

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

TONG QI LU,)	
)	
Petitioner,)	
)	
v.)	
)	2:26-cv-00041-SDN
KEVIN JOYCE,)	
<i>Sheriff,</i>)	
<i>Cumberland County, et al.,</i>)	
)	
Respondents.)	
)	

ORDER TO SHOW CAUSE

On January 22, 2026, Petitioner Tong Qi Lu filed a verified petition for a writ of habeas corpus under 28 U.S.C. § 2241 and a motion for a temporary restraining order (“TRO”). ECF Nos. 1, 2.

According to the verified petition, Mr. Lu is a noncitizen who fled political persecution in China before coming to the U.S. in 1990. ECF No. 1 at 4. In 1998, he sought an adjustment of status based on his marriage to a U.S. citizen, but he did not attend the requisite hearing before an Immigration Judge. *Id.* at 14–15. On April 14, 1999, he received a final order of removal, which he did not appeal. *Id.* at 15. He subsequently lived and worked in Maine for more than twenty years; he has three children. *Id.* In 2020, U.S. Immigration and Customs Enforcement (“ICE”) arrested him, before subsequently releasing him on an order of supervised release, and told him that his adult daughter should file an I-130 petition for an adjustment of his status once she turned 21. *Id.* at 16. He has since attended all required check-ins with ICE, and his daughter filed an I-130 petition which is still pending. *Id.* at 17.

On April 5, 2025, Mr. Lu was arrested by a Maine State Trooper for alleged trespassing, although he was not charged with a crime. *Id.* He was then transferred to ICE custody at Cumberland County Jail.¹ *Id.* at 18. On April 7, 2025, he was provided with a “Notice of Revocation of Release,” although it did not describe any particularized circumstances as to why he needed to be re-detained. *Id.* Two months later, on May 27, 2025, ICE requested that Mr. Lu complete a travel document authorization form to facilitate his removal to China. *Id.* at 19. Mr. Lu did not submit the completed form until June or July 2025. *Id.* To date, ICE has not provided Mr. Lu with a travel document and claims they have not heard back from the Chinese embassy. *Id.* at 20.

Petitioner seeks, among other remedies, a writ of habeas corpus ordering his immediate release and a declarative order that his detention is unlawful because his removal to a third country is not reasonably foreseeable. *See id.* at 33, 36–37. His TRO also seeks an emergency restraining order prohibiting his transfer out of the District of Maine during these proceedings on the ground that ICE is urgently attempting to move him and other detainees at Cumberland County Jail to another detention facility out-of-state. ECF No. 2 at 1–2.

To ensure that I can assess the merits of the petition, Respondents are **ENJOINED** from removing Petitioner from the jurisdiction of the United States or transferring Petitioner to a judicial district outside that of Maine pending further order of the Court.

¹ Because Mr. Lu currently is detained in Maine, I find this Court retains jurisdiction over the habeas matter. *See Ozturk v. Trump*, 777 F. Supp. 3d 26, 35 (D. Mass. 2025) (“[A]s a general matter, a habeas petitioner must file his or her petition in the district of confinement.”).

Respondents are further **ORDERED** to inform the Court of Mr. Lu's whereabouts and current detention facility before 4 p.m. on January 23, 2026.

Respondents are **ORDERED TO SHOW CAUSE** as to the basis for Petitioner's detention by January 26, 2026. *See* 28 U.S.C. § 2243.

If the Petitioner seeks to respond, he is **ORDERED** to file a response by January 28, 2026. *See id.* If he does not intend to file a response, he should inform the Court as soon as practicable.

SO ORDERED.

Dated this 23rd day of January, 2026.

/s/ Stacey D. Neumann
UNITED STATES DISTRICT JUDGE