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10
11 **UNITED STATES DISTRICT COURT**
12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 LUJUN WANG,

14 Petitioner,

15 v.

16 MARKWAYNE MULLIN, Secretary of
17 the Department of Homeland Security, et
18 al.

19 Respondents.

No.: 26-cv-2686-JES-BJW

**Traverse in support of
petition for writ of
habeas corpus**

**[Civil Immigration Habeas,
28 U.S.C. § 2241]**

1 In his petition, Mr. Wang explained that he has been detained for six
2 months since his order of voluntary departure converted into an order of removal.
3 Dkt. 1. He argued that because ICE has not been able to remove him during this
4 time, the government cannot show that his removal is significantly likely in the
5 reasonably foreseeable future, and this Court should order his immediate release.

6 In their return, Respondents do not dispute that the six-month
7 presumptively reasonable period has expired under *Zadvydas v. Davis*, 533 U.S.
8 678 (2001). *See* Dkt. 6. But their primary argument is that Mr. Wang did not
9 cooperate in their efforts to remove him. They claim that Mr. Wang “refused to
10 board the flight at Los Angeles International Airport.” Dkt. 6 at 2. They argue that
11 ICE “scheduled a flight for his removal on April 4, 2026,” but that it was “only
12 Petitioner’s non-compliance with removal efforts which prevented his removal.”
13 Dkt. 6 at 4. They claim that Mr. Wang “refus[ed] to leave the United States” and
14 that he “should not receive a windfall in the form of release simply because he
15 refuses to remove himself from the United States.” Dkt. 6 at 4, 6. And
16 Deportation Officer Daniel Negrin claims under penalty of perjury that Mr. Wang
17 “failed to comply with removal and refused to board the plane at LAX.” Dkt. 6-3
18 at ¶ 13.

19 These statements are false. In the attached declaration, Mr. Wang agrees
20 that on April 4, 2026, ICE loaded him into a vehicle and began driving to Los
21 Angeles. *See* Exhibit C, Declaration of Lujun Wang, at ¶ 1. But Mr. Wang
22 recounts that “[a]fter we had been driving for about 20 minutes and had reached
23 San Diego, I started feeling very sick.” *Id.* at ¶ 2. Mr. Wang was “dizzy and
24 nauseous,” felt “very anxious,” and was “also very cold.” *Id.* at ¶ 2. He “tried to
25 signal to the agents that the air conditioning was too cold,” but he doesn’t “speak
26 English.” *Id.* at ¶ 2.

27 The agents “began observing [Mr. Wang] in the back seat” but “could tell
28 that [he] was not feeling well.” *Id.* at ¶ 3. After a few minutes of watching him,

1 the agents “turned the vehicle around and drove [him] back to Otay Mesa
 2 Detention Center.” *Id.* at ¶ 3. Importantly, Mr. Wang “never got anywhere near
 3 Los Angeles or the airport” and “did not refuse to board a flight,” as Respondents
 4 claim. *Id.* at ¶ 4. And as Mr. Wang explains, he could not have told the agents he
 5 wouldn’t board the flight even if he wanted to because “I don’t speak English.”
 6 *Id.* at ¶ 4.

7 Respondents provide no declarations from anyone with first-hand
 8 knowledge of this event. At best, they appear to be making false assumptions
 9 based on second- or third-hand accounts. Apart from Respondents’ unsupported
 10 accusations, there is no evidence that Mr. Wang deliberately attempted to thwart
 11 his removal by “refus[ing] to board the plane at LAX,” Dkt. 6-3 at ¶ 13—only
 12 that ICE decided not to carry out the removal due to his illness.

13 But even assuming that Mr. Wang’s illness prevented his removal,
 14 Respondents do not explain why Mr. Wang was not removed in the more than
 15 three weeks between April 4 and April 27—the time period between the date they
 16 tried to remove him and the date he filed his second habeas petition. During this
 17 time, Respondents do not dispute that there was no stay of his removal, and they
 18 could have removed Mr. Wang but did not. Accordingly, this Court should grant
 19 Mr. Wang’s petition and order his immediate release.

20 Respectfully submitted,

21
 22 Dated: May 4, 2026

s/ Kara Hartzler
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