

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 for the second time 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. (Answer, ECF No. 6-1 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. (*Id.*) Petitioner alleges he complied with all his reporting requirements. (Pet., ECF No. 1 at ¶¶ 8, 39); and

WHEREAS, Petitioner was detained by Immigration and Customs Enforcement (“ICE”) agents on October 11, 2025, at a previously scheduled routine check-in appointment. (*Id.*; Answer, ECF No. 6-1 at ¶ 8; Gov’t Ex. E). He remains detained in New Jersey. (Answer, ECF No. 6-1 at ¶ 8); and

WHEREAS, Petitioner first petitioned this Court for a writ of habeas corpus on November 10, 2025, and the Court held on November 18, 2025, that Petitioner’s mandatory detention under 8 U.S.C. § 1225 was unlawful, and that he could only be detained pursuant to 8 U.S.C. § 1226,

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 was entered on November 24, 2025, which is not final and remains on appeal. (Gov't Resp., ECF No. 6 at 2; Pet. Ex., ECF No. 1-5); and

WHEREAS, Petitioner was provided a bond hearing pursuant to the Court's Order and bond was denied. (*Zheng*, No. 25-17329, ECF No. 13); and

WHEREAS, Petitioner alleges that the bond hearing he received was constitutionally deficient and violated the Fifth Amendment's Due Process Clause. (Pet., ECF No. 1 at ¶ 52); and

WHEREAS, this Court has jurisdiction to determine whether Petitioner's bond hearing was fundamentally fair and comported with due process, 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, on March 5, 2026, this Court ordered Respondents to file an expedited answer by March 9, 2026, at 12:00 p.m., providing, among other things, the full decision and transcript from Petitioner's bond hearing as well as the factual and legal basis upon which Respondents assert that the hearing was fundamentally fair, (ECF No. 4); and

WHEREAS, Respondents filed an answer and letter response on March 9, 2026, which

they acknowledge is incomplete and does not fully respond to the Court’s Order.¹ (ECF No. 6 at 2); and

WHEREAS, the Court subsequently held a hearing on March 10, 2026; and

WHEREAS, Respondents continued to assert at Petitioner’s bond hearing that Petitioner was “properly detained” under § 1225 and that the Immigration Judge thus lacked “authority to redetermine” Petitioner’s custody pursuant to the Board of Immigration Appeals’ decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), (ECF No. 6-5 at 4–5), despite this Court’s previous Order, which was clear and unambiguous, holding that his detention under § 1225 was unlawful and that Petitioner had to be detained under § 1226; and

WHEREAS, the Immigration Judge determined that she lacked “jurisdiction for bond,” yet thereafter supposedly also determined that Petitioner, though not a danger to the community, presented a “significant flight risk,” without any explanation whatsoever for the basis of her decision. (*Id.* at 6; *see also* ECF No. 6-4); and

WHEREAS, the Government concedes that the Immigration Judge “did not provide an analysis as to why she reached that decision” and that it was “unclear” how she reached that decision. (Hearing Tr. at 3-4); and

WHEREAS, the Government further concedes that it was improper for the Government counsel to state, and for the Immigration Judge to consider, that Petitioner was detained under

¹ The Court is compelled to address a broader and increasingly troubling pattern which many other courts across the country have identified. Respondents have persistently failed to comply with lawful orders of federal district courts—conduct that can no longer be attributed to mere oversight, but is more accurately described as reckless disregard for judicial authority, if not willful noncompliance. *See Cartagena Hueso v. Soto*, No. 26-1455, slip op. at 6 (D.N.J. Feb. 26, 2026) (“[W]hile the procedures for the Government’s immigration arrest and detention may have had the initial appearance of negligence, they have since slid downward into manifest recklessness.”). *See also* Order to Show Cause, *Singh v. Tsoukaris*, No. 26-cv-01531 (D.N.J. filed Feb. 17, 2026), ECF No. 10.

§ 1225(b) and that she lacked jurisdiction. (*Id.* at 25); and

WHEREAS, while Respondents further represented to the Immigration Judge that Petitioner “has no documented history of reporting in court,” (ECF No. 6-5 at 6), the Government concedes that it has no evidence to claim that Petitioner was ever required to report in court and failed to do so, (Hearing Tr. at 5), and has otherwise now provided no factual or good faith basis for that assertion; and

WHEREAS, for the foregoing reasons and for the reasons to be set forth in the Court’s forthcoming Opinion, the Court finds that Respondents flagrantly violated its previous Order by continuing to assert that Petitioner was mandatorily detained under § 1225 and that the Immigration Judge lacked jurisdiction to consider bond even though this Court found § 1225 inapplicable to him; and

WHEREAS, for this reason and others, the Court finds that Respondents failed to provide Petitioner with a fundamentally fair bond hearing in further violation of his rights under the Due Process Clause of the Fifth Amendment;

IT IS HEREBY on this 11th day of March, 2026,

ORDERED that Petitioner’s § 2241 Petition is **GRANTED**; Respondents shall **on this date IMMEDIATELY RELEASE** Petitioner under the same conditions, if any, that existed prior to his detention, including, but not limited to, release: (1) in the State of New Jersey, if Petitioner was initially arrested in New Jersey, or else as close to the place of initial arrest as reasonably practicable within 24 hours; (2) without the imposition of additional conditions (such as ankle monitors or electronic tracking devices); and (3) with all clothing and outerwear worn at the time of initial arrest, or other appropriate attire; and it is further

ORDERED that Respondents shall return to Petitioner all personal property belonging to

Petitioner—including, but not limited to, any driver’s license, passport, immigration documents, currency, or cellphone—that was seized at the time of initial arrest and that is currently in their custody, possession, or control, whether maintained directly by Respondents or by any contracted or affiliated facility, and that such property shall be returned in the same condition as it existed immediately prior to Petitioner’s arrest; and it is further

ORDERED that Respondents shall file a letter on the docket confirming the date, time, and location of Petitioner’s release and certifying that the conditions set forth above have been satisfied; and it is further

ORDERED that Respondents are **PERMANENTLY ENJOINED** from rearresting or otherwise detaining Petitioner under § 1225, which this Court has found inapplicable to him; and it is further

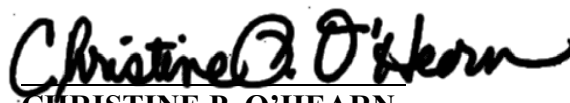
ORDERED that Respondents shall not arrest, detain, or otherwise take Petitioner into custody under § 1226(a) for a period of fourteen (14) days following his release, so as to ensure full effectuation of this Court’s judgment and to prevent circumvention of the relief granted; and

ORDERED that if Respondents re-detain Petitioner under § 1226(a), they shall provide him with a bond hearing as soon as reasonably practicable at which the Government shall bear the burden of proof by clear and convincing evidence; and

ORDERED that, to the extent that Respondents seek to re-arrest or otherwise re-detain Petitioner under any statutory authority, including but not limited to §§ 1225 or 1226, this Court shall retain jurisdiction over the matter and Petitioner may move to reopen these proceedings before this Court without the need to file a new habeas petition; and it is further

ORDERED that Petitioner shall file any application for attorneys’ fees under the Equal Access to Justice Act, 28 U.S.C. § 2412, within fourteen (14) days of the entry of this Order. *See*

Michelin v. Warden Moshannon Valley Corr. Ctr., ___ F.4th ___, No. 24-2990, 2026 WL 263483, at *1 (3d Cir. Feb. 2, 2026).


CHRISTINE P. O'HEARN
United States District Judge