UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

Wansheng Lu Petitioner versus Kristi Noem, Secretary, Department of Homeland Security Todd M. Lyons, Director Immigration & Customs Enforcement John Doe, Warden of Glades County Detention Center Respondents	)	Docket

Petition for Writ of Habeas Corpus

1) Petitioner is Mr. Wansheng Lu. Petitioner's A-number with the Department of Homeland Security is [redacted].

2) Petitioner, by and through counsel, Zhou Wang, Esq, brings this Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 to challenge Petitioner's unlawful, prolonged and continued immigration detention by U.S. Immigration and Customs Enforcement ("ICE") at Glades County Detention Center in Moore Haven, FL ("the ICE Detention Facility").

3) Petitioner seeks immediate release and, at minimum, an individualized bond hearing before this Court, on the ground that Petitioner's prolonged and continued detention that is unlawful under Zadvydas v. Davis, 533 U.S. 678 (2001), violates Petitioner's Fifth Amendment right to due process, and causes irreparable harm to Petitioner and Petitioner's family.

Jurisdictional Basis

1) This Court has jurisdiction under 28 U.S.C. § 2241(a) because Petitioner is in custody within the District and seeks relief from unlawful federal detention.

Venue

2) Venue is proper under 28 U.S.C. § 1391(e) and 28 U.S.C. § 2241 because Petitioner is detained by Respondents at Glades County Detention Center in Moore Haven, FL

Parties

3) Petitioner is a native and citizen of the People's Republic of China ("China"). Petitioner is being detained by ICE in at the ICE Detention Facility.

4) Defendant, Kristi Noem, is the Secretary of Department of Homeland Security. This Defendant is named in this Petition solely in this Defendant's official capacity.

5) Defendant, Todd M. Lyons, is the Senior Official Performing the Duties of the Director of ICE, who has custody over Petitioner. This Defendant is named in this Petition solely in this Defendant's official capacity.

6) Defendant, John Doe, is the Warden of the Glades County Detention Center, who has custody over Petitioner. This Defendant is named in this Petition solely in this Defendant's official capacity.

Factual Background

7) Petitioner came to the U.S. through an international airport, was inspected by custom officers, was permitted to enter the U.S. as an arriving alien many years ago.

8) Petitioner was arrested in the international airport for lack of proper immigration document.

9) Petitioner was issued with a USCIS A-number, which was lost due to passage of time.

10) Petitioner was later issued with a second A-number, [redacted], which might have been issued based on subsequent filing of some immigration form by Petitioner.

11) An immigration judge in Newark, NJ issued a removal order against Petitioner on 4/16/1997. The Board of Immigration Appeals dismissed Petitioner's appeal on 05/29/1998.

12) In approximately 2005 and 2006, Petitioner was previously detained and detained by ICE for over two years because of Petitioner's final removal order.

13) Petitioner filed a petition for writ of habeas corpus in United States District Court, District of New Mexico (Las Cruces) on 9/19/2006. The docket number for the case is 2:06-cv-00863-RB-WDS.

14) After fling of the petition for writ of habeas corpus, he was then released by ICE on 02/07/2007. He was placed on conditions of supervised release by ICE.

15) The petition was dismissed on 03/28/2007 as the case was moot due to his release by ICE.

16) Since his release, Petitioner has complied with ICE's requests by frequently reporting in person to an ICE office.

17) Petitioner was arrested by ICE during Petitioner's last reporting to ICE on 09/26/2025 in Miami, Florida.

18) He even showed up to ICE office during pandemic time when the ICE office was closed without a prior warning.

19) He received no prior notice of his arrest.

20) Petitioner is an owner of a Chinese restaurant, [redacted] that is located at [redacted]

21) Petitioner has no criminal record and possess no danger and risk to the community.

22) Petitioner has two children who were born in the United States.

23) On 12/26/2024, Petitioner's first son, [redacted] Lu, has filed an immigration Form I-130, Petitioner for Alien Relative, on behalf of Petitioner. The USCIS receipt number for said Form I-130 is [redacted].

24) Based on the manner of Petitioner's entry in to the U.S., Petitioner can legally adjust his immigration status to be a permeant legal resident of the U.S.

25) Since his last arrest on 09/26/2025, Petitioner has been detained continuously by ICE.

26) Respondents are attempting to remove Petitioner from the United States to China.

27) ICE has not effectuated Petitioner's removal nor demonstrated a significant likelihood of removal within a period reasonably necessary to accomplish removal, and no substantial progress toward removal has occurred to justify continued detention.

28) Prolonged and continued Petitioner's detention is unlawful and unconstitutional.

29) Petitioner's detention interferes with his statutory right to adjustment of status.

30) If Petitioner is removed from the U.S., Petitioner will be presumably barred from reentering the U.S. for a period of ten years based on current immigration laws. Forced removal would trigger a 10-year immigration bar to reentry, causing severe and permanent disruption to family life and welfare.

31) No monetary damages can remedy these harms.

32) Arrest of Petitioner is unlawful and unreasonable provided that Petitioner is authorized to work based on an employment authorization card that is issued by USCIS for the period commencing on 05/04/2024 and ending on 05/03/2025.

33) The Respondents' actions constitute a capricious and unreasonable abuse of their discretion to detain Petitioner.

34) Since 2006, Respondent has not been able to remove Petitioner from the U.S.

35) Respondents do not know when Petitioner will be removed from the U.S.

36) Respondents have failed to show a significant likelihood of Petitioner's removal within the reasonably foreseeable future.

37) Respondents have no intention to release Petitioner until Petitioner is removed from the U.S.

38) Respondents want to indefinitely detain Petitioner.

Claims for Relief

Count I. Statutory and Constitutional Violation under Zadvydas v. Davis

39) Petitioner repeats all allegations contained in the factual background.

40) Petitioner's freedom from imprisonment and from government custody, detention, or other forms of physical restraint are protected by the Fifth Amendment.

41) The continued detention is unreasonable and not authorize by law.

42) There is no sufficiently strong special justification in this case for indefinite civil detention.

43) Under 8 U.S.C. § 1231(a)(1)(A), Congress prescribed a 90-day removal period to regulate the execution of final removal orders, directing that removal be accomplished within that statutory time frame-90 days.

44) Under Zadvydas v. Davis, 533 U.S. 678 (2001), post-removal-period detention is presumptively limited to a period reasonably necessary to secure removal. If removal is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized. after this period, continued detention is lawful only if the Government demonstrates a significant likelihood of removal in the reasonably foreseeable future. ICE bears the burden of showing that continued detention is justified.

45) Respondents have failed to show a significant likelihood of Petitioner's removal within the reasonably foreseeable future. Petitioner's detention exceeding five months is therefore unlawful under *Zadvydas* and must end.

Count II. The Continuous Detention by ICE Violates Petitioner's Right to Fifth Amendment Due Process

46) Petitioner repeats all allegations contained in the factual background.

47) The Fifth Amendment guarantees due process. Prolonged and indefinite detention without meaningful individualized review violates substantive and procedural due process rights.

48) Respondents have deprived Petitioner of liberty without due process by continuing detention beyond the lawful period without individualized assessment, bond proceedings, or a showing that removal is reasonably foreseeable.

49) His arrest and detention by ICE violates Petitioner's procedural and substantive due-process rights under the Fifth Amendment.

Count III. Statutory Violation under 8 U.S.C. § 1231

50) Petitioner repeats all allegations contained in the factual background.

51) Petitioner's removal order becomes final on 05/29/1998.

52) An alien with a final removal order is governed by 8 U.S.C. § 1231(a). *See Johnson v. Arteaga-Martinez*, 596 U.S. 573, 578 (2022) ("8 U.S.C. § 1231, governs the detention, release, and removal of individuals 'ordered removed.'"); *Wang v. Ashcroft*, 320 F.3d 130, 145 (2d Cir. 2003) ("8 U.S.C. § 1231, governs the detention of alien who is subject to final orders of removal.").

53) Under 8 U.S.C. § 1231(a)(1)(A), Congress prescribed a 90-day removal period to regulate the execution of final removal orders, directing that removal be accomplished within that statutory timeframe-90 days.

54) Pursuant to 8 U.S.C. § 1231(a)(1)(B), the beginning of removal period shall be the date of Petitioner's final removal order, which was issued on 06/03/1998 by an immigration judge in New York City.

55) The 90-day removal period would end on approximately on 08/27/1998, which is 90 days after 05/29/1998.

56) During the 90-day removal period, Respondents had not attempted to remove Petitioner or had done anything to effectuate the removal of Petitioner as required by the Congress pursuant to 8 U.S.C. § 1231(a)(1)(A).

57) 8 U.S.C. § 1231(a)(3) provides that if the alien is not removed within the removal period, the alien should be subject to supervision by requiring the alien to appear before an immigration officer periodically.

58) 8 U.S.C. § 1231(a)(6) permits that an alien with a final removal order may be detained beyond the removal period if the Attorney General determines the alien to be a risk to the community or unlikely to comply with the order of removal.

Irreparable Harm and Family Unity

59) Petitioner repeats all allegations contained in the factual background.

60) Continued detention and potential removal will cause irreparable harm to Petitioner and Petitioner's U.S. citizen children by disrupting familial relationships. The balance of equities and public interest favor release of Petitioner.

Count IV Violation of Oath of Office

61) Petitioner repeats all allegations contained in the factual background.

62) 5 U.S.C. § 3331 requires all appointed officers of the civil service (which includes USCIS employees) to take an oath of office. This oath specifically binds them to the faithful performance of their duties.

63) 5 U.S.C. § 3331 states that an individual appointed to an office of honor or profit in the civil service must swear to "well and faithfully discharge the duties of the office on which I am about to enter".

64) Petitioner was previously detained by ICE for over two years.

65) Petitioner filed a petitioner for writ of habeas corpus in United States District Court, District of New Mexico (Las Cruces) on 9/19/2006.

66) He was released by ICE on 02/07/2007. He was placed on conditions of supervised release by ICE.

67) That petition was dismissed on 03/28/2007 as the case was moot due to his release by ICE.

68) Since his release, Petitioner has complied with ICE's requests by frequently reporting in person to an ICE office.

69) Petitioner was arrested by ICE during Petitioner's last reporting to ICE on 09/26/2025 in Miami, Florida.

70) Petitioner has been regularly reporting to ICE office in Miami, FL.

71) Approximately 19 years after his release by ICE, Petitioner was arrested and is being detained by Respondents.

72) Respondents' conduct has already demonstrated an ill-will and bad-faith in conducting Petitioner's interview and arrest.

Prayer for Relief

WHEREFORE, Petitioner respectfully prays the Court to:

73) Issue a Temporary Restraining Order and Preliminary Injunction prohibiting Respondents, ICE from removing Petitioner from the State of Florida.

74) Issue a Writ of Habeas Corpus, directing the Respondents to release Petitioner immediately unless consented by the Court.

75) Issue a Writ of Habeas Corpus, directing the Respondents not to remove Petitioner from the U.S. and not to send Petitioner to China.

76) Grant such other and further relief as this Honorable Court deems just and appropriate.

RESPECTFULLY submitted this 03/3/26

/s/ Zhou Wang
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