**IN THE UNITED STATES DISTRICT COURT**
**FOR THE MIDDLE DISTRICT OF GEORGIA**
**Columbus Division**

BOLUN FU,

*Petitioner*,

v.

JASON STREEVAL, Warden, Stewart Detention Center; LADEON FRANCIS, Field Office Director, Atlanta Field Office, U.S. Immigration and Customs Enforcement; DAVID VENTURELLA, Acting Director, U.S. Immigration and Customs Enforcement; MARKWAYNE MULLIN, Secretary of Department of Homeland Security; TODD BLANCHE, Acting Attorney General of the United States, *in their official capacities*;

*Respondents*.

Case No.

**VERIFIED PETITION FOR WRIT OF HABEAS CORPUS**

## INTRODUCTION

1. Petitioner Bolun Fu ("Mr. Fu" or "Petitioner") is a citizen and national of the People's Republic of China ("China") who has been detained by Immigration and Customs Enforcement ("ICE") at the Stewart Detention Center in Lumpkin, Georgia, since on or about August 12, 2025. He has now been detained at the Stewart Detention Center for over ten months, with no travel document or prospect for release in sight.

2. At 14 years old, in or around 1996, Mr. Fu immigrated to the United States from China with his parents, who fled China to seek asylum in the United States. Since then, he has built a life and family in the United States, working as a mechanic and raising his 17-year-old son.

3. In 2022, while detained at the Stewart Detention Center, an Immigration Judge ordered Mr. Fu removed from the United States to China. After three months, ICE released him because they were unable to deport him to China.

4. In August 2025, Mr. Fu was re-detained by ICE. In the ten months since, Mr. Fu has cooperated with all requests for information from ICE, including applying for a Chinese travel document, to no avail. He does not have a current valid Chinese passport or residency card, and accordingly, the Chinese government is unlikely or unable to issue travel documents on his behalf.

5. Mr. Fu's continued detention violates the Due Process Clause of the Fifth Amendment to the U.S. Constitution and the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1231, as his detention has exceeded the presumptively reasonable period of post-removal period detention as interpreted by the Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678 (2001), and his removal is not significantly likely in the reasonably foreseeable future.

## JURISDICTION AND VENUE

6. This Court has jurisdiction under 28 U.S.C. §§ 1331 (federal question), 2241 (habeas corpus), and the Suspension Clause, U.S. Const., Art. I, § 9, cl. 2, as Mr. Fu is currently

detained under color of the authority of the United States and such custody is in violation of the U.S. Constitution, laws, or treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. § 2241, and the All Writs Act, 28 U.S.C. § 1651.

7. Venue is proper in the United States District Court for the Middle District of Georgia pursuant to 28 U.S.C. § 1391(b)(2) and (e)(1), as Respondents reside in this District, and Mr. Fu is currently detained in this District, where a substantial part of the events or omissions giving rise to this action occurred and continue to occur, and Mr. Fu's immediate physical custodian is in this District.

**PARTIES**

8. Petitioner, Mr. Bolun Fu, is a citizen and national of China detained at the Stewart Detention Center in Lumpkin, Georgia. Mr. Fu has lived in the United States since 1996. Prior to his detention, Mr. Fu resided in Cartersville, Georgia, with his fiancée. Respondents have detained Mr. Fu at the Stewart Detention Center since on or about August 12, 2025.

9. Respondent Jason Streeval is sued in his official capacity as Mr. Fu's immediate legal and physical custodian. Respondent Streeval is the Warden of Stewart Detention Center, where Mr. Fu is currently detained.

10. Respondent LaDeon Francis is sued in his official capacity as a legal custodian of Mr. Fu. Respondent Francis is the Field Office Director of the ICE Atlanta Field Office. In his role, Respondent Francis is responsible for ICE activities in the Atlanta Area of Responsibility, which includes Georgia, and its detention facilities, including Stewart Detention Center.

11. Respondent David Venturella is sued in his official capacity as a legal custodian of Mr. Fu. As the Acting Director of ICE, Respondent Venturella is responsible for the administration

of immigration law pursuant to 8 U.S.C. § 1103.

12. Respondent Markwayne Mullin is sued in his official capacity as a legal custodian of Mr. Fu. As the Secretary of the Department of Homeland Security ("DHS"), he directs DHS and its components, which includes ICE, and is responsible for administering immigration laws pursuant to 8 U.S.C. § 1103.

13. Respondent Todd Blanche is sued in his official capacity as a legal custodian of Mr. Fu. As the Acting Attorney General of the United States, Respondent Blanche administers immigration laws pursuant to 8 U.S.C. § 1103(g), including the Executive Office of Immigration Review ("EOIR").

## STATEMENT OF FACTS

14. Mr. Fu is a 44-year-old man who was born in China and has lived in the United States since he was 14 years old. In 1996, Mr. Fu fled China and came to the United States with his family, seeking asylum.

15. Mr. Fu has lived and worked in the United States continuously since entering the country. In the past 30 years, he has never once returned to China. Over the past 30 years, he has grown up in the United States and built a life here. He has a 17-year-old son who he co-parents with his former wife, and prior to his detention, lived with his fiancée in Cartersville, Georgia, where he worked as a mechanic.

16. After arriving in the United States in 1996, his parents filed for asylum based on the persecution he and his family endured in China, listing Mr. Fu as a derivative beneficiary of their application. In or about 1997, Mr. Fu's parents were granted asylum and adjusted status to lawful permanent residents. Due to a series of unfortunate administrative errors, Mr. Fu was unable to adjust status at that time.

17. In or around 2011, Mr. Fu was arrested by ICE and detained at the Stewart Detention Center for about seven months. He was ultimately released on bond.

18. After his release from ICE custody, on or about March 7, 2012, Mr. Fu adjusted status to lawful permanent resident through his marriage to a U.S. citizen.

19. In or around 2021, Mr. Fu was detained by ICE again. While detained, he went through removal proceedings and pursued immigration relief, which was ultimately denied. On February 7, 2022, Mr. Fu was ordered removed to China, after being found removable pursuant to 8 U.S.C. § 1227(a)(2)(B)(i) for a conviction of a controlled substance violation. Mr. Fu did not appeal.

20. Mr. Fu remained detained for about three months after being ordered removed. While detained, he completed Chinese travel document applications at ICE's request.

21. In or around May 2022, Mr. Fu was released on an Order of Supervision ("OSUP") when ICE was unable to deport him to China.

22. Following his release in 2022, Mr. Fu returned to his daily life. He went back to living with his fiancée, parenting his teenage son, and working as a mechanic in Cartersville, Georgia.

23. On or about August 12, 2025, Mr. Fu was arrested by Floyd County, Georgia police for misdemeanor battery. Shortly after Mr. Fu paid bond on his criminal charges, he was transferred to ICE custody. Mr. Fu was taken to the Stewart Detention Center, where he has been detained for the past ten months.

24. Since being re-detained, Mr. Fu has complied with all of ICE's directions to assist in effectuating his removal, including by having loved ones call the Chinese Consulate on his behalf, to no avail. In or around January 2026, ICE officials directed Mr. Fu to complete another

Chinese travel document application, which requested personal and biographic information about himself and other information specific to his life in China. Mr. Fu completed that travel document application to the best of his ability, but was unable to provide certain, critical information, such as an address in China or identification number, as Mr. Fu has no address to return to in China, no identity number, and has not been back to China in the past 30 years. Because Mr. Fu immigrated to the United States thirty years ago, he lacks certain documents that the Chinese government requires to verify a person's identity, such as a national identification card or valid passport.

25. It is unknown whether ICE ever transmitted the January travel document application to the Chinese government for consideration, whether it responded, or what its response was if so. Upon information and belief, this travel document request remains pending.

26. Over the past ten months, Mr. Fu has received little communication from ICE as to whether, and when, ICE will be able to procure travel documents on his behalf, or whether he may be released. Though he consistently asks his Deportation Officer and other ICE officers at the detention center for more information, they have provided no substantive updates regarding the status of his case and have expressed that it is difficult to obtain Chinese travel documents.

27. Since being detained, Mr. Fu has had little to no opportunity to contest his detention or seek release. To date, Mr. Fu has received only one, cursory Post-Order Custody Review ("POCR") in or about March or April 2026.

28. Mr. Fu does not know when—or if—he will be deported to China. Given Mr. Fu's recent history of release due to an inability to procure travel documents, and that he does not have the requisite documents for China to issue travel documents, his removal is not significantly likely in the reasonably foreseeable future.

## LEGAL FRAMEWORK

29. Section 1231 of Title 8 of the U.S. Code governs the detention of individuals subject to a legally final order of removal. *See* 8 U.S.C. § 1231(a).

30. 8 U.S.C. § 1231 permits ICE to detain noncitizens during the "removal period," which is defined as the 90-day period during which "the Attorney General shall remove the [noncitizen] from the United States." 8 U.S.C. § 1231(a)(1)(A). The removal period begins on the latest of the following:

> (i) The date the order of removal becomes administratively final.
> (ii) If the removal order is judicially reviewed and if a court orders a stay of the removal of the [noncitizen], the date of the court's final order.
> (iii) If the [noncitizen] is detained or confined (except under an immigration process), the date the [noncitizen] is released from detention or confinement.

*Id.* § 1231(a)(1)(B).

31. If an individual is ordered removed by an Immigration Judge and files an appeal, their removal order becomes administratively final upon dismissal of an appeal by the BIA. *See* 8 C.F.R. § 1241.1(a).

32. Detention is mandatory only during the 90-day "removal period." *See* 8 U.S.C. § 1231(a)(1)(A). After the 90-day removal period, detention is no longer mandatory, and ICE may release noncitizens on an OSUP. *See* 8 U.S.C. § 1231(a)(3).

33. ICE may continue to detain some noncitizens who are not released on orders of supervision. Noncitizens who have been ordered removed because of certain criminal convictions, or those who are deemed to be "a risk to the community or unlikely to comply with the order of removal, may be detained beyond the removal period." 8 U.S.C. § 1231(a)(6). But that period of post-removal order detention is not without limits.

34. In *Zadvydas*, the Supreme Court applied the doctrine of constitutional avoidance to

hold that § 1231(a)(6) authorizes detention only for "a period reasonably necessary to bring about that [noncitizen]'s removal from the United States," which is presumptively no longer than six months. 533 U.S. at 689, 701.

35. A person's continued detention pursuant to § 1231(a)(6) is constitutionally impermissible if it is not reasonably related to the statutory purpose of ensuring the individual's prompt removal or protecting against dangerousness in certain, narrow circumstances. *Zadvydas*, 533 U.S. at 690. The justification of preventing a noncitizen's flight is "weak or nonexistent" where removal is not foreseeable, and detention based on dangerousness is only permissible "when limited to specially dangerous individuals and subject to strong procedural protections." *Id.* at 690–91.

36. To avoid the "serious constitutional problem" of indefinite civil detention under § 1231(a)(6), the *Zadvydas* Court established a rebuttable presumption regarding what constitutes a "reasonable period of detention" for noncitizens after a removal order. *Id.* at 690, 700–01. The Court determined that six months of detention could be deemed a "presumptively reasonable period of detention," after which the burden shifts to the government to justify continued detention if the noncitizen provides a "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future." *Id.* at 701.

37. The noncitizen need not show that their removal is "impossible." *Id.* at 702. Once the burden shifts to the government, the government must do more than simply claim that "good faith efforts to effectuate . . . deportation continue." *See id.* If the government fails to rebut the noncitizen's showing that there is no significant likelihood of removal in the reasonably foreseeable future, the government must release the noncitizen. *See id.*; *Singh v. Att'y Gen.*, 945 F.3d 1310, 1313–14 (11th Cir. 2019).

38. The Eleventh Circuit has distilled a noncitizen's burden under *Zadvydas* into two elements. To state a claim under *Zadvydas*, the noncitizen must show (1) detention for over six months, and (2) that there is no significant likelihood of removal in the reasonably foreseeable future. *Akinwale v. Ashcroft*, 287 F.3d 1050, 1052 (11th Cir. 2002).

39. The Constitution further imposes limits on the government's post-removal period discretionary detention authority. *Zadvydas*'s admonition against unreasonable detention is rooted in the principles "at the heart of the liberty that [the Due Process] Clause protects." 533 U.S. at 690.

40. Release is the proper remedy for unreasonably prolonged post-removal-order detention. *See id.* at 699–700 (explaining that supervised release is the appropriate relief when "the detention in question exceeds a period reasonably necessary to secure removal" because, at that point, detention is "no longer authorized by statute").

## CLAIMS FOR RELIEF

### COUNT ONE

### VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT, 8 U.S.C. § 1231
### *Detention Unreasonably Prolonged under* Zadvydas

41. Mr. Fu re-alleges and incorporates by reference each allegation contained above.

42. Mr. Fu is currently detained pursuant to 8 U.S.C. § 1231(a)(6), as he is subject to a final order of removal, and has been detained beyond the mandatory 90-day removal period under 8 U.S.C. § 1231(a)(1)(A).

43. Mr. Fu's continued detention violates 8 U.S.C. § 1231, as interpreted by *Zadvydas*.

44. ICE has detained Mr. Fu for over ten months, far in excess of the six months deemed presumptively reasonable. Since his removal order became final in 2022, Mr. Fu has faced

approximately 12 months of cumulative post-removal order detention, including the past ten consecutive months.

45. There is no significant likelihood of Mr. Fu's removal to China in the reasonably foreseeable future. Mr. Fu has been previously released from ICE detention following an inability to procure travel documents. ICE has not shown any circumstances which indicate that China is now likely to issue travel documents, indicated that it currently has travel documents for Mr. Fu, or whether it will even be able to procure travel documents for Mr. Fu.

46 Mr Fu has complied with all directions to apply for a Chinese travel document both during past periods of detention and during this current period of detention. Most recently, in or around January 2026, Mr. Fu completed a travel document request at ICE's request, which upon information and belief remains pending with the Chinese government. Since being detained, Mr. Fu's loved ones have also made efforts to contact the Chinese Consulate on Mr. Fu's behalf, to no avail.

47. In similar cases, courts have found that there is no significant likelihood of removal in the reasonably foreseeable future for similarly situated Chinese petitioners. *See, e.g., Wu v. Warden*, No. 3:26-cv-272, 2026 WL 1265512, *3–4 (M.D. Fla. May 8, 2026); *Chen v. English*, No. 3:26-cv-105, 2026 WL 962585, *2 (N.D. Ind. Apr. 9, 2026) (ordering release for petitioner detained over a year, who had previously been detained, and whose request for travel documents remained pending for nine months); *Lu v. Noem*, No. 2:25-cv-00543, 2026 WL 776139, *2 (M.D. Fla. Mar. 19, 2026); *Zeng v. Noem*, No. 1:26 cv 386, 2026 WL 621350, *3 (W.D. Mich. Mar. 5, 2026); *Yang v. Warden Jackson Parish Corr. Ctr.*, No. 25-1962, 2026 WL 503246, *2–4 (W.D. La. Feb. 6, 2026); *Pan v. Oddo*, No. 3:25-cv-265, 2025 WL 3960013, *4 (W.D. Pa. Dec. 1, 2025) (finding that, under *Zadvydas*, Chinese petitioner's removal is unlikely in the reasonably

foreseeable future where petitioner did not have a Chinese birth certificate and China was more generally "uncooperative in accepting repatriation of its citizens"); *Qui v. Carter*, No. 25-3131, 2025 WL 2770502, *4–5 (D. Kan. Sept. 26, 2025) (same, granting habeas petition under *Zadvydas* due to lack of significant likelihood of removal in the reasonably foreseeable future).

48. No "sufficiently strong special justification" exists to justify Mr. Fu's continued detention beyond the removal period and the presumptively reasonable six-month limit. *See Zadvydas*, 533 U.S. at 690–91. Mr. Fu is neither a flight risk nor danger to the community, and has shown efforts to comply with his order of removal over the past four-and-a-half years.

49. Mr. Fu's continued detention violates 8 U.S.C. § 1231, and he is entitled to immediate release from Respondents' custody.

## COUNT TWO

### VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE U.S. CONSTITUTION

***Indefinite Civil Detention***

50. Mr. Fu re-alleges and incorporates by reference each allegation contained above.

51. The Due Process Clause of the Fifth Amendment forbids the government from depriving any person of liberty without due process of law. U.S. Const. amend. V.

52. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty" that the Due Process Clause protects. *Zadvydas*, 533 U.S. at 690.

53. Civil immigration detention violates due process if it is not reasonably related to its statutory purpose. *See id.* at 690 (citing *Jackson v. Indiana*, 506 U.S. 715, 738 (1972)). 8 U.S.C. § 1231's "basic purpose" is to "effectuat[e]... removal." *Id.* at 697.

54. Prolonged civil detention violates due process unless accompanied by strong procedural protections to guard against erroneous deprivations of liberty. *See id.* at 690–91. Over the past almost eleven months of detention, Mr. Fu has received only one perfunctory custody review.

55. Mr. Fu's detention is not reasonably related to the primary statutory purpose of effectuating removal. *See id.* at 697. Mr. Fu's prolonged civil detention has extended well past the 90-day removal period and will continue indefinitely.

56. Mr. Fu's detention violates the Due Process Clause, and he should be immediately released from Respondents' custody.

## PRAYER FOR RELIEF

**WHEREFORE**, Petitioner Bolun Fu respectfully requests that the Court:

A. Assume jurisdiction over this matter;

B. Order Respondents to show cause why the writ should not be granted, to "be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed." 28 U.S.C. § 2243;

C. Expedite consideration of this action pursuant to 28 U.S.C. § 1657 because it is an action brought under chapter 153 (habeas corpus) of Title 28;

D. In the event that this Court determines that a genuine dispute of material fact exists regarding the likelihood of Petitioner's removal in the reasonably foreseeable future, or regarding any other material factual issue, schedule an evidentiary hearing pursuant to 28 U.S.C. § 2243. *See Singh*, 945 F.3d at 1315–16;

E. Declare that Petitioner's detention is unreasonable pursuant to *Zadvydas* and violates the Immigration and Nationality Act;

F. Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment of the U.S. Constitution;

G. Grant a Writ of Habeas Corpus, ordering Respondents to immediately release Petitioner

from their custody based on any or all of the findings above;

H. Award Petitioner's costs and reasonable attorneys' fees in this action as provided for by the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412; and

I Grant such further relief as the Court deems just and proper

Dated. July 2, 2026

Respectfully submitted,

*/s/ Alexandra M. Smolyar*

Alexandra M. Smolyar, GA Bar No. 419582
Meredyth Yoon, GA Bar No. 204566
Samantha C. Hamilton, GA Bar No. 326618
Asian Americans Advancing Justice - Atlanta
5680 Oakbrook Parkway, Suite 148
Norcross, GA 30093
T: (470) 816-3329
asmolyar@advancingjustice-atlanta.org
myoon@advancingjustice-atlanta.org
shamilton@advancingjustice-atlanta.org

**VERIFICATION PURSUANT TO 28 U.S.C. § 2242**

I hereby verify that the facts set forth in the foregoing Verified Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge, information, and belief.

Dated: July 2, 2026

*/s/ Alexandra M. Smolyar*
Alexandra M. Smolyar
*Counsel for Petitioner*

**CERTIFICATE OF SERVICE**

I, undersigned counsel, hereby certify that I filed this Petition for Habeas Corpus and all attachments using the CM/ECF system, which will send a notice of this filing to all participants in this case. I hereby certify that I have served all parties electronically or by another means authorized by Federal Rule of Civil Procedure 5(b)(2).

Dated: July 2, 2026

Respectfully submitted,

*/s/ Alexandra M. Smolyar*
Alexandra M. Smolyar