☐ Not guilty ☐ Guilty ☐ Nolo contendere ☐ Other: _____

5. If you pleaded not guilty, what kind of trial did you have?

☐ Jury ☐ Judge without a jury ☐ Submitted on transcript ☐ Awaiting trial

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6. GROUNDS FOR RELIEF

Ground 1: State briefly the ground on which you base your claim for relief. For example, "The trial court imposed an illegal enhancement." (If you have additional grounds for relief, use a separate page for each ground. State ground 2 on page 4. For additional grounds, make copies of page 4 and number the additional grounds in order.)

I was arrested and illegally detained for no apparent or legal reason. I received no information from the court or policy officer of any known criminal charges since I was detained in Adelanto Facility since 8/15/2025. I was detained in Adelanto Facility for more than 4 months and still waiting for deportation without clear date of deportation. cont. on additional page

a. Supporting facts:

Tell your story briefly without citing cases or law. If you are challenging the legality of your conviction, describe the facts on which your conviction is based. *If necessary, attach additional pages.* CAUTION: You must state facts, not conclusions. For example, if you are claiming incompetence of counsel, you must state facts specifically setting forth what your attorney did or failed to do and how that affected your trial. Failure to allege sufficient facts will result in the denial of your petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.) A rule of thumb to follow is, *who did exactly what to violate your rights at what time (when) or place (where).* (If available, attach declarations, relevant records, transcripts, or other documents supporting your claim.)

I was arrested at my home and detained in Adelanto Detention Facility without given any criminal charges or reason. I was at home on 7/29/2025 and when I got out of my house, the police officers arrested me and said that I was supposed to be deported. I was than put in Adelanto Detention Facility citing that I was supposed to be deported to other country a long time ago. I received no information from the court or policy officer of any known criminal charges since I was detained in Adelanto Facility since 8/15/2025. I was detained in Adelanto Facility for more than 4 months and still waiting for deportation without clear date of deportation. cont. on additional page

b. Supporting cases, rules, or other authority (optional):

(Briefly discuss, or list by name and citation, the cases or other authorities that you think are relevant to your claim. If necessary, attach an extra page.)
cont. on additional page

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7. **Ground 2 or Ground _____** (if applicable):
cont. on additional page

- a. **Supporting facts:**
cont. on additional page

- b. **Supporting cases, rules, or other authority:**
cont. on additional page

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8. Did you appeal from the conviction, sentence, or commitment? ☐ Yes ☒ No If yes, give the following information:
- a. Name of court ("Court of Appeal" or "Appellate Division of Superior Court"):
- b. Result: _____ c. Date of decision: _____
- d. Case number or citation of opinion, if known: _____
- e. Issues raised: (1) _____
(2) _____
(3) _____
- f. Were you represented by counsel on appeal? ☐ Yes ☒ No If yes, state the attorney's name and address, if known:

9. Did you seek review in the California Supreme Court? ☐ Yes ☒ No If yes, give the following information:
- a. Result: _____ b. Date of decision: _____
- c. Case number or citation of opinion, if known: _____
- d. Issues raised: (1) _____
(2) _____
(3) _____

10. If your petition makes a claim regarding your conviction, sentence, or commitment that you or your attorney did not make on appeal, explain why the claim was not made on appeal:

11. Administrative review:

- a. If your petition concerns conditions of confinement or other claims for which there are administrative remedies, failure to exhaust administrative remedies may result in the denial of your petition, even if it is otherwise meritorious. (See *In re Muszalski* (1975) 52 Cal.App.3d 500.) Explain what administrative review you sought or explain why you did not seek such review:

- b. Did you seek the highest level of administrative review available? ☐ Yes ☒ No
Attach documents that show you have exhausted your administrative remedies.

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12. Other than direct appeal, have you filed any other petitions, applications, or motions with respect to this conviction, commitment, or issue in any court? ☐ Yes If yes, continue with number 13. ☒ No If no, skip to number 15.

- 13 a. (1) Name of court: _____
(2) Nature of proceeding (for example, "habeas corpus petition"): _____
(3) Issues raised: (a) _____
(b) _____
(4) Result (attach order or explain why unavailable): _____
(5) Date of decision: _____
- b. (1) Name of court: _____
(2) Nature of proceeding: _____
(3) Issues raised: (a) _____
(b) _____
(4) Result (attach order or explain why unavailable): _____
(5) Date of decision: _____

c. For additional prior petitions, applications, or motions, provide the same information on a separate page.

14. If any of the courts listed in number 13 held a hearing, state name of court, date of hearing, nature of hearing, and result:

15. Explain any delay in the discovery of the claimed grounds for relief and in raising the claims in this petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.)

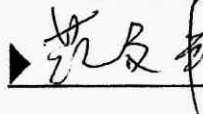
16. Are you presently represented by counsel? ☐ Yes ☒ No If yes, state the attorney's name and address. If known:

17. Do you have any petition, appeal, or other matter pending in any court? ☐ Yes ☒ No If yes, explain:

18. If this petition might lawfully have been made to a lower court, state the circumstances justifying an application to this court:

I, the undersigned, say: I am the petitioner in this action. I declare under penalty of perjury under the laws of the State of California that the foregoing allegations and statements are true and correct, except as to matters that are stated on my information and belief, and as to those matters, I believe them to be true.

Date: 12/26/2025



(SIGNATURE OF PETITIONER)

**VERIFIED PETITION FOR A WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241**

Petitioner, Wenfeng Fan, hereby petitions this Court for a writ of habeas corpus to remedy Mr. Fan's unlawful detention by Respondents. In support of this petition and complaint for injunctive relief, Mr. Fan alleges as follows:

CUSTODY

1. Mr. Fan is in physical custody of Respondents and U.S. Immigration and Customs Enforcement ("ICE"). Mr. Fan is detained at the Adelanto Detention Facility in Adelanto, California. ICE has contracted with this facility to house immigration detained such as Mr. Fan. Mr. Fan is under the direct control of Respondents and their agents.

JURISDICTION

2. This action arises under the Constitution of the United States, and the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101 et seq., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRAIRA"), Pub. L. No. 104-208, 110 Stat. 1570, and the Administrative Procedure Act ("APA"), 5 U.S.C. § 701 et seq.

3. This Court has jurisdiction under 28 U.S.C. § 2241; arts I § 9, cl. 2 of the United States Constitution ("Suspension Clause"); and 28 U.S.C. § 1331, as Mr. Fan is presently in custody under color of the authority of the United States, and such custody is in violation of the Constitution, law, or treaties of the United States. The Court may grant relief pursuant to 28 U.S.C. § 2241, 5 U.S.C. § 702, and the All Writs Act, 28 U.S.C. § 1651.

4. Mr. Fan has exhausted all administrative remedies to the extent required by law.

VENUE

5. Venue lies in the United States District Court for the Central District of California, the judicial district where Mr. Fan legal custodian is located. The requirements for venue are met under the federal venue statute 28 U.S.C. § 1391 (e) as well as under the principles enunciated by the Supreme Court in Braden v. Judicial Circuit of Kentucky, 410 U.S. 484, 493-500 (1973).

PARTIES

6. Mr. Fan was born in China and therefore believes himself to be a citizen of that country. Mr. Fan has been continuously detained by ICE for a period of more than 4 months after receiving his final order of removal on or around August 15, 2025.
7. Respondent Pam Bondi is the Attorney General of the United States and head of the Department of Justice, which encompasses the BIA and the Immigration Judges under its subunit, the Executive Office for Immigration Review. Ms. Bondi is responsible for the enforcement of the law of the United States, and she shares responsibility, along with Respondent Noem, for implementation and enforcement of the immigration law, including the Immigration and Nationality Act ("INA"). Ms. Bondi is a legal custodian of Petitioner. Ms. Bondi is sued in her official capacity.
8. Respondent Kristi Noem is the Secretary of the Department of Homeland Security ("DHS"). She is responsible for the administration of ICE, as well as implementation and enforcement of the immigration laws. As such, she has ultimate custodial authority over Petitioner. Ms. Noem is sued in her official capacity.
9. Respondent Ernesto Santacruz is the ICE field Office Director for the Los Angeles Field Office of ICE. In his Official capacity, Mr. Santacruz is authorized to release Petitioner.
10. Respondent Gabriel Valdez is the Assistant Field Office Director of the Adelanto Detention Facility. Mr. Valdez has responsibility for the operation of the detention facility of ICE. Therefore, Mr. Valdez is the legal custodian for people detained in the facility. Mr. Valdez is sued in his official capacity.

FACTUAL ALLEGATION

11. Petitioner, Wenfeng Fan, was born in China and therefore believes himself to be a citizen of the country. On information and belief, Mr. Fan has been continuously held in ICE custody for a period of more than 4 months after receiving his final order of removal on or around August 15, 2025.

12. Upon information and belief, ICE initially detained Mr. Fan upon his release from Federal Prison on or around August 15, 2025, and he has remained continuously in ICE custody since that date.

13. Mr. Fan was ordered removed by an Immigration Judge on or around August 15, 2025.

14. There is no significant likelihood that ICE will remove Mr. Fan to China in the reasonable future. In the time that he has been detained, ICE has unsuccessfully tried to remove him to China.

15. Mr. Fan has fully cooperated with efforts by ICE regarding his detention and removal. He has signed all the necessary paperwork to assist his deportation officer in effectuating his removal to China. As further evidence of his cooperation, ICE has never alleged that Mr. Fan has failed to cooperate with efforts to effectuate his removal. None of these efforts has resulted in a travel document being issued for Mr. Fan from China. Moreover, removal to a third country is not possible as Mr. Fan does not have ties to any other country.

16. Mr. Fan has attempted to secure his release from detention. Mr. Fan and his family have provided an address where ICE could locate him in the event that it could effectuate his removal.

17. Nevertheless, ICE has chosen to keep Mr. Fan in custody. He received a decision to continue detention from ICE that failed to address the fact that, in general, China typically refuses to issue travel document or delays the issuance of travel documents. See e.g., Office of the Inspector Gen., U.S. Dep't of Homeland Security, Pub. No. OIG-07-28, ICE's Compliance With Detention Limits for Aliens With a Final Order of Removal From the United States 8, 45 (2007). This decision also failed to explain how, despite Mr. Fan's full cooperation with ICE, he has yet to be removed in the nearly 5 months following his final order of removal.

18. Mr. Fan is not a flight risk or danger to community. If Mr. Fan is released, he would live with his wife in San Gabriel, California, 



LEGAL FRAMEWORK FOR RELIEF SOUGHT

19. Mr. Fan's release is required by controlling Supreme Court precedent. In Zadvydas v. Davis, 533 U.S. 678(2001), the U.S. Supreme Court held that six months is the presumptively reasonable period during which ICE may detain aliens in order to effectuate their removal. Id. At 702. The Zadvydas standard applies to all aliens, including those who are inadmissible. Clark v. Martinez, 543 U.S. 371 (2005). Zadvydas involved an alien who has a final order of removal. Although the government has not yet been able to remove him, it asserted authority to continue to detain him under the post-removal-period detention statute, which authorizes detention beyond the normal 90-day removal period if the alien is deemed a "risk to community or unlikely comply with the order of removal." Zadvydas, 533 U.S. at 688, 8 U.S.C. § 123(a)(6). The Court rejected the government's position. First, it notes that a statute permitting such potentially indefinite detention, which is civil and therefore non-punitive in nature, would violate the Due Process Clauses of the Fifth Amendment unless some "special justification" outweighs the individual's constitutionally protected interest in avoiding physical restraint, and the statute employed rigorous procedural protections to determine that detention was justified. Zadvydas, 533 U.S. at 690.

20. The Zadvydas Court held that the two justifications for the detention at issue, preventing flight and protecting the community, were inadequate to justify prolonged and indefinite detention. Id. Regarding risk of flight, the Court stated, “The first justification—preventing flight—is weak or nonexistent where removal seems a remote possibility at best.” Id. Regarding protecting the community, the Court held that this rationale should be reserved for “specially dangerous individuals,” and that clear and convincing evidence of requisite dangerousness, accompanied by strong procedural safeguards, as well as some other “special circumstance, such as mental illness, that helps to create the danger” would be required to justify prolonged and indefinite detention on basis. Id. at 691. The Court found that the administrative procedures available to Mr. Zadvydas were inadequate and that Mr. Zadvydas, a man who had been convicted of attempted robbery, attempted burglary, theft, and possession of cocaine with intent to distribute, was not in the class of specially dangerous individuals that would justify indefinite detention. Id. At 684, 691-492 (suggesting that suspected terrorists and individual with sexually violent pasts who also has a mental condition that made future violence likely could conceivably meet this standard).

21. To avoid finding the statute unconstitutional, the Zadvydas Court construed § 1231(a) (6) to contain an implicit “reasonable time” limitation subject to federal judicial review, rather than to authorize indefinite detention. Id. At 682. In so doing, the Court established a presumptively reasonable period of six months after date of the final order of removal. During which the government may detain an alien of effectuate removal, and it held that a reviewing habeas court must determine whether any detention beyond that period exceeds what is reasonable necessary to secure removal in any given case. Id. At 699, 701. After this period, “once the alien provide 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. at 701. In addition, “as the period of prior post-removal confinement grows, what counts as the ‘reasonably foreseeable future’ conversely would have to shrink.” Id.

22. Here, Petitioner is entitled to release under Zadvydas. First, Mr. Fan has passed the six months of detention after having received a final order of removal. Mr. Fan's removal order became final on August 15, 2025. His detention shortly prior to that date when ICE detained him upon his release from jail on or around August 15, 2025. Therefore, the six months presumptively reasonable removal period for Mr. Fan will conclude on or around February 15, 2026. Second, Mr. Fan's removal is not significantly likely to occur in the reasonably foreseeable future. ICE has had more than six months to effectuate Mr. Fan's removal with no success. Mr. Fan has fully cooperated with ICE to effectuate his own removal, but there has been no indication that he will actually be removed. Thus, Mr. Fan's removal is not significantly likely to occur in the reasonably foreseeable future, and he is entitled to release under Zadvydas.

23. Department of Homeland Security's administrative regulation also recognize that HQPDU has a sixmonths period for determining whether there is a significant likelihood of an alien's removal in the reasonably foreseeable future. 8 C.F.R. §241.13(b)(2) (ii).

CLAIMS FOR RELIEF

COUNT ONE: STATURY VIOLATION

24. Mr. Fan re-alleges and incorporates by reference paragraphs 1 through 23 above.

25. Mr. Fan's continued detention by Respondents is unlawful and contravenes 8 U.S.C. §1231(a)(6) as interpreted by the Supreme Court in Zadvydas. The six-months presumptively reasonable period for removal efforts has expired, and Petitioner's removal to China, or any country is not significantly likely to occur in the reasonably foreseeable future. The Supreme Court held in Zadvydas and Martinez that ICE's continued detention of someone in Mr. Fan circumstances is unlawful.

COUNT TWO: SUBSTANTIVE DUE PROCESS VIOLATION

26. Mr. Fan re-alleges and incorporates by reference paragraph 1 through 25 above.

27. Mr. Fan's continued detention violate his right to substantive due process.

28. The Due Process Clause of the Fifth Amendment forbids prolonged detention absent a special justification that outweighs Mr. Fan's liberty interest in being free from detention. Zadvydas, 533 U.S. at 690. Because Respondents have indicated absolutely no interest in effectuating Mr. Fan's removal, the justification of preventing flight is nonexistent, even assuming it could constitute a "special justification" sufficient to permit prolonged detention. Nor can Mr. Fan's detention be justified on public safety grounds. Mr. Fan has no history of violent mental illness. Thus, even if Mr. Fan's detention were authorized by statute, the government could not meet the constitutional standard set forth in Zadvydas, as they have not provided clear and convincing evidence of dangerousness, along with the requisite special circumstance, such as mental illness, sufficient to justify prolonged detention based on dangerousness.

COUNT THREE: PROCEDURAL DUE PROCESS VIOLATION

29. Mr. Fan re-alleges and incorporates by reference paragraphs 1 through 28 above.

30. Under the Due Process Clause of the Fifth Amendment, even an alien who can be held for a prolonged period of time due to the existence of a "special justification" for such detention is entitled to strong procedural safeguards to protect against unconstitutional indefinite civil detention. Zadvydas 533 U.S. at 691. Mr. Fan in this case has been denied adequate procedural safeguards. He has received no hearing concerning whether his detention is justified, and the only officials who have considered whether or not he should be released have been ICE agents who are responsible for his custody, and therefore necessarily do not make decisions concerning an alien's custody status in a neutral or impartial manner. The failure of respondents to provide a neutral decision-maker to review the continue custody of Mr. Fan violates Mr. Fan's right to procedural due process. Further, the ICE agents who have considered his release requests have place the burden upon him to show that he is entitled to release, where due process requires that the government bear the burden to justify civil commitment. Id.At 692. Finally, respondents have failed to acknowledge or act upon Mr. Fan's administrative request for

release in a timely manner. There is no administrative mechanism in place for Mr. Fan to demand a decision will ever be made, or appeal a custody decision that violates the binding legal holdings of Zadvydas. The absence of any review procedure also violates due process. Id. At 690.

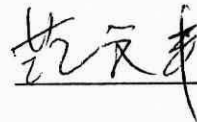
PRAYER FOR RELIEF

WHEREFORE, Mr. Fan prays that this Court grant the following relief:

- 1) Assume jurisdiction over the matter;
- 2) Grant Mr. Fan a writ to habeas corpus directing the Respondents to immediately release him from custody on reasonable conditions of supervision;
- 3) Enter preliminary and permanent injunctive relief enjoining Respondents from further unlawful detention of Mr. Fan; and:
- 4) Grant any other further relief that this Court deems just and proper.

I affirm, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge and ability.

Date Executed: December 26, 2025



Wenfeng Fan
A# 

Wenfeng Fan

A#



Adelanto Detention Center

10250 Rancho Road

Adelanto, California 92301

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

WENFENG FAN, PETITIONER, V. PAM BONDI, ATTORNEY GENERAL KRISTI NOEM, SECRETARY FOR THE DEPARTMENT OF HOMELAND SECURITY, ERNESTO SANTACRUZ, U.S. ICE FIELD OFFICE DIRECTOR FOR THE LOS ANGELES FIELD OFFICE AND GABRIEL VALDEZ, ASSISTANT FIELD OFFICE DIRECTOR OF THE ADELANTO DETENTION FACILITY RESPONDENTS.	CASE NO: PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241 HEARING: NONE
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Certificate of Service

I, Wenfeng Fan, certify that a true copy of the above document (Petition for Writ of Habeas Corpus) together with attached documents, were served on December 26, 2025 upon the following:

Attention: Intake/Docket Section
U.S. Attorney's Office, Central District of California
1200 U.S. Courthouse
312. North Spring St. Suite 1200
Los Angeles, CA 90012;

Ernesto Santacruz, ICE-ERO Los Angeles Field Office Director
300 North Los Angeles Street, Room 7631
Los Angeles, CA 90012;

Gabriel Valdez, ICE-ERO Assistant Field Office Director
Adelanto Detention Facility
10400 Rancho Road
Adelanto, CA 92301;

by first- class mail.

An original and three copies of this petition were sent to Clerk of the United States District Court for the Central District of California, United States Courthouse, 312 North Spring Street, Los Angeles, California, CA 90012, ATTENTION: Intake/Docket Section

Signature:  _____

Date: December 26, 2025