UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

AI MING HUANG, Petitioner(s) v. PAMELA BONDI, U.S. Attorney General; and KRISTI NOEM, U.S. Secretary of Homeland Security Respondents(s).	Case No. 1:26-cv-406

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

On January 12, 2026, Petitioner Ai Ming Huang ([redacted]) was detained at her I-485, Adjustment of Status, interview by Immigration and Customs Enforcement ("ICE"). Upon information and belief, Petitioner was detained pursuant to an alleged Exclusion Order from December 10, 1992 ("1992 Exclusion Order"). Petitioner is now currently detained by ICE in Richmond, Louisiana.

Under Claims for Relief One and Two, Petitioner respectively challenges the existence and validity of her alleged 1992 Exclusion Order. Despite USCIS alleging to the existence of the 1992 Exclusion Order, see Exhibit ("Ex.") A, there is no direct evidence of the 1992 Exclusion Order in either the Executive Office of Immigration Review's Automated Case Information System, see Ex. B, or Petitioner's record received from USCIS pursuant to the Freedom of Information Act, see Ex. C.

Additionally, pursuant to the deferment policy[1] taken towards the removal of nationals of the People's Republic of China during the presidency of President George H.W. Bush, it is unlikely that Petitioner could have received an Exclusion Order in 1992.

Under Claim One, if Respondents cannot produce direct evidence of the 1992 Exclusion Order, Petitioner requests the legal consequences of that alleged order be vacated. In the alternative, if Respondents produce direct evidence of the 1992 Exclusion Order, under Claim Two, Petitioner challenges being removed from the United States pursuant to that Order as a violation of Substantive Due Process. As remedy for that violation, Petitioner requests the 1992 Exclusion Order be vacated immediately.

Pursuant to the success of either Claim One or Claim Two, Petitioner requests to be properly placed into Removal Proceedings under 8 U.S.C. § 1226a. **Petitioner explicitly does not challenge her present physical confinement by ICE as a noncitizen unlawfully present in the United States. *See* 8 U.S.C. § 1227(a)(1)(A).**

STATEMENT OF FACTS

1. Petitioner ([redacted]) is a female, native and citizen of the People's Republic of China.
2. On August 30, 1992, Petitioner arrived in the United States from China at JFK International Airport. Petitioner was not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or valid entry document to the United States.
3. Petitioner was served a I-122, Notice to Applicant for Admission Deferred for Hearing before Immigration Judge, purportedly placing her into Exclusion proceedings. See Ex. D.
4. Petitioner was told that she would be notified of the date of her Exclusion hearing. See Ex. E.

[1] "The Attorney General is directed to take any steps necessary to defer until January 1, 1994, the enforced departure of all nationals of the People's Republic of China (PRC) and their dependents who were in the United States on or after June 5, 1989, up to and including the date of this order (hereinafter "such PRC nationals")." *See* Executive Order 12711—Policy Implementation With Respect to Nationals of the People's Republic of China (April 11, 1990).

5. Upon information and belief, Petitioner was never notified of the date of her Exclusion hearing.
6. Since August 30, 1992, Petitioner has continuously resided in the United States.
7. On August 10, 2023, Petitioner's U.S. citizen son, Dylan Tin, properly filed Form I-130, Petition for Alien Relative (MSC2390743157), for Petitioner.
8. Petitioner concurrently filed Forms I-485, Application to Register Permanent Residence or Adjust Status (MSC2390743155), and I-601, Application for Waiver of Grounds of Inadmissibility (MSC2390743154).
9. On January 12, 2026, Petitioner attended an interview pursuant to her I-485 Application at the United States Citizenship and Immigration Services ("USCIS") Brooklyn field office located at 26 Federal Plaza, New York, NY 10278,
10. At that interview, USCIS denied Petitioner's I-485 Application, and Petitioner was detained by ICE pursuant to the alleged 1992 Exclusion Order.
11. USCIS alleges the existence of the 1992 Exclusion Order in the denial of the I-485 application, stating: "The IJ ordered you exclusion on December 12, 1992." See Ex. A.
12. Upon information and belief, there is no direct evidence that this 1992 Exclusion Order exists. See Ex. B & C.
13. It is unlikely that Petitioner could have received an Exclusion Order in 1992 in the context of George H.W. Bush's immigration policies. *See supra.*, fn. 1.
14. Upon information and belief, Petitioner is currently detained in the Richwood Cor Center at 180 Pine Bayou Cir, Richmond, LA 71202.

PARTIES

15. Petitioner Ai Ming Huang ([redacted]) is a noncitizen from the People's Republic of China who resides in Brooklyn, New York. Upon information and belief, Petitioner is currently detained by ICE at Richwood Cor Center located at 180 Pine Bayou Cir, Richmond, LA 71202.

16. Defendant Pamela J. Bondi is the United States Attorney General. She is being sued in her official capacity. She oversees Immigration Judges and the Board of Immigration Appeals. She is Petitioner's legal custodian.

17. Defendant Kristi Noem is the Secretary of the U.S. Department of Homeland Security. She is being sued in her official capacity. She is Petitioner's legal custodian.

PERSONAL JURISDICTION

18. Jurisdiction for "core" Habeas Corpus petitions can only be found in the district of confinement. *See Rumsfeld v. Padilla,* 542 U.S. 426, 435 (2004).

19. A "core" Habeas petition must be filed in the district of confinement because the proper Respondent is the immediate custodian or "warden of the facility where the prisoner is being held." *See Rumsfeld*, 542 U.S. 426 at 435; *see also Braden v. 30th Jud. Cir Ct. of Kentucky,* 410 U.S. 484, 494-5 (1973) (holding a Habeas petition acts upon the person who holds the detainee in what is alleged to be unlawful custody).

20. In the 2nd Circuit, a majority of District Courts have held "non-core" Habeas petitions don't require naming the immediate custodian. *See S.N.C. v. Sessions,* 325 F. Supp. 3d 401, 406-7 (2018) (collecting cases).

21. "Non-core" Habeas petitions challenge "forms of custody other than physical confinement, such as a removal order." *See id.* at 407; *see also Calderon v. Sessions*, 330 F. Supp. 3d 944,

952 (S.D.N.Y. 2018) ("non-core" petitions concern statutory or constitutional violations beyond present physical detention).

22. The proper Respondent for a Habeas petition challenging a final removal order[2] is the Attorney General. *See Calderon*, 330 F. Supp. 3d at 952 (concluding for "non-core" petitions the proper Respondent is the "legal custodian"); *see also Somir v. United States,* 354 F. Supp. 2d 215, 217 (E.D.N.Y. 2005) (collecting cases).

23. Officers of the United States have been named as defendants. The Court has personal jurisdiction over the defendants under 28 U.S.C. § 1346(a)(2).

VENUE

24. Petitioner resides in the Eastern District of New York, and Defendants are Officers of the United States. *See* 28 U.S.C. § 1391(e)(1).

25. Petitioner received notice of her I-485 Application interview, where she was detained by ICE, at her residence in this District. *See Henderson v. I.N.S.,* 157 F.3d 106, 128 n. 25 (2d Cir. 1998) (factors considered in determining whether venue is proper in Habeas Corpus petitions) *citing Braden*, 410 U.S. at 493-94.

26. Venue is proper in the Eastern District of New York.

SUBJECT MATTER JURISDICTION

27. The Court has subject matter jurisdiction to hear Petitioner's request for Habeas Corpus relief under 28 U.S.C. § 2241 and Article I, 9 cl. 2 of the United States Constitution.

28. This Court may grant relief under the Habeas Corpus statutes, 28 U.S.C. § 2241 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C § 1651.

[2] "Removal" order in this context is intended to encompass both "exclusion" and "deportation" orders.

REQUIREMENTS OF 28 U.S.C § 2243

29. The Writ of Habeas Corpus provides a "swift and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963).

30. The Court must grant this Petition for Writ of Habeas Corpus or issue an Order to Show Cause ("OSC") to the Respondents "forthwith," unless the Petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

CLAIMS FOR RELIEF

COUNT ONE
Violation of Fifth Amendment Right to Due Process
(Procedural Due Process)

1. The allegations in paragraph 1 through 30 are realleged and incorporated herein.
2. Since there is no direct evidence of the alleged 1992 Exclusion Order, that order is not legally enforceable.
3. Enforcing the alleged 1992 Exclusion Order without direct evidence constitutes a violation of Procedural Due Process. *See* U.S. Const. Amend. V ("No person shall…be deprived of life, liberty, or property without due process of law.")

COUNT TWO
Violation of Fifth Amendment Right to Due Process
(Substantive Due Process)

1. The allegations in paragraph 1 through 30 are realleged and incorporated herein.
2. The Due Process Clause covers a substantive sphere "barring certain government actions regardless of the fairness of the procedures used to implement them." *See Matzell v. Annucci*, 64 F.4th 425, 436 (2d Cir. 2023).

3. ICE's decision to detain Petitioner pursuant to a 1992 Exclusion Order is so arbitrary that it constitutes a gross abuse of government authority. *See Landon v. Plasencia,* 459 U.S. 21, (1982) ("the exclusion hearing is the usual means of proceeding against an alien *outside the United States* seeking admission") (emphasis added).
4. Even in the presence of procedural protections, the government's actions are wholly without justification. *See Southerland v. City of New York*, 680 F.3d 127, 152 (2d Cir. 2012).

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

(1) Assume jurisdiction over this matter;

(2) Declare that Petitioner's 1992 Exclusion Order does not exist;

(3) In the alternative, vacate Petitioner's 1992 Exclusion Order as a violation of Substantive Due Process;

(4) Order Petitioner placed into removal proceedings pursuant to 8 U.S.C. § 1226a;

(5) Order Petitioner be transferred to the immediate district, the Southern District of New York, or the District of New Jersey pending the conclusion of her § 1226a removal proceedings;

(6) Issue an Order to Show Cause ordering Defendants to show cause why this Petition should not be granted within three days;

(7) Award attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law;

(8) Order any further relief this Court deems just and proper.

Respectfully submitted this 23rd Day of January 2026.

Respectfully submitted,
EDWARD J. CUCCIA, PC

/s/ Edward J. Cuccia

Edward J. Cuccia, Esq.
195 Centre Street, 2nd Floor
New York, NY 10013
212-966-7775
Edward@nycclawfirm.com

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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner and submit this verification on their behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 23rd day of January 2026.

/s/ Edward J. Cuccia
Edward J. Cuccia, Esq.
195 Centre Street, 2nd Floor
New York, NY 10013
212-966-7775
Edward@nycclawfirm.com