UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

JIAYI CHEN,

Petitioner(s)

v.

TODD LYONS, Acting Director, U.S. Immigration and Customs Enforcement; PAMELA BONDI, U.S. Attorney General; and KRISTI NOEM, U.S. Secretary of Homeland Security

Respondents(s).

Case No. 1:26-cv-1121

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

1. The Writ of Habeas Corpus does not act upon the detainee who seeks relief, but upon the person who holds her in what is alleged to be unlawful custody. *Braden v. 30th Jud. Cir Ct. of Kentucky*, 410 U.S. 484, 494-5 (1973).
2. Jurisdiction for "core" Habeas Corpus petitions can only be found in the district of confinement. *Rumsfeld v. Padilla,* 542 U.S. 426, 435 (2004).
3. "Core" Habeas petitions concern those that necessarily challenge the validity or duration of confinement. *See Wilkinson v. Dotson,* 544 U.S. 74, 81-2 (2005); *see also Calderon v. Sessions*, 330 F.Supp.3d 944, 952-3 (S.D.N.Y. 2018) (discussing difference between "core" and "non-core" Habeas challenges).
4. Petitioner does not challenge the validity or duration of her confinement. Petitioner is not making a "core" challenge under Habeas Corpus.

5. The Writ of Habeas Corpus is not a static, narrow, formalistic remedy. *Jones v. Cunningham*, 371 U.S. 236, 243 (1963); *see Trump v. J.G.G.*, 604 U.S. 670, 673 (2025) (stating immediate physical release is not the only remedy under Habeas Corpus).
6. District Courts must fashion a remedy under Habeas Corpus "as law and justice require." 28 U.S.C. § 2243; *see Brown v. Davenport*, 596 U.S. 118, 128 (2002) (affirming).
7. In the Habeas context, law and justice only require protection against deprivation of the right to be free from unlawful custody. *See Jones v. Cunningham* at 243 (defining the purpose of the Writ of Habeas Corpus).
8. Custody can concern immediate physical custody or some other form of custody. *See S.N.C. v. Sessions*, 325 F. Supp. 3d 401, 408 (S.D.N.Y 2018) (stating immigration-based habeas challenges to forms of custody other than immediate physical custody are valid); *see also Preiser v. Rodriguez*, 411 U.S. 475, 499 (1973) ("When a prisoner is put under additional and unconstitutional restrains during his lawful custody, it is arguable that habeas corpus will lie to remove the restraints making the custody illegal").
9. Petitioner is not challenging the lawfulness of her immediate physical custody—Petitioner is challenging the *lawfulness of the location* of her immediate physical custody.
10. Petitioner's transfer to Louisiana constitutes a deprivation of her right to Due Process under the 5th Amendment. *See* U.S. Const. Amend. V.
11. As law and justice require, the Court should order Petitioner's transfer back to the immediate district pursuant to the Court's broad discretionary authority under 28 U.S.C. § 2243.

JURISDICTION

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

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

14. Respondents are proper because the transfer of Petitioner back to a detention facility in the immediate District implicates higher power than Petitioner's "immediate physical custodian." *Compare Rumsfeld v. Padilla* at 435 ("This custodian is 'the person' with the ability to produce the prisoner's body before the [immediate] court"). *with* U.S. Immigration and Custom Enforcement 11022.1 ("ICE TRANSFERS DIRECTIVE"), 5.2(2) (2012) ("Before a transfer is made in a case where one or more of these factors[1] exist, the transfer must be approved at the Assistant Field Office Director level[2] *or higher*,

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[1] ICE DETAINEE TRANSFERS DIRECTIVE, 5.2(1)—ICE Supervisory Immigration Officers will not transfer detainees when there is documentation to support:

a) Immediate family within the AOR;
b) An attorney of record within the AOR;
c) Pending or on-going removal proceedings where notification of such proceedings has been given, within the AOR; or
d) Been granted bond or has been scheduled for a bond hearing.

ICE DETAINEE TRANSFERS DIRECTIVE, 3.2—Area of Responsibility ("AOR") concerns the geographic area under the authority of a Field Office Director (FOD).

[2] ICE DETAINEE TRANSFERS DIRECTIVE, 5.2(3)—A transfer may be deemed necessary by a [Field Office Director] or his or her designee for any of the following reasons:

a) to provide appropriate medical or mental health care to the detainee;
b) to fulfill an approved transfer request by the detainee;
c) for the safety and security of the detainee, other detainees, detention personnel or any ICE employee;
d) at ICE's discretion, for the convenience of the agency when the venue of EOIR proceedings is different than the venue in which the alien is detained;
e) to transfer to a more appropriate detention facility based on the detainee's individual circumstances and risk factors;
f) termination of facility use due to failure to meet ICE detention standards, lack of sufficient use of the facility by ICE, or emergent situations; or to relieve or prevent facility overcrowding; in such cases, efforts should first be made to identify for transfer those detainees who do not meet any of the criteria listed in section 5.2(1)

and the reasons for the transfer must be documented[3] in the detainee's A-File") (emphasis added); *see also* ICE Detainee Transfers, PBNDS 2011, 7.4(V)(A)(1) (2016) (following DIRECTIVE).

15. In the absence of specific officials named accountable in the current ICE National Detention standards, the ICE TRANSFERS DIRECTIVE illustrates the proper accountability hierarchy in regards to transfer decisions. *Compare* ICE National Detention Standards, 7.2, pg. 198 (2025) (holding "ICE/ERO" generally accountable for detainee transfers) *with* ICE TRANSFERS DIRECTIVE, 5.2 (creating a three-leveled hierarchy of accountability for detainee transfers); *see Nitro-Lift Techs., L.L.C. v. Howard*, 568 U.S. 17, (2012) ("the ancient interpretive principle that the specific governs the general *generalia specialibus non derogant* applies only to conflict between laws of equivalent dignity").

16. Under the ICE TRANSFERS DIRECTIVE, Petitioner's transfer from New York to Louisiana cannot have been ordered by either a Supervisory Immigration Officer or a Field Office Director. *See* DIRECTIVE 5.2(1), 5.2(3).

17. Respondents are proper because the transfer of Petitioner back to a detention facility in the immediate District implicates a higher ICE official than her immediate custodian.

18. 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.

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[3] To Petitioner and Petitioner's counsel's knowledge, there is no record of the reason for Petitioner's transfer in Petitioner's A-File. There has been no reason given for Petitioner's transfer at the date of this writing.

VENUE

19. Venue is proper in the Eastern District of New York because Petitioner resides at, and was initially detained at, 1655 W. 12th St. in Brooklyn, NY. *See* 28 U.S.C. § 1391(e)(1)(B), (C).

STATEMENT OF FACTS

20. Petitioner Jiayi Chen [redacted] is a female, native and citizen of the People's Republic of China. Petitioner was born on October 29, 1999.

21. Petitioner was granted B-2 nonimmigrant status on February 4, 2015. Petitioner was first admitted into the United States on or about November 18, 2015.

22. On August 29, 2023, Petitioner was last admitted to the United States in B-2 status.

23. Petitioner's B-2 status expired on January 25, 2025. Petitioner remained in the United States after expiration of her B-2 status.

24. On February 3, 2026 at or around 6:00 AM, law enforcement knocked on the door of Petitioner's shared apartment at [redacted] Petitioner was sleeping at the time.

25. Another tenant of the shared apartment unlocked the front door and allowed law enforcement to enter the common space of the apartment.

26. Upon information and belief, law enforcement was searching for another tenant in the shared apartment charged with Marriage Fraud Conspiracy by the Department of Justice. *See* "Eleven Individuals Indicted in a Marriage Fraud Conspiracy," U.S. Department of Justice (February 4, 2026)[4].

27. Upon information and belief, when arrested, the tenant charged with Marriage Fraud Conspiracy claimed that she was not the individual charged by the Department of Justice.

[4] https://www.justice.gov/usao-mdfl/pr/eleven-individuals-indicted-marriage-fraud-conspiracy.

28. Petitioner's bedroom door was locked.

29. Law enforcement proceeded to knock on every other door in the shared apartment. Petitioner woke up and opened her bedroom door to law enforcement.

30. Petitioner was questioned and upon discovery that Petitioner was unlawfully present in the United States, Petitioner was arrested at her Brooklyn residence and transferred and detained at 26 Federal Plaza, New York, NY 10278.

31. On February 5, 2026, Petitioner was transferred to Louisiana. Upon information and belief, ICE has not provided any reason or rationale for Petitioner's transfer over 1,000 miles from her Brooklyn residence.

32. Upon information and belief, Petitioner is currently detained at Richwood Correctional Center, 180 Pine Bayou Cir, Richwood, LA 71202.

33. Petitioner was detained without her glasses. Petitioner is both nearsighted and farsighted and Petitioner's vision is significantly impaired without prescription glasses or contact lenses. Petitioner requested contact lenses at Richwood Correctional Center over two weeks ago and has still not received them. Petitioner is unable to read without prescription glasses or contact lenses.

34. Upon information and belief, Petitioner has not been placed into removal proceedings. As an admitted noncitizen that is unlawfully present in the United States, Petitioner should have been placed into removal proceedings under 8 U.S.C. § 1229a.

35. On February 23, 2026, Petitioner was denied bond. The immigration judge denied bond concluding Petitioner was a "flight risk" with no further explanation.

36. Petitioner is currently detained in a single room containing over 100 other noncitizens. Petitioner's health has declined since detention. She has a persistent cough. Though she

has requested medical assistance, she has not received any. *See* "A Pregnant Mother in ICE Detention Says She's Bleeding—and Hasn't Seen A Doctor in Weeks," Verite News (Jan. 27, 2026)[5].

37. Petitioner has lost ten pounds since being detained. *See* Villagram, Lauren, "ICE says it Provides 'Proper Meals.' Detainees see Crystalized Jelly, Rancid Beans, and Iced Bologna," USA Today (Oct. 19, 2025)[6].

38. Petitioner has never been arrested, charged, or convicted for any criminal offense in the United States or any other country.

39. Because Petitioner does not have legal status currently in the United States, Petitioner does not work. Petitioner volunteers for the elderly and at church in her free time.

40. Petitioner has a U.S. Citizen boyfriend, Jay Guan, lives in Brooklyn, New York. Petitioner planned to marry him on February 14, 2026 before her detention by ICE.

41. When Petitioner's marries her U.S. Citizen boyfriend, Petitioner would become immediately eligible for adjustment of status to lawful permanent resident inside the United States pursuant to 8 U.S.C. § 1255(a).

42. Petitioner's transfer away from her residence in Brooklyn, NY to the Richwood Correctional Center, a location over 1,000 miles from her Brooklyn residence, is a severe and significant impediment to her and to her U.S. Citizen boyfriend's ability to marry.

[5] https://veritenews.org/2026/01/27/ice-richwood-correctional-pregnant-woman/.
[6] https://www.usatoday.com/story/news/nation/2025/10/19/immigrant-detainees-hungry-in-ice-detention/86163312007/.

PARTIES

43. Petitioner Jiayi Chen [redacted] is a noncitizen from the People's Republic of China who is currently detained by ICE. Upon information and belief, Petitioner is currently detained at 180 Pine Bayou Cir, Richwood, LA 71202.

44. Defendant Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement. He is being sued in his official capacity. He is Petitioner's legal custodian.

45. 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.

46. 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.

REQUIREMENTS OF 28 U.S.C § 2243

47. 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)

48. The Court must grant this Petition for Writ of Habeas Corpus or issue and Order to Show Cause ("OSC") to the Respondents "forthwith," unless the Petitioner is not entitled to relief. 28 U.S.C. § 2243.

CLAIMS FOR RELIEF

COUNT ONE
Violation of Administrative Procedures Act

1. The allegations in paragraph 1 through 48 are realleged and incorporated herein.

2. ICE's transfer of Petitioner is final agency action because it marks the consummation of the agency's decision-making process and legal consequences will flow from the transfer. *See Bennett v. Spear,* 520 U.S. 154, 178-9 (1997).

3. ICE's transfer of Petitioner is contrary to 5th Amendment Due Process. *See* 5 U.S.C. § 706(2)(B).

4. ICE wrongfully transferred Petitioner from the immediate district to Louisiana.

COUNT TWO
Violation of Fourth Amendment
(Unreasonable Search)

1. The allegations in paragraph 1 through 48 are realleged and incorporated herein.

2. The 4th Amendment protects: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches…." U.S. Const. Amend. IV.

3. The Second Circuit has held that in order to have 4th Amendment standing: (1) a party must have a subjective expectation of privacy in the searched place; and (2) that party's expectation must be one that society accepts as reasonable. *United States v. Chuang*, 897 F.2d 646, 649 (2d Cir. 1990).

4. Petitioner had a subjective expectation of privacy in her bedroom and that expectation was reasonable.

5. The search of Petitioner's bedroom on February 3, 2026 was a violation of the 4th Amendment.

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

1. The allegations in paragraph 1 through 48 are realleged and incorporated herein.

2. Procedural Due Process guarantees fair process. *See U.S. v. Salerno*, 481 U.S. 739, 746 (1987); *see also Mathews v. Eldridge,* 424 U.S. 319, 335 (1976) (articulating factors).

3. Petitioner is being deprived of her right to access legal services.

4. the risk of deprivation is high, and there would be great value in additional procedural safeguards.
5. The Government has little interest in Petitioner's continued detention in Louisiana.
6. Continued detention of Petitioner in Louisiana is a violation of Procedural Due Process.

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

1. The allegations in paragraph 1 through 48 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 transfer Petitioner to Louisiana is so arbitrary that it constitutes a gross abuse of government authority.
4. Even in the presence of procedural protections, the government's actions are without justification. *See Southerland v. City of New York*, 680 F.3d 127, 152 (2d Cir. 2012).
5. Continued detention of Petitioner in Louisiana is a violation of Substantive Due Process.

COUNT FIVE
Violation of Fifth Amendment Right to Due Process
(Substantive Due Process - Right to Marry)

1. The allegations in paragraph 1 through 48 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 transfer Petitioner to Louisiana is a severe and significant impediment to her and to her U.S. Citizen boyfriend's ability to marry.

4. The Supreme Court has reiterated that the right to marry is fundamental under the Due Process Clause. *See Obergefell v Hodges*, 576 US 644, 664, 135 S Ct 2584, 2598, 192 L Ed 2d 609 (2015)
5. Continued detention of Petitioner in Louisiana and the resulting severe and significant impediment to her and to her U.S. Citizen boyfriend's ability to marry is a violation of Substantive Due Process.

PRAYER FOR RELIEF

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

(1) Assume jurisdiction over this matter;

(2) Declare that Petitioner's transfer to Louisiana violates Due Process;

(3) Order that Petitioner be transferred back to the immediate district;

(4) Order that Petitioner be placed into removal proceedings under 8 U.S.C. 1229a;

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

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

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

Respectfully submitted this 26th Day of February 2026.

Respectfully submitted,
EDWARD J. CUCCIA, PC

/s/ Edward J. Cuccia

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FOR THE EASTERN DISTRICT OF NEW YORK

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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 26th day of February, 2026.

/s/ Edward J. Cuccia
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