

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

HAIGUANG ZHENG,

Petitioner,

No. 26-cv-01689

v.

ERIC ROKOSKY, et al.,

Respondents.

ORDER

THIS MATTER comes before the Court by way of Petitioner’s counseled Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. (ECF No. 1); and

WHEREAS, Petitioner is a native and citizen of China who alleges that he entered the United States on or about September 18, 2023. (*Id.* at ¶¶ 8, 39). He was initially detained but then released on his own recognizance. (*Id.*) He filed an application for asylum, claiming a fear of persecution if returned to China. (*Id.*) He has no criminal record and alleges he complied with all of his reporting requirements. (*Id.*); and

WHEREAS, Petitioner was detained by Immigration and Customs Enforcement (“ICE”) agents on October 11, 2025. (*Id.* at ¶ 40). He remains detained at Elizabeth Detention Facility in New Jersey. (*Id.* at ¶ 9); and

WHEREAS, Petitioner previously petitioned this Court for a writ of habeas corpus on November 10, 2025, and the Court determined on November 18, 2025, that Petitioner’s mandatory detention under 8 U.S.C. § 1225 was unlawful and ordered Respondents to provide Petitioner with a bond hearing as required by § 1226. *Zheng v. Bondi*, No. 25-17329 (D.N.J. Dec. 8, 2025), ECF

Nos. 1, 8. Since that date, an order of removal has been entered on November 24, 2025, (Ex., ECF No. 1-5), which is not final and remains on appeal, (Ex., ECF No. 1-6); and

WHEREAS, Petitioner was subsequently provided a bond hearing and bond was denied. (*Zheng*, No. 25-17329, ECF No. 13); and

WHEREAS, Petitioner now alleges that the bond hearing he received was constitutionally deficient and, among other grounds, violated the Fifth Amendment's Due Process Clause because the Immigration Judge "failed to meaningfully evaluate Petitioner's extensive record of compliance with all immigration court appearances and ICE reporting requirements," "failed to give appropriate weight to Petitioner's lack of any criminal history, as confirmed by the Government's own Form I-213," and "failed to conduct a genuine individualized assessment of flight risk or danger." (Pet., ECF No. 1 at ¶ 52); and

WHEREAS, since Petitioner was previously released on his own recognizance, it appears clear to the Court that "immigration officials have already determined that Petitioner is not a flight risk or danger to the community," *Singh v. Baltazar*, No. 26-00336, 2026 WL 352870, at *3 (D. Colo. Feb. 9, 2026), and there appears to have been no material change in circumstances since that determination which would render re-detention necessary; and

WHEREAS, Petitioner's bond hearing must have been fundamentally fair, which means Petitioner "(1) is entitled to factfinding based on a record produced before the decisionmaker and disclosed to him or her; (2) must be allowed to make arguments on his or her own behalf; and (3) has the right to an individualized determination of his [or her] interests." *Ghanem v. Warden Essex Cnty. Corr. Facility*, No. 21-1908, 2022 WL 574624, at *2 (3d Cir. Feb. 25, 2022); and

WHEREAS, Petitioner alleges the bond hearing provided did not meet these requirements and was otherwise a *fait accompli*, as Respondents are simply detaining persons for the sake of

detention;

IT IS HEREBY on this 5th day of March, 2026,

ORDERED that Respondents shall file and serve an expedited answer **by 12:00 p.m. on March 9, 2026**, which shall respond to the Petition paragraph by paragraph, and a legal memorandum, or letter brief, which

- (1) identifies the specific statutory or other legal authority upon which they rely for any assertion that Petitioner's continued detention is lawful and that the bond hearing provided was constitutionally sufficient;
- (2) identifies whether there is a final order of removal for Petitioner and, if so,
 - a. the date thereof;
 - b. the total number of days detained and the specific dates thereof (including the cumulative amount of days of detention for any separate periods of detention);
 - c. all efforts made since the date of the final order of removal to effectuate Petitioner's removal and the results thereof;
 - d. all efforts made since the date of Petitioner's detention to effectuate Petitioner's removal and the results thereof;
- (3) sets forth any and all alleged changed circumstances upon which Respondents claim Petitioner's continued detention is necessary and lawful;
- (4) provides
 - a. a full and complete copy of any decision of the immigration court as to bond;
 - b. a full and complete copy of any transcript (recorded or transcribed) of any such proceedings; and
 - c. the factual and legal basis upon which they claim any such proceeding was fundamentally fair.
- (5) identifies the current status of any and all immigration proceedings related to Petitioner, including but not limited to his application for asylum;
- (6) to the extent not specified above, otherwise fully responds to the allegations and grounds in the Petition, on a paragraph-by-paragraph basis, and includes all affirmative

defenses Respondents seek to invoke; and

(7) serves with the response and/or answer a certification attesting as to the completeness and authenticity of all documents produced and information provided in response to this Order; and it is further

ORDERED that to the extent Respondents contend that Petitioner has a criminal history that warrants detention, Respondents shall provide the Court with copies of all records and documents retrieved from any federal, state, or local database searched in connection with Petitioner's detention, including, without limitation, USCIS's Central Index System ("CIS"), the ENFORCE Alien Removal Module ("EARM"), the Integrated Automated Fingerprint Identification System ("IAFIS"), the National Crime Information Center ("NCIC"), any state judiciary databases, and any other internal agency databases; and it is further

ORDERED that Respondents shall conduct a complete inventory of all personal property belonging to Petitioner that was seized at the time of initial arrest—including, but not limited to, any driver's license, passport, immigration documents, currency, or cellphone—and shall take all reasonable steps to safeguard and preserve such property pending further Order of the Court; and it is further


ORDERED that Respondents shall file a certification from a responsible official with personal knowledge confirming that a full inventory has been completed and that the property is being safeguarded and preserved, including the chain of custody from the place of initial arrest to the place of current detention; and it is further

ORDERED that, given that Petitioner has already been detained for a period of time, failure to comply with this Order shall result in an Order of immediate release without further notice or an opportunity to be heard; and it is further

ORDERED that because the Petitioner is currently detained by Immigration and Customs Enforcement in the State of New Jersey, and the Court has issued an expedited briefing schedule, to preserve the status quo, including Petitioner's continued access to counsel, during the briefing and hearing process and until the Court issues a decision in this matter, and pursuant to the All Writs Act, 28 U.S.C. § 1651, Petitioner shall remain in the State of New Jersey and shall not be transferred outside the State of New Jersey until further order of the Court; and it is further

ORDERED that the Clerk of the Court shall serve a copy of the Petition, (ECF No. 1), and this Order upon Respondents by regular mail, with all costs of service advanced by the United States; and it is finally

ORDERED that the Clerk of the Court shall forward a copy of the Petition, (ECF No. 1), and this Order to the Chief, Civil Division, United States Attorney's Office, at the following email address: USANJ-HabeasCases@usdoj.gov.


CHRISTINE P. O'HEARN
United States District Judge