

FILED.

FEB 10 2026

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DEPUTY CLERK

Janet A. Bastawros, Esq.
20 West Street, Suite #17G
New York, NY, 10004
(216) 233-6546
Email: janet.bastawros@gmail.com
ATTORNEYS FOR PETITIONER

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS**

ZHENG, RUIJI

SA26CA0883 FB

: Civil Action No.:

PETITIONER,

: ECF:

v.

:

**WARDEN, of Limestone County
Detention Center**

:

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

**KRISTI NOEM, Secretary of
U.S. Department of Homeland Security**

:

**PAMELA BONDI
Attorney General of U.S.**

:

:

RESPONDENTS.

I. INTRODUCTION

1. Petitioner. Zheng, Ruiji, a native and citizen of the People's Republic of China, is civilly detained by DHS/ICE at Limestone County Detention Center in Groesbeck, Texas, within the Western District of Texas.
2. The Immigration Judge found Petitioner is not a danger and not a flight risk (Dec. 2, 2025) yet denied release solely because the IJ believed Petitioner was mandatorily

detained under INA § 235(b)(2)(A) as interpreted by *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

3. Petitioner seeks habeas relief because DHS's custody theory is unlawful under the INA and, independently, unconstitutional as applied. W.D. Tex. courts have already granted relief in materially similar "interior arrest / no criminal history / no bond" cases.

II. JURISDICTION AND VENUE

4. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is "in custody" under color of federal authority in this District.
5. This Court has authority to grant declaratory relief under 28 U.S.C. §§ 2201–2202, and injunctive relief under 28 U.S.C. § 2243 (court must dispose of habeas matters "as law and justice require").
6. Venue is proper in this District under 28 U.S.C. § 1391(e) and traditional habeas venue principles because Petitioner is detained in this District and the immediate custodian is located here. (Limestone County Detention Center as Respondent No. 1.)
7. The INA does not strip this Court of jurisdiction to decide the threshold legal question whether DHS has lawful statutory authority to detain Petitioner without a custody hearing. W.D. Tex. has exercised jurisdiction over these statutory and constitutional challenges in the § 1225(b)(2) context.

III. PARTIES

8. Petitioner: Zheng, Ruiji,  detained at Limestone County Detention Center.
9. Respondent (Immediate Custodian): Warden, Facility Administrator of Limestone County Detention Center, who has day-to-day control over Petitioner.

10. Respondent Noem is sued in her official capacity as DHS Secretary.

11. Respondent Bondi is sued in her official capacity as Attorney General of U.S..

IV. FACTUAL BACKGROUND

12. Petitioner is a citizen of China. He entered the United States without inspection on November 1, 2023, near Tecate, California, and relocated to New York.

13. Petitioner lived and worked continuously for approximately two years at [REDACTED]
[REDACTED] Staten Island, NY [REDACTED]

14. After initial ICE custody, DHS released Petitioner on reporting conditions. Petitioner fully complied with all conditions and appeared for every check-in.

15. On June 28, 2024, Petitioner timely filed Form I-589 (asylum/withholding) through EOIR ECAS.

16. On November 16, 2025, Petitioner appeared for a routine ICE check-in at the NYC ICE Field Office and was re-detained without warning.

17. DHS issued an NTA charging removability under INA § 212(a)(6)(A)(i).

18. Petitioner has no criminal history, no allegations of dangerousness, and no violations other than manner of entry.

19. On December 2, 2025, the Immigration Court found Petitioner not a danger and not a flight risk, but denied bond based solely on a perceived lack of authority under *Matter of Yajure Hurtado*.

20. Petitioner's U.S. citizen aunt, Chun Ying Lin, resides at [REDACTED]
Brooklyn, NY [REDACTED] and has submitted a sponsorship letter offering housing and ensuring compliance.

21. Petitioner's mother, Lin Jinyu ([REDACTED]), was granted asylum by a New York Immigration Judge on June 24, 2025, further strengthening Petitioner's incentive to appear and pursue relief.

V. LEGAL FRAMEWORK

22. DHS now claims authority to detain certain people arrested in the interior as "applicants for admission" under INA § 235(b)(2)(A), a position the BIA adopted in *Yajure Hurtado*.

23. But W.D. Tex. has held that § 1225(b)(2) does not apply to noncitizens already present in the United States when detained and that detention of such individuals proceeds, if at all, under § 1226, which carries access to a custody redetermination framework.

24. The Supreme Court has described the INA as authorizing detention of "aliens seeking admission" under §§ 1225(b)(1) and (b)(2), and detention of "aliens already in the country" pending removal proceedings under §§ 1226(a) and (c).

CLAIM ONE: Unlawful detention under the INA: § 1225(b)(2) does not authorize mandatory detention for interior arrests of noncitizens already in the United States.

25. Petitioner incorporates paragraphs 1–24.

26. Petitioner was already inside the United States for approximately two years before DHS re-detained him at an ICE check-in.

27. Under controlling W.D. Tex. authority, Section 1225(b)(2)'s mandatory detention framework does not apply to noncitizens already in the country; rather, the statutory scheme distinguishes those seeking admission from those already here.

28. In *Alvarado Luna*, the W.D. Tex. court concluded § 1225(b)(2) “doesn’t apply” to an interior detainee and granted habeas relief, ordering release where the government relied only on § 1225(b)(2).

29. Here, the Immigration Judge’s finding that Petitioner is neither dangerous nor a flight risk makes this case even stronger on equities; DHS’s reliance on § 1225(b)(2) eliminates the very custody process Congress and regulations provide under § 1226 for people arrested in the interior.

30. Because DHS lacks lawful statutory authority to hold Petitioner under § 1225(b)(2) without access to the § 1226 custody framework, Petitioner is “in custody in violation of the ... laws ... of the United States,” and habeas relief must issue.

Requested relief on Claim One: an order declaring Petitioner’s detention under § 1225(b)(2) unlawful, directing DHS to proceed (if at all) under § 1226 and regulations, and ordering immediate release unless DHS timely provides the process required under the correct detention statute.

CLAIM TWO: Fifth Amendment Due Process: detention without a meaningful custody hearing violates due process as applied.

31. Petitioner incorporates paragraphs 1–30.

32. Even if DHS could invoke § 1225(b)(2), due process applies to “persons” within the United States, including noncitizens, and W.D. Tex. has held that § 1225(b)(2) is unconstitutional as applied to interior detainees with established ties absent a meaningful custody hearing.

33. In *Escobar-Arauz*, the court applied *Mathews v. Eldridge* and held that § 1225(b)(2), as applied, violated due process; it ordered a bond hearing before an immigration judge and

required the government to justify continued detention by clear and convincing evidence, or else release.

34. The *Mathews* factors strongly favor Petitioner:

- Private interest: freedom from physical restraint is at the core of liberty; Petitioner has lived in the U.S. for roughly two years and has substantial ties.
- Government interest: ensuring appearance and community safety can be fully addressed in a custody hearing, and here the IJ already found Petitioner not dangerous and not a flight risk.
- Risk of erroneous deprivation: a blanket no-hearing rule creates a substantial risk of unnecessary detention; an individualized hearing is a high-value safeguard.

35. Due process therefore requires, at minimum, a prompt custody hearing before a neutral decisionmaker where the government must justify continued detention.

Requested relief on Claim Two: an order requiring a prompt bond/custody hearing with the government bearing the burden by clear and convincing evidence, or immediate release.

VI. PRAYER FOR RELIEF

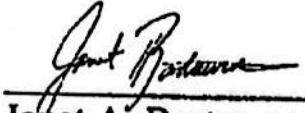
WHEREFORE, Petitioner respectfully requests that this Court:

- A. Assume jurisdiction under 28 U.S.C. § 2241;
- B. Issue a writ of habeas corpus and declare that Petitioner's detention under 8 U.S.C. § 1225(b)(2)(A) is unlawful (and/or unconstitutional as applied);
- C. Order Respondents to release Petitioner immediately under reasonable conditions of supervision unless, within a Court-set deadline (e.g., 7–10 days), Respondents provide a custody hearing consistent with due process and/or proceed under the correct detention statute;

- D. In the alternative, order Respondents to provide a bond hearing before an immigration judge by a date certain, at which the government bears the burden to justify continued detention by clear and convincing evidence (danger/flight), or release Petitioner;**
- E. Award reasonable attorneys' fees and costs where authorized; and**
- F. Grant such other and further relief as the Court deems just and proper.**

DATED: February 5, 2026

Respectfully submitted,



Janet A. Bastawros, Esq.
20 West Street, Suite #17G
New York, NY, 10004
(216) 233-6546
Email: janet.bastawros@gmail.com
Attorney for Petitioner

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS

ZHENG, RUIJI

PETITIONER,

v.

WARDEN, of Limestone County
Detention Center

KRISTI NOEM, Secretary of
U.S. Department of Homeland Security

PAMELA BONDI
Attorney General of U.S.

Civil Action No.:

AFFIDAVIT IN SUPPORT
DECLARATION OF
ZHENG, RUIJI

RESPONDENTS.

STATE OF TEXAS
COUNTY OF LIMESTONE

I, ZHENG, RUIJI, being duly sworn deposes and makes the following affirmation under the penalties of perjury:

I, ZHENG, RUIJI, as petitioner in the above-entitled action, respectfully move this court to order defendants to show cause why they should immediately release me from detention on bond of \$1500 until a final disposition on the merits in the above-entitled action.

Unless this order is issued, I will suffer immediate and irreparable injury, loss and damage in that I have been deprived of due process and detained since November 16, 2025 without proper access to counsel and support of my family. As can be seen from the foregoing, I have no adequate remedy at law.

WHEREFORE, I respectfully request that the Court grant the within relief as well as such other and further relief that may be just and proper. I declare under penalty of perjury that the foregoing is true and correct.

Date:

Zheng Ruiji
ZHENG, RUIJI

Sworn to before me this 4
day of February, 2026.

Janet Adly Bastawros
Notary Public



UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS

ZHENG, RUIJI

:

Civil Action No.:

PETITIONER,

:

v.

:

WARDEN, of Limestone County
Detention Center

:

EXHIBITS

KRISTI NOEM, Secretary of
U.S. Department of Homeland Security

:

PAMELA BONDI
Attorney General of U.S.

:

RESPONDENTS.

1. Respondent's Renewed Request for Bond Redetermination Based on
Material Change in Circumstances.
2. Order of Immigration Judge denying bond dated 12/2/2025
3. Order of Immigration Judge denying bond dated 1/12/2025