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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DAOFEI FANG,

Petitioner,

v.

MARKWAYNE MULLIN, Secretary of
the Department of Homeland Security,
TODD BLANCHE, Acting Attorney
General, TODD M. LYONS, Acting
Director, Immigration and Customs
Enforcement, JESUS ROCHA, Acting
Field Office Director, San Diego Field
Office, JEREMY CASEY, Warden of
Otay Mesa Detention Center,

Respondents.

Case No.: 26-cv-2982-LL-DDL

**Traverse in Support of Unopposed
First Amended Petition for Writ of
Habeas Corpus**

In his First Amended Petition, Mr. Fang explained that he received conditional parole under 8 U.S.C. § 1226 in May 2024, had complied with all his conditions, and had a pending asylum application. He thus explained that his immigration arrest late last month violated due process and requested his immediate release onto his existing parole conditions. ECF No. 10.

In response, the government agrees that Mr. Fang was released “on conditional parole issued under 8 U.S.C. § 1226(a).” ECF No. 11. It also

1 “acknowledges that this Court’s prior decisions will control the result here if the
2 Court adheres to its prior decisions, as the facts are not materially distinguishable
3 for purposes of the Court’s decision, and on that basis the government does not
4 oppose the petition and defers to the Court on the appropriate relief.” ECF No. 11
5 at 2.

6 The proper remedy in this situation is for “Respondents [to be] ordered to
7 immediately release Petitioner from custody under any preexisting conditions of
8 h[is] conditional parole.” *Brizo v. Director, Imperial Regional Adult Detention*
9 *Facility*, No. 26-cv-2664-BTM-DDL, 2026 WL 1218399, *1 (S.D. Cal. May 4,
10 2026).

11 Mr. Fang thus requests this Court grant his requested relief:

- 12 1. Order Respondents to immediately release Petitioner from custody
13 under the same conditions of his conditional parole;
- 14 2. Order Respondents to return all property obtained from Petitioner
15 during his recent arrest; and
- 16 3. Order Respondents to not cause Petitioner to be re-detained during
17 the pendency of his immigration proceedings without prior leave of
18 this Court.

19
20 Respectfully submitted,

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22 Dated: May 28, 2026

s/ Jessie Agatstein
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