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DETAINED-MDC

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

SONAM WANGDU, **Agency [redacted]** **Petitioner,** **v.**	**Civil Action No.**
PAM BONDI, **Attorney General of the United States of America, and,**	**Hon.**
KRISTI NOEM, **Secretary of the Department of Homeland Security, (DHS) and,**	
TODD LYONS, **Acting Director,** **United States Immigration and Customs Enforcement (ICE), and,**	
ANTOINE FRAZIER **Acting Warden,** **Metropolitan Detention Center,** **Respondents.**	

ORDER TO SHOW CAUSE

Upon the accompanying Verified Petition, accompanying brief and attached exhibits, it is hereby,

ORDERED that the Respondents show cause before this Court on the _____ day of _____ 2026 in Courtroom _____, of the United States Courthouse, New York, New York at _____ _.m., or as soon thereafter as

counsel may be heard why a writ of habeas corpus should not issue and the Petitioner's detention declared unlawful.

ORDERED that service of this order and supporting papers herein shall be made, if not already effected, by personal service upon the Office of the United States Attorney for the Eastern District of New York no later than_____ of the _____ day of _____ 2026, and that any responding papers be filed and served upon Petitioner's counsel no later than_____ of the _____ day of _____ 2026. Any reply by Petitioner shall be served on the Respondents by the _____ day of _____ 2026.

ORDERED that pending further order of this Court any transfer of Petitioner outside the Easter District of New York, except for his immediate removal, is hereby stayed.

Dated: _____

_____
U.S.D.C.

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ANTOINE FRAZIER **Acting Warden, Metropolitan Detention Center,** **Respondents.**	

VERIFIED HABEAS CORPUS PETITION

INTRODUCTION

1. Petitioner, who has been detained by the Immigration and Customs Enforcement Agency since June 22, 2025, at the Metropolitan Detention Center, Brooklyn on a final order of removal, hereby seeks habeas review of his potentially indefinite custody.

2. The Petitioner was initially detained by ICE on June 09, 2007 at the Elizabeth Detention Facility.

3. On October 19, 2007, an Immigration Judge ordered the Petitioner removed from the United States and the BIA dismissed his appeal on January 28, 2008.

4. On May 7, 2008, the Petitioner was released from ICE custody on an Order of Supervision after over 6 months since an Immigration Judge ordered the Petitioner removed.

5. The Petitioner was again detained by ICE on June 22, 2025 when he attended a regular ICE check in appointment. However, no stay has been in place and the Respondents have been unable to effectuate the Petitioner's removal and he has been in continuous ICE custody at the Metropolitan Detention Center since June 22, 2025 for over 6 months. According to the Respondents, ICE is currently working with the government of China to secure a travel document for his removal. The petitioner submits that he has cooperated in obtaining a travel document in all manners demanded by ICE.

6. Having surpassed the 6-month period, Petitioner's continued detention by the Respondents is now unconstitutional. Thus, Petitioner petitions this Court for an order declaring his detention unlawful.

JURISDICTION

7. This action arises under Customary International Law, the United States Constitution and the Immigration and Nationality Act, 8 U.S.C. §§ 1101 et seq.. This Court has habeas corpus jurisdiction pursuant to 28 U.S.C. § 2241 et. seq., and Art. I & 9, Clause 2 of the United States Constitution (Suspension Clause).

Petitioner is detained at the Metropolitan Detention Center located in Brooklyn, New York under the authority of the United States in violation of the Constitution and laws of the United States.

VENUE

8. Venue lies in this Court because Petitioner is detained at the Metropolitan Detention Center, Brooklyn, New York.

PARTIES

9. Petitioner Sonam Wangdu is a 40-year-old male of Tibetan ethnicity native and citizen of China who has been detained at the Metropolitan Detention Center with a final order of removal since June 22, 2025, over six months. He seeks issuance of a writ of habeas corpus.

10. Respondent Pam Bondi is sued in her official capacity as the Attorney General of the United States. In this capacity he is responsible for administering and enforcing the immigration laws pursuant to 8 U.S.C. § 1103 and is the Petitioner's legal custodian.

11. Respondent Kristi Noem is sued in her official capacity as Secretary of the Department of Homeland Security the agency in charge of administering and enforcing the immigration laws in New York and is the Petitioner's legal custodian.

12. Respondent Todd Lyons is sued in his official capacity as the Assistant Secretary of the United States Immigration and Customs Enforcement (ICE) the department within the Department of Homeland Security and in this capacity he is responsible

for administering and enforcing the immigration laws in New York and is Petitioner's legal custodian.

13. Respondent (NAME) is sued in his official capacity as the Warden of the Metropolitan Detention Center and in this capacity he is the Petitioner's actual physical custodian.

FACTS

14. Petitioner, Sonam Wangdu, is a 40-year-old male, ethnic Tibetan, native and citizen of China with a final order of removal dated October 19, 2007 from the Elizabeth Immigration Court.

15. On or about June 22, 2025, the Petitioner was detained by ICE and taken to the Metropolitan Detention Center where he has remained until today.

16. The Petitioner was previously detained by ICE on June 09, 2007 at the Elizabeth Detention Facility.

17. On October 19, 2007, an Immigration Judge ordered the Petitioner removed from the United States and the BIA dismissed his appeal on January 28, 2008.

18. On May 7, 2008, the Petitioner was released from ICE custody on an Order of Supervision after over 6 months since an Immigration Judge ordered the Petitioner removed.

19. No stays of removal have been issued by either the Immigration Court or the Board of Immigration Appeals.

20. Prior to being detained, the Petitioner complied with all the ICE reporting requirements has never missed an appointment and attended approximately 32 ICE appointments.

21. Prior to detention and since is detention, Petitioner has cooperated with ICE in attempting to obtain a travel document and or a passport from the Chinese Consulate. Upon instructed by an ICE officer, in May 2025, the Petitioner visited the Chinese Consulate to obtain a travel document. However, he was told that his name does appear in their system and a travel document could not be issued to him.

22. The Petitioner has remained at the Metropolitan Detention Cetner in continuous custody since June 22, 2025, over six months.

23. The petitioner had a custody review on or about December 12, 2025 when he was denied release as ICE is currently working with government of China to secure a travel document for the petitioner.

24. The Petitioner has been cooperative with ICE's efforts to remove him and has in no way impeded his removal and no stay of removal has been issued in his case.

25. Notwithstanding Petitioner's repeated requests for parole, he has remained detained at the Metropolitan Detention Center, New York without being released.

26. The Respondents cannot effectuate Petitioner's removal in the reasonably foreseeable future.

27. Petitioner has exhausted all administrative remedies. He has a final order of removal from the Immigration Court.

28. Petitioner's removal from the United States cannot be effectuated in the reasonably foreseeable future. Absent judicial review of his custody claim, Petitioner will suffer irreparable injury by being deprived of his physical liberty. He seeks the only avenue of judicial review available to him, habeas review.

COUNT I

29. The allegations contained in paragraphs 1 through 28 above are repeated and realleged as though fully set forth herein. Petitioner's continued detention beyond the six-month post-removal period violates the Due Process clause of the United States Constitution.

COUNT II

30. The allegations contained in paragraphs 1 through 28 are repeated and realleged as though fully set forth herein. Petitioner's continued detention is not authorized by the Immigration and Nationality Act.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court:

1. Issue a Writ of Habeas Corpus directed to Respondents requiring them to immediate release the Petitioner from custody absent a showing that his removal can be effectuated in the reasonably foreseeable future;
2. Award Petitioner costs and attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412.
3. Grant any other and further relief that this Court may deem necessary and proper.

/s/ Stuart Altman Dated: January 16, 2026

Stuart Altman, Esq.
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Attorney for Petitioner

VERIFICATION

I, Sonam Wangdu, declare under penalty of perjury in accordance with 28 U.S.C. § 1746 as follows:

1. I am the plaintiff-petitioner in this matter and am personally familiar with the facts of my case;

2. I have read the allegations contained in the foregoing Complaint and to the best of my knowledge, those allegations are true based upon my personal knowledge, information and belief.

Executed on 01/16/2026

/s// Sonam Wangdu
SONAM WANGDU

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PETITIONER'S BRIEF IN SUPPORT OF HIS HABEAS CORPUS PETITION

INTRODUCTION

Sonam Wangdu is a Tibetan ethnic, male citizen of China who has been detained continuously at the Metropolitan Detention Center since June 22, 2025 on a final order of removal dated October 19, 2007. He challenges the legality of his detention which has

now surpassed the six month period.

FACTS OF THE CASE

Petitioner, Sonam Wangdu, is 40 year old male native and Citizen of China with a final order of removal dated October 19, 2007 from the Elizabeth Immigration Court, New Jersey.

On or about June 22, 2025 the Petitioner was detained by ICE and taken to the Metropolitan Detention Center where he has remained until today.

The Petitioner was first detained by ICE on June 09, 2007 at the Elizabeth Detention Center. The petitioner was ordered removed by an Immigration Judge and the BIA dismissed the petitioner's Appeal on January 28, 2008.

On or about May 7, 2008, the Petitioner was released from ICE custody on an Order of Supervision after over 6 moths since an Immigration Judge ordered the Petitioner removed.

While under Order of Supervision, the Petitioner complied with all ICE reporting requirements. The Petitioner never missed an appointment and has attended approximately 32 ICE check in appointment.

On or about June 22, 2025, at a regular ICE check in appointment, the Petitioner was detained by ICE and still remains in ICE custody.

Prior and since being detained by ICE on June 22, 2025, the Petitioner has cooperated with ICE to obtain a travel document and or a passport from the Chinese Consulate. Upon instructed by an ICE officer, in May 2025, the Petitioner visited the Chinese Consulate in person to obtain a travel document and or a passport. However, he

was told that his name does not appear in their system and a travel document could not be issued to him.

The Petitioner has now remained at the Metropolitan Detention Center in continuous custody since June 22, 2025, over six months. He had a custody review on or about December 12, 2025, when he was denied release as ICE states, it is currently working with government of China to secure a travel document for the petitioner.

The Petitioner has been cooperative with ICE's efforts to remove him and has in no way impeded his removal and no stay of removal has been issued in his case. Notwithstanding Petitioner's repeated requests for parole, he has remained detained at the Metropolitan Detention Cetner in Brooklyn, New York without being released.

LEGAL ARGUMENT

I. THIS COURT HAS JURISDICTION TO HEAR MR. ESCOBAR'S HABEAS PETITION.

The Writ of Habeas Corpus has a pre-eminent role in our constitutional system and "is the fundamental instrument for safeguarding individual freedom against arbitrary or lawless state action." Harris v. Nelson, 294 U.S. 286, 290 (1969); U.S. Const. Art. I §9 cl2. Recently, in INS v. St. Cyr., 533 U.S. 289 (2001), the United States Supreme Court reaffirmed that aliens detained by the INS can petition for writs of habeas corpus under 28 U.S.C. §2241. The Court held that "[a]t its historic core, the writ of habeas corpus has served as a means of reviewing the legality of executive detention, and it is in that context that its protections have been the strongest." Id. at 301. Similarly, in the Supreme Court case of Zadvydas v. Davis, 533 U.S. 678 (2001), the Court held that it had jurisdiction to review detention pursuant to INA Section 241, 8 U.S.C Section

1231(a)(6); See Ngo v. INS, 192 F.3d 390, 393 (3d Cir. 1999)(jurisdiction over habeas custody review of an excludable alien). Thus, in the instant case habeas review should unquestionably be available.

II. MR. WANGDU'S CONTINUED DETENTION VIOLATES THE INA AND THE UNITED STATES CONSTITUTION PURSUANT TO THE UNITED STATES SUPREME COURT'S DECISION IN ZADVYDAS V. DAVIS.

The Respondents cannot effectuate Mr. Wangdu's removal in the reasonably foreseeable future as the Chinese Consulate has refused to issue his travel documents for over six months in the year 2007 and over six months in 2025. Thus, he finds himself in a legal limbo and subject to potentially indefinite detention. Fortunately, the law provides limits on immigration detention that has surpassed six months.

First, the post-removal-detention statute in question, INA §241 (a)(6), 8 U.S.C. Section 1231 states:

> An alien ordered removed who is inadmissible under section 1182 of this title, removable under section 1227(a)(1)(C), 1227(a)(2), or 1227(a)(4) of this title or who has been determined by the Attorney General to be a risk to the community or unlikely to comply with the order of removal, may be detained beyond the removal period and, if released, shall be subject to the terms of supervision in paragraph (3).

In Zadvydas v. Davis, 533 U.S. 533 U.S. 678, 682 (2001), the United States Supreme Court interpreted the above statute and addressed the issue of the continued detention of an alien who had been ordered removed on a deportability ground pursuant to this statute. Concluding that "[a] statute permitting indefinite detention of an alien would raise a serious constitutional problem," the Court in Zadvydas read into the statute a provision to limit a deportable alien's "post-removal period detention to a period reasonably necessary to bring about the alien's removal from the United States." Id. at

689. Borrowing from the previous statute, the Court recognized six-months as a presumptively reasonable period of post-removal-period detention. Id. at 699.

The Supreme Court's Zadvydas decision applies to post-deportation order deportable aliens. However, in Clark v. Martinez, 543 U.S. 371 (2005), the United States Supreme Court applied the same principles to post-order inadmissible aliens. Thus, Mr. Wangdu is clearly covered by the Zadvydas decision.

As the Zadvydas court ruled, six months is a presumptively reasonable period of post-removal detention for deportable aliens. After this six-month period, an alien must be released if he provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future. If he does make this showing, ICE must rebut it to keep him in custody. Id. "For detention to remain reasonable, as the period of post-removal period confinement grows, what counts as 'reasonably foreseeable future' conversely would have to shrink. Id[1].

As mentioned below, there is no foreseeable possibility of removing Mr. Wangdu to China because that country's consulate has unilaterally refused to issue him a travel document for over 6 months now. Moreover, Mr. Wangdu has made all reasonable effort and cooperated with ICE to obtain a travel Document. In addition, as a Tibetan ethnic minority, Mr. Wangdu faced documented and systemic barriers to obtaining passports or

[1] Following Zadvydas, immigration regulations were amended to provide guidelines for the ICE to use in determining whether removal is reasonably foreseeable:

> The HQPDU shall consider all the facts of the case including, but not limited to, the history of the alien's efforts to comply with the order of removal, the history of the Service's efforts to remove aliens to the country in question or to third countries, including the ongoing nature of he Service's efforts to remove this alien and the alien's assistance with those efforts, the reasonably foreseeable results of those efforts, the views of the Department of State regarding the prospects for removal of aliens to the country of countries in question, and the receiving country's willingness to accept the alien into its territory. Where the Service is continuing its efforts to remove the alien, there is no presumptive period of time within which the alien's removal must be accomplished, but the prospects for the timeliness of removal must be reasonable under the circumstances.

8 C.F.R. §241.13(f).

travel documents. Tibetans especially those in exile or affiliated with the Dalai Lama are denied Chinese passports, making it extremely difficult or impossible for them to return to Tibet. Thus, without reasonable proof that Mr. Wangdu can be removed, the Respondents cannot rebut the presumption under Zadvydas that he should be released and that his continued detention is unconstitutional. Thus, for Petitioner's detention to remain reasonable, as the period of post-removal confinement grows, what qualifies as "reasonably foreseeable future" conversely would have to shrink. Zadvydas, 533 U.S. at 703. Based on the record, this Court should conclude that the Petitioner has met his burden of proof under Zadvydas to show that there is "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future." 533 U.S. at 701. Because the Chinese Consulate has unilaterally refused to issue Mr. Wangdu a travel document for almost 6 months now, a good reason exists to believe that Mr. Wangdu removal cannot be effectuated in the foreseeable future.

Once Petitioner establishes that removal is not likely in the reasonably foreseeable future, the burden shifts to the Government to rebut this showing. Zadvydas, 533 U.S. at 701. The Government may seek to rebut this showing by demonstrating that repatriation is likely very soon and second, that if repatriation is not likely in the "reasonably foreseeable future," the delay is Petitioner's own fault, and thus, the proscriptions of Zadvydas have no application. Here both claims must fail.

As noted above, the Petitioner has cooperated with the U.S. Government. There is nothing in the record to suggest otherwise.

Thus, this Court should uphold the Zadvydas presumption against detention. Thus, based on the record before the Court, however, the Government has not rebutted

the presumption that repatriation is not likely to occur in the reasonably foreseeable future.

CONCLUSION

For the foregoing reasons, this Court should grant the instant writ and immediately order Mr. Wangdu released on any reasonable conditions as the DHS may set.

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Dated: January 16, 2026

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TODD LYONS, **Acting Director,** **United States Immigration and Customs Enforcement (ICE), and,**	
ANTOINE FRAZIER **Acting Warden,** **Metropolitan Detention Center,** **Respondents.**	

HABEAS ORDER

Upon consideration of the pleadings in this case and oral argument held on _____ and for good cause, it is hereby ordered that a writ of habeas corpus should issue and that Petitioner shall be immediately released from detention.

Dated: _____ _____
U.S.D.C.J.

CERTIFICATE OF SERVICE

I, Stuart Altman, do hereby certify that I personally served a copy of these pleadings including a Verified Habeas Corpus Petition and attachments, Memorandum of Law, Brief, Order to Show Cause and Order today January 16, 2026 on:

Joseph Nocella, Jr.
U.S. Attorney
Eastern District of New York
271 Cadman Plaza East
Brooklyn, NY 11201

I, Stuart Altman., do hereby certify that I served a copy of these pleadings including a Verified Habeas Corpus Petition and attachments, Memorandum of Law, Order to Show Cause, Brief and Order today January 16, 2026 by next day delivery by U.S. Mail today on:

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Respectfully submitted,

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