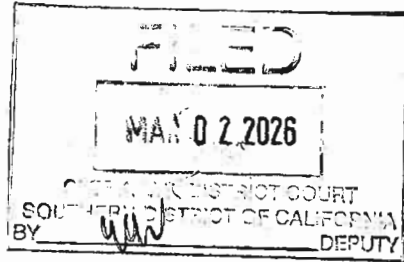


1 QI LIU 
2 7488 Calzada de la Fuente
3 San Diego, CA 92154-2717
4 (631) 919-8886

5 *Pro Se*



6 **UNITED STATES DISTRICT COURT**
7 **SOUTHERN DISTRICT OF CALIFORNIA**

8 QI LIU,

9 Petitioner,

10 vs.

Case No.: 26CV1330-RSH-MSB

11 Kristi NOEM, Secretary, Department of
12 Homeland Security; Pam BONDI, Attorney
13 General; EXECUTIVE OFFICE FOR
14 IMMIGRATION REVIEW; Todd LYONS,
15 Executive Associate Director of ICE
16 Enforcement and Removal Operations (ERO);
17 Gregory J. ARCHAMBEAULT, ICE Field
18 Office Director; and Christopher J. LAROSE,
19 Otay Mesa Senior Warden

20 Respondents.

Agency No.

PETITION FOR WRIT OF HABEAS
CORPUS

ORAL ARGUMENT NOT REQUESTED

21 **INTRODUCTION**

- 22 1. Petitioner, Qi LIU, originally entered the United States on December 05, 2024 without
23 inspection in San Diego County.
- 24 2. Qi LIU drove to San Diego on business and ended up driving into Mexico in error during
25 rush hour on August 12, 2025.
- 26 3. Petitioner was apprehended by immigration authorities on August 15, 2025 in California
27 when he attempted to return to his family in the U.S. Petitioner is charged with having
28

1 entered the United States without inspection and being present without valid immigration
2 documents. 8 U.S.C. § 1182(a)(6)(A)(i), § 1182(a)(7)(A)(i).

- 3
4 4. Petitioner is currently detained at the Otay Mesa detention center by immigration
5 authorities and is the subject of a pending removal hearing.
- 6 5. Petitioner was denied release by the Department of Homeland Security (DHS) and sought
7 a bond redetermination hearing before an immigration judge. On October 15, 2025, he was
8 denied the opportunity for a bond redetermination hearing because the immigration judge
9 held that he lacked jurisdiction over the bond hearing because Section 235(b)(1)(B)(ii) of
10 the Immigration and Nationality Act “requires detention until the conclusion of removal
11 proceedings.” On January 1, 2026, Petitioner renewed his request for a bond hearing and
12 was, again, denied due to demonstrating no material change since the prior bond
13 redetermination hearing to receive another custody redetermination hearing. 8 C.F.R. §
14 1003.19(e).
- 15
16 6. Accordingly, to vindicate Petitioner’s rights, this Court should grant the instant petition for
17 a writ of habeas corpus. Petitioner asks this Court to find that Respondents’ attempts to
18 detain and transfer Petitioner are arbitrary and capricious and in violation of the law, and
19 to immediately issue an order to release Petitioner from detention.
20
21

22 JURISDICTION

- 23
24 7. This action arises under the Constitution of the United States and the Immigration and
25 Nationality Act (INA), 8 U.S.C. § 1101 et. seq.
26
27
28

- 1 8. This court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28
2 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution
3 (Suspension Clause).
4
5 9. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et. seq., the
6 Declaratory Judgment Act, 28 U.S.C. § 2201 et. seq., the All Writs Act, 28 U.S.C. § 1651,
7 and the Immigration and Nationality Act, 8 U.S.C. § 1252(e)(2).

8 **VENUE**

- 9 10. Venue is proper because Petitioner is in Respondents' custody in Otay Mesa, California.
10
11 Venue is further proper because a substantial part of the events or omissions giving rise to
12 Petitioner's claims occurred in this District, where Petitioner is now in Respondent's
13 custody. 28 U.S.C. § 1391(e).

14 **REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243**

- 15 11. The Court must grant the petition for writ of habeas corpus or issue an order to show cause
16 (OSC) to the Respondents "forthwith," unless the petitioner is not entitled to relief. 28
17 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to file a return
18 "within three days unless for good cause additional time, not exceeding twenty days, is
19 allowed." Id.
20
21 12. Courts have long recognized the significance of the habeas statute in protecting individuals
22 from unlawful detention. The Great Writ has been referred to as "perhaps the most
23 important writ known to the constitutional law of England, affording as it does a swift and
24 imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S.
25 391, 400 (1963).
26
27
28

1 13. Petitioner is “in custody” for the purpose of § 2241 because Petitioner is arrested and
2 detained by Respondents.

3 **PARTIES**

4 14. Petitioner is currently detained at the Otay Mesa immigration detention center.

5 15. Respondent Kristi NOEM is the Secretary of the Department of Homeland Security
6 (“DHS”), and is sued in her official capacity. The Secretary of Homeland Security is
7 charged with the administration and enforcement of immigration laws. 8 U.S.C. § 1103(a).

8 16. Respondent Pam BONDI is the Attorney General of the United States and is sued in her
9 official capacity as the head of the Department of Justice. The Attorney General is
10 responsible for the fair administration of the laws of the United States.

11 17. Respondent Executive Office for Immigration Review is a component agency of the
12 Department of Justice responsible for conducting removal and bond hearings of
13 noncitizens. EOIR is comprised of a lower adjudicatory body administered by immigration
14 judges and an appellate body known as the Board of Immigration Appeal (BIA).
15 Immigration judges issue bond redetermination hearing decisions, which are then subject
16 to appeal to the BIA.

17 18. Respondent Todd LYONS is the Acting Director of U.S. Immigration and Customs
18 Enforcement (ICE) and is sued in his official capacity. ICE is responsible for the detention
19 of Petitioner.

20 19. Respondent GREGORY J. ARCHAMBEAULT is the Immigration and Customs
21 Enforcement Field Office Director at the ICE Otay Mesa immigration detention facility
22 and is sued in his official capacity. Respondent GREGORY J. ARCHAMBEAULT is
23 responsible for the detention of Petitioner.

1 20. Respondent CHRISTOPHER J. LAROSE, is the OTAY MESA SENIOR WARDEN and
2 is sued in his official capacity as he is responsible for the detention of Petitioner.

3
4 **LEGAL FRAMEWORK**

5 21. Immigration detention should not be used as a punishment and should only be used when,
6 under an individualized determination, a noncitizen is a flight risk because they are
7 unlikely to appear for immigration court or a danger to the community. *Zadvydas v. Davis*,
8 533 U.S. 678, 690 (2001).

9 22. Noncitizens in immigration proceedings are entitled to Due Process under the Fifth
10 Amendment of the U.S. Constitution. *Reno v. Flores*, 507 U.S. 292, 306 (1993).

11 23. The Immigration and Nationality Act (INA) establishes various procedures through which
12 individuals may be detained pending a decision on whether the noncitizen is to be
13 removed. 8 U.S.C. § 1226(a).

14 24. Removal proceedings described in section 240 of the INA are used to determine whether
15 individuals, such as Petitioner, should be removed from the United States. See 8 U.S.C. §
16 1229a.

17 25. The Refugee Act of 1980, the cornerstone of the U.S. asylum system, provides a right to
18 apply for asylum to individuals seeking safe haven in the United States. The purpose of the
19 Refugee Act is to enforce the “historic policy of the United States to respond to the urgent
20 needs of persons subject to persecution in their homelands.” Refugee Act of 1980, §
21 101(a), Pub. L. No. 96-212, 94 Stat. 102 (1980).

22 26. The “motivation for the enactment of the Refugee Act” was the United Nations Protocol
23 Relating to the Status of Refugees, “to which the United States had been bound since
24 1968.” *INS v. Cardoza-Fonseca*, 480 U.S. 421, 424, 432-33 (1987). The Refugee Act
25
26
27
28

1 reflects a legislative purpose “to give ‘statutory meaning to our national commitment to
2 human rights and humanitarian concerns.’” *Duran v. INS*, 756 F.2d 1338, 1340 n.2 (9th
3 Cir. 1985).

4
5 27. The Refugee Act established the right to apply for asylum in the United States and defines
6 the standards for granting asylum. It is codified in various sections of the INA.

7 28. The INA gives the Attorney General or the Secretary of Homeland Security discretion to
8 grant asylum to noncitizens who satisfy the definition of “refugee.” Under that definition,
9 individuals generally are eligible for asylum if they have experienced past persecution or
10 have a well-founded fear of future persecution on account of race, religion, nationality,
11 membership in a particular social group, or political opinion and if they are unable or
12 unwilling to return to and avail themselves of the protection of their homeland because of
13 that persecution of fear. 8 U.S.C. § 1101(a)(42)(A).
14

15 29. Although a grant of asylum may be discretionary, the right to apply for asylum is not. The
16 Refugee Act broadly affords a right to apply for asylum to any noncitizen “who is
17 physically present in the United States or who arrives in the United States[.]” 8 U.S.C. §
18 1158(a)(1).
19

20 30. Immigration detention is a form of civil confinement that “constitutes a significant
21 deprivation of liberty that requires due process protection.” *Addington v. Texas*, 441 U.S.
22 418, 4253 (1979).
23

24 31. Custody determinations for individuals in 1229a removal proceedings are governed by 8
25 U.S.C. § 1226. Under § 1226(a), an individual may be released if he does not present a
26 danger to persons or property and is not a flight risk. *Zadvydas v. Davis*, 533 U.S. 678,
27 690 (2001); *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006).
28

1 32. Custody determinations under § 1226(a) are individualized and based on the facts
2 presented in those cases. Unlike § 1226(c), which can provide for categorical
3 determinations for detention regardless of flight risk or safety risks, § 1226(a) requires a
4 case-by-case review of the facts and circumstances.
5

6 33. Once a determination to release an individual from custody is made, the release order may
7 be revisited when the facts or circumstances warrant revocation or reconsideration. 8
8 U.S.C. § 1226(b). For an individual who was once in custody, the Attorney General may
9 take that individual back into custody by revoking the individual's release when the facts
10 and circumstances warrant it. Revocation and return to custody is authorized only based on
11 the individualized facts and circumstances. 8 C.F.R. § 1236.1(c)(9). By regulation,
12 revocation decisions are limited in nature and may only be made by certain authorized
13 officials. 8 C.F.R. § 1236.1(c)(9).
14
15
16

17 **FACTUAL BACKGROUND**

18 34. Petitioner fled China, where he was persecuted by the Chinese government, and entered
19 the United States on December 5, 2024. In China, he was arrested, interrogated, and beaten
20 for being a practicing Christian.
21

22 35. He was placed in removal proceedings to appear before an IJ, and was charged with
23 having entered the United States without inspection and being present without valid
24 immigration documents. 8 U.S.C. § 1182(a)(6)(A)(i), § 1182(a)(7)(A)(i). ICE denied
25 Petitioner's request for release, and he requested a bond redetermination hearing before an
26 immigration judge. Petitioner is neither a danger to others nor a flight risk.
27
28

1 36. He was placed in removal proceedings to appear before an IJ, and was charged with
2 having entered the United States without inspection and being present without valid
3 immigration documents. 8 U.S.C. § 1182(a)(6)(A)(i), § 1182(a)(7)(A)(i). ICE denied
4 Petitioner's request for release, and he requested a bond redetermination hearing before an
5 immigration judge. Petitioner is neither a danger to others nor a flight risk.

7 37. On January 20, 2025, President Donald Trump issued several executive actions relating to
8 immigration, including "Protecting the American People Against Invasion," an executive
9 order (EO) setting out a series of interior immigration enforcement actions. The Trump
10 administration, through this and other actions, has outlined sweeping, executive branch led
11 changes to immigration enforcement policy, establishing a formal framework for mass
12 deportation. The "Protecting the American People Against Invasion" EO instructs the
13 DHS Secretary "to take all appropriate action to enable" ICE, CBP, and USCIS to
14 prioritize civil immigration enforcement procedures including through the use of mass
15 detention.
16

17
18 38. On information and belief, Respondents are detaining and seeking to transfer Petitioner
19 regardless of the individual facts and circumstances of his case.

20 39. On information and belief, Respondents are using the immigration detention system,
21 including extra-territorial transfer and detention, as a means to punish individuals for
22 asserting rights under the Refugee Act.
23

24 40. On information and belief, Petitioner has no criminal history.

25 CLAIMS FOR RELIEF

26 COUNT ONE

27 Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A)

Abuse of Discretion

28 Violation of 8 U.S.C. § 1226(b), 8 C.F.R. § 1236.1(c)(9)

1
2 41. Petitioner restates and realleges all paragraphs as if fully set forth here. Under the APA, a
3 court shall “hold unlawful and set aside agency action” that is an abuse of discretion. 5
4 U.S.C. § 706(2)(A).

5 42. An action is an abuse of discretion if the agency “entirely failed to consider an important
6 aspect of the problem, offered an explanation for its decision that runs counter to the
7 evidence before the agency, or is so implausible that it could not be ascribed to a
8 difference in view or the product of agency expertise.” Nat’l Ass’n of Home Builders v.
9 Defs. of Wildlife, 551 U.S. 644, 658 (2007) (quoting Motor Vehicle Mfrs. Ass’n of U.S.,
10 Inc. v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43 (1983)).

11 43. To survive an APA challenge, the agency must articulate “a satisfactory explanation” for
12 its action, “including a rational connection between the facts found and the choice made.”
13 Dep’t of Com. v. New York, 139 S. Ct. 2551, 2569 (2019) (citation omitted).

14 44. By categorically revoking Petitioner’s release and seeking to transfer him away from the
15 district without consideration of his individualized facts and circumstances, Respondents
16 have violated the APA.

17 45. By detaining and transferring the Petitioner categorically, Respondents have further
18 abused their discretion because there have been no changes to his facts or circumstances
19 since the agency made its initial custody determinations that support the revocation of his
20 release from custody.

21 46. Respondents have already considered Petitioner’s facts and circumstances and determined
22 that he was not a flight risk or danger to the community. There have been no changes to
23 the facts that justify this revocation of his release on his own recognizance.
24
25
26
27
28

COUNT TWO

**Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A)
Not in Accordance with Law and in Excess of Statutory Authority
Violation of 8 U.S.C. § 1226(b), 8 C.F.R. § 1236.1(c)(9)**

47. Petitioner restates and realleges all paragraphs as if fully set forth here.

48. Under the APA, a court “shall . . . hold unlawful . . . agency action” that is “not in accordance with law;” “contrary to constitutional right;” “in excess of statutory jurisdiction, authority, or limitations;” or “without observance of procedure required by law.” 5 U.S.C. § 706(2)(A)-(D).

49. 8 U.S.C. § 1226(b) authorizes that “[t]he Attorney General at any time may revoke a bond or parole authorized under [8 U.S.C. § 1226(a)]” and rearrest a noncitizen under the initial warrant. In implementing this statutory provision, 8 C.F.R. § 1236.1(c)(9) clarifies that such revocations of release from custody may only be carried out in the “discretion of the district director, acting district director, deputy district director, assistant district director for investigations, assistant district director for detention and deportation, or officer in charge (except foreign).”

50. It is a well-established administrative principle that “agency action taken without lawful authority is at least voidable, if not void ab initio.” *L.M.-M. v. Cuccinelli*, 442 F. Supp. 3d 1, 35 (D.D.C. 2020), citing *SW General, Inc. v. NLRB*, 796 F.3d 67, 79 (D.C. Cir. 2015); see also *Hooks v. Kitsap Tenant Support Servs., Inc.*, 816 F.3d 550, 555 (9th Cir. 2016) (invalidating agency action because it was taken by unauthorized official).

51. On information and belief, Respondents have revoked or are revoking Petitioner’s prior custody determination as a result of a categorical policy prepared by and implemented by

1 unidentified government officials in Washington, not through the individual exercise of
2 discretion required by law or by the individuals enumerated by regulation to do so.

3 52. Because Petitioner's revocation of release from custody has been made or will be
4 categorically directed by government officials not authorized by law to make this
5 determination, Respondents' detention of Petitioner is not in accordance with law and in
6 excess of statutory authority.
7

8 **COUNT THREE**

9 **Violation of Fifth Amendment Right to Due Process** 10 **Procedural Due Process**

11 53. Petitioner restates and realleges all paragraphs as if fully set forth here.

12 54. The Due Process Clause of the Fifth Amendment to the U.S. Constitution prohibits the
13 federal government from depriving any person of "life, liberty, or property, without due
14 process of law." U.S. Const. Amend. V. Due process protects "all 'persons' within the
15 United States, including [non-citizens], whether their presence here is lawful, unlawful,
16 temporary, or permanent." *Zadvydas*, 533 U.S. at 693; accord *Flores*, 507 U.S. at 306.
17

18 55. Due process requires that government action be rational and non-arbitrary. See *U.S. v.*
19 *Trimble*, 487 F.3d 752, 757 (9th Cir. 2007).
20

21 56. While the government has discretion to detain individuals under 8 U.S.C. § 1226(a) and to
22 revoke custody decisions under 8 U.S.C. § 1226(b), this discretion is not "unlimited" and
23 must comport with constitutional due process. See *Zadvydas*, 533 U.S. at 698.

24 57. Here, Respondents have chosen to revoke Petitioner's release in an arbitrary manner and
25 not based on a rational and individualized determination of whether he is a safety or flight
26 risk, in violation of due process. Because no individualized custody revocation has been
27 made and no circumstances have changed to make Petitioner a flight risk or a danger to the
28

1 community, Respondents' revocation of Petitioner's release violates his right to procedural
2 due process.

3 58. Petitioner has a wife and minor daughter in New York, NY who need her husband/father
4 home to provide support for their livelihood and emotional support as the head of the
5 family and as a role model to his young daughter. For this reason, the Petitioner will not be
6 a flight risk nor a danger to the community.
7

8
9 **PRAYER FOR RELIEF**

10 WHEREFORE, Petitioner respectfully requests this Court to grant the following:

- 11 1) Assume jurisdiction over this matter;
12
13 (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should
14 not be granted within three days;
15
16 (3) Declare that Petitioner's detention without an individualized determination violates the Due
17 Process Clause of the Fifth Amendment;
18
19 (4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner from custody;
20
21 (5) Issue an Order prohibiting the Respondents from transferring Petitioner from the district
22 without the court's approval;
23
24 (6) Order the Petitioner be immediately released forthwith under the jurisdiction of this COURT
25 and not require the Petitioner to be sent to the Immigration Court for a custody redetermination
26 hearing to set bond because the Immigration Court has been given direction by the Board of
27 Immigration Appeals under the Matter of Yajure-Hurtado, 29 I&N Dec. 216 (BIA 2025) that it
28 has no jurisdiction to hold a custody redetermination hearing for those who entered without
inspection, in clear violation of his Fifth Amendment rights. Moreover, the BIA reasoned that

1 INA § 235 governs the inspection, detention, and removal of noncitizens who have not been
2 admitted and are therefore “applicants for admission.” Under this provision, such noncitizens are
3 subject to being placed into expedited removal proceedings and mandatorily detained for the
4 duration of those proceedings. Petitioner has been held in detention for over 14-1/2 months, while
5 his asylum proceedings have not progressed. This prolonged detention now qualifies him to be
6 released under Writ of Habeas Corpus so he can continue to adjudicate his asylum claim outside
7 of detention.
8

9
10 (7) Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act, and on any
11 other basis justified under law; and

12 (8) Grant any further relief this Court deems just and proper.
13

14 Dated February 27, 2026
15

16 Respectfully Submitted,

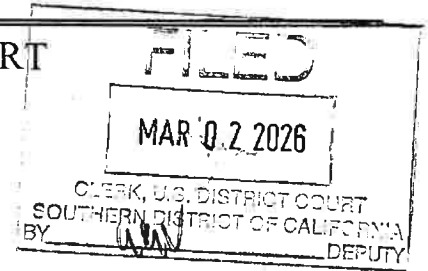
17 

18 QI LIU 
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21 (631) 919-8886
22 *Pro Se*
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28

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the
Southern District of California



QI LIU

Petitioner

v.

Kristi NOEM, Secretary, Department of Homeland Security; Pam BONDI, Attorney General; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; Todd LYONS, Executive Associate Director of ICE Enforcement and Removal Operations (ERO); Gregory J. ARCHAMBEAULT, ICE Field Office Director; and Christopher J. LAROSE, Otay Mesa Senior Warden

Respondent

Case No.

(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Qi Liu
- (b) Other names you have used: _____
2. Place of confinement:
 - (a) Name of institution: Otay Mesa Detention Center
 - (b) Address: 7488 Calzada De La Fuente
San Diego, CA 92154-2717
 - (c) Your identification number: [REDACTED]
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain:
ICE DETENTION
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
 - (a) Name and location of court that sentenced you: _____
 - (b) Docket number of criminal case: _____
 - (c) Date of sentencing: _____☒ Being held on an immigration charge
☐ Other (explain): _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

- ☐ Pretrial detention
☒ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings
☐ Other (*explain*): _____

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: Otay Mesa Detention Center

7488 Calzada de la Fuente, San Diego, CA

(b) Docket number, case number, or opinion number: NONE

(c) Decision or action you are challenging (*for disciplinary proceedings, specify the penalties imposed*):

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT REFUSAL TO RELEASE ME FROM IMMIGRATION DETENTION

(d) Date of the decision or action: _____

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not appeal: _____

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☒ No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: _____

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes

☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: _____

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes

☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes

☐ No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes

☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☒ Yes

☐ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 12/05/2024

- (b) Date of the removal or reinstatement order: _____

- (c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes

☒ No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

If "Yes," provide:

(1) Date of filing: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Date of filing: _____

(3) Case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes

☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: I contest my incarceration in immigration detention because I was detained by the Department of Homeland Security Immigration and Customs Enforcement since 12/5/2024. Violation of 8 U.S.C. §1231(a)(6)

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

I have been detained by ICE beyond the removal period authorized by statute. ICE is not likely to remove me in the near future. See attached memorandum with additional specific facts. Question (b) below is not applicable.

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes

☒ No

GROUND TWO: Violation of the due process clause of the Fifth Amendment to the U.S. Constitution.

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

ICE is depriving me of my right to liberty. I have been detained by ICE for a prolonged period. See attached memorandum with additional specific facts. Question (b) below is not applicable.

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes

☒ No

GROUND THREE: I have an application i589 to request for asylum submitted to the immigration court 3/02/2025. I will not be a flight risk and will comply with all the U.S. laws and I will appear at all immigration court hearings and ICE check-ins.

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

I have a sponsor who will ensure that I will not be a flight risk, attend all court hearings and ICE check-ins. My sponsor will provide guidance that I will not be a danger to any community and will comply with all the laws of the United States.

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☒ No

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GROUND FOUR:

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☒ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: This is not applicable to this matter.

Request for Relief

15. State exactly what you want the court to do: I request the court to grant my immediate release so I can be allowed to pursue my asylum claim outside of detention and so I can apply for a work permit to earn a living to support my family while the asylum process is being adjudicated.

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Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 02/27/2026



Signature of Petitioner

Pro Se

Signature of Attorney or other authorized person, if any

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PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Instructions

1. **Who Should Use This Form.** You should use this form if
 - you are a federal prisoner and you wish to challenge the way your sentence is being carried out (*for example, you claim that the Bureau of Prisons miscalculated your sentence or failed to properly award good time credits*);
 - you are in federal or state custody because of something other than a judgment of conviction (*for example, you are in pretrial detention or are awaiting extradition*); or
 - you are alleging that you are illegally detained in immigration custody.
2. **Who Should Not Use This Form.** You should not use this form if
 - you are challenging the validity of a federal judgment of conviction and sentence (*these challenges are generally raised in a motion under 28 U.S.C. § 2255*);
 - you are challenging the validity of a state judgment of conviction and sentence (*these challenges are generally raised in a petition under 28 U.S.C. § 2254*); or
 - you are challenging a final order of removal in an immigration case (*these challenges are generally raised in a petition for review directly with a United States Court of Appeals*).
3. **Preparing the Petition.** The petition must be typed or neatly written, and you must sign and date it under penalty of perjury. **A false statement may lead to prosecution.**
4. **Answer all the questions.** You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit any legal arguments, you must submit them in a separate memorandum. Be aware that any such memorandum may be subject to page limits set forth in the local rules of the court where you file this petition. If you attach additional pages, number the pages and identify which section of the petition is being continued. All filings must be submitted on paper sized 8½ by 11 inches. **Do not use the back of any page.**
5. **Supporting Documents.** In addition to your petition, you must send to the court a copy of the decisions you are challenging and a copy of any briefs or administrative remedy forms filed in your case.
6. **Required Filing Fee.** You must include the \$5 filing fee required by 28 U.S.C. § 1914(a). If you are unable to pay the filing fee, you must ask the court for permission to proceed in forma pauperis – that is, as a person who cannot pay the filing fee – by submitting the documents that the court requires.
7. **Submitting Documents to the Court.** Mail your petition and _____ copies to the clerk of the United States District Court for the district and division in which you are confined. For a list of districts and divisions, see 28 U.S.C. §§ 81-131. All copies must be identical to the original. Copies may be legibly handwritten.

If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.
8. **Change of Address.** You must immediately notify the court in writing of any change of address. If you do not, the court may dismiss your case.

QI LIU 
7488 Calzada de la Fuente
San Diego, CA 92154-2717
(631) 919-8886
PRO SE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

QI LIU,

Petitioner,

vs.

Kristi NOEM, Secretary, Department of
Homeland Security; Pam BONDI, Attorney
General; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; Todd LYONS,
Executive Associate Director of ICE
Enforcement and Removal Operations (ERO);
Gregory J. ARCHAMBEAULT, ICE Field
Office Director; and Christopher J. LAROSE,
Otay Mesa Senior Warden

Respondents.

Case No.:

MEMORANDUM OF LAW
In Support of QI LIU'S
PETITION FOR A WRIT OF HABEAS
CORPUS UNDER 28 U.S.C. § 2241

ORAL ARGUMENT NOT REQUESTED

1. I OBJECT TO THE U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT'S
REFUSAL TO RELEASE ME FROM DETENTION
2. I request this COURT to assume jurisdiction over this matter;
3. I request this COURT to issue an Order to Show Cause ordering Respondents to show
cause why this Petition should not be granted within three days;

4. I contest my incarceration in immigration detention because I was detained by the Department of Homeland Security Immigration and Customs Enforcement since 08/15/2025. Violation of 8 U.S.C. §1231(a)(6).
5. I have been detained by ICE beyond the removal period authorized by statute. ICE is not likely to remove me in the near future.
6. Violation of the due process clause of the Fifth Amendment to the U.S. Constitution. Due process protects "all 'persons' within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas*, 533 U.S. at 693; accord *Flores*, 507 U.S. at 306.
7. I was denied release by the Department of Homeland Security (DHS) and I sought a bond redetermination hearing before an immigration judge on October 15, 2025. I was wrongfully denied a bond for my release because the immigration judge held that she lacked jurisdiction over the bond hearing because Section 235(b)(1)(B)(ii) of the Immigration and Nationality Act "requires detention until the conclusion of removal proceedings." On January 1, 2026, I renewed my request for a bond hearing and was, again, denied due to demonstrating no material change since the prior bond redetermination hearing to receive another custody redetermination hearing. 8 C.F.R. § 1003.19(e).
8. ICE is depriving me of my right to liberty. I have been detained by ICE for a prolonged period.
9. I have an individual merits hearing scheduled for 4/29/2026 and by then, I will have been wrongfully incarcerated for over seven months. I seek my immediate release so that I can adjudicate my asylum case outside of detention.

10. I have an application i589 to request for asylum submitted to the immigration court dated 03/02/2025. I will not be a flight risk and will comply with all the U.S. laws and I will appear at all immigration court hearings and ICE check-ins. I will not be a danger to any community and I will comply with all the laws of the United States.
11. I have a wife and minor daughter in New York, NY who need their husband/father home to provide support for their livelihood and emotional support as the head of the family and as a role model to my young daughter. For this reason, the I will not be a flight risk nor a danger to the community.
12. I request for a Federal Public Defender to represent me before the U.S. District Court Southern District of California for my Writ of Habeas Corpus Petition. Included in my petition is a CJA23 Financial Affidavit.
13. I request that this COURT order that I be immediately released forthwith under the jurisdiction of this COURT and not require the Petitioner to be sent to the Immigration Court for a custody redetermination hearing and to set bond because the Immigration Court has denied the Petitioner the opportunity for release once before on October 15, 2025 and, again, on 01/06/2026, in clear violation of my Fifth Amendment rights.
14. I request this COURT to grant any further relief it deems just and proper.

Signed this 27th day of February, 2026.

Signature of Petitioner:

A black rectangular box with a white 'X' drawn across it, used to redact the signature of the petitioner.

PRO SE

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