

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF  
LOUISIANA, ALEXANDRIA DIVISION

Xiong Zeng v. Judge James D. Cain, Jr., DHS/ICE, and Magistrate  
Judge Hornsby

Zeng · No. 26-142-P · Decided March 10, 2026

SUMMARY

This Report and Recommendation addresses Xiong Zeng’s pro se petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging his immigration detention. The magistrate judge recommends dismissal without prejudice for failure to prosecute because an order directing amended pleadings was returned as undeliverable and the petitioner did not provide a correct address.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                           |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Western District of Louisiana, Alexandria Division                                                                                                                                                                   |
| WRITING FOR THE COURT | Mark L. Hornsby                                                                                                                                                                                                                                           |
| JURISDICTION          | United States District Court for the Western District of Louisiana, Alexandria Division                                                                                                                                                                   |
| DECIDED               | March 10, 2026                                                                                                                                                                                                                                            |
| DOCKET                | 26-142-P                                                                                                                                                                                                                                                  |
| DISPOSITION           | dismissed                                                                                                                                                                                                                                                 |
| PROCEDURAL POSTURE    | Pro se immigration detainee filed a 28 U.S.C. § 2241 petition challenging his detention. The matter was referred to a magistrate judge, who issued a report and recommendation proposing sua sponte dismissal without prejudice for failure to prosecute. |
| PRECEDENTIAL VALUE    | nonprecedential                                                                                                                                                                                                                                           |
| PARTIES               | Xiong Zeng v. Judge James D. Cain, Jr., DHS/ICE, Magistrate Judge Hornsby                                                                                                                                                                                 |

TOPICS

- federal habeas corpus
- immigration detention
- civil procedure
- remedies

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether the petition should be dismissed without prejudice for failure to prosecute when the petitioner failed to maintain a correct address and did not comply with an order to amend his pleadings.

## HOLDINGS

1. The magistrate judge recommended that the § 2241 petition be dismissed without prejudice, sua sponte, because petitioner failed to prosecute the action by not providing a correct address or responding to the order requiring amended pleadings.

## KEY QUOTATIONS

*“IT IS RECOMMENDED that this petition be DISMISSED WITHOUT PREJUDICE, sua sponte, for failure to prosecute, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure as interpreted by the court and under the court's inherent power to control its own docket.” (at 1)*

## FACTUAL BACKGROUND

Xiong Zeng, an immigration detainee held at Winn Correctional Center in Louisiana, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging his detention. The court ordered him to file amended pleadings, but the order was returned by the Postal Service as undeliverable. Zeng did not provide the court with a correct address or otherwise respond.

## PROCEDURAL HISTORY

Petitioner filed the habeas petition on January 16, 2026, while detained at Winn Correctional Center. The court ordered him to file amended pleadings within 30 days, but the order was returned as undeliverable because the address or identifying number was incorrect. Petitioner did not provide a corrected address or otherwise communicate with the court, leading the magistrate judge to recommend dismissal without prejudice.

## DISPOSITION

dismissed

## CASES CITED

- Link v. Wabash Railroad Co., 370 U.S. 626, 82 S. Ct. 1386 (1962)
- Rogers v. Kroger Co., 669 F.2d 317, 320-321 (5th Cir. 1982)
- Douglas v. U.S.A.A., 79 F.3d 1415 (5th Cir. 1996) (en banc)

## OPINION

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION XIONG ZENG CIVIL ACTION NO. 26-142-P VERSUS JUDGE

JAMES D. CAIN, JR. DHS/ICE MAGISTRATE JUDGE HORNSBY REPORT AND RECOMMENDATION In accordance with the standing order of this court, this matter was referred to the undersigned Magistrate Judge for review, report, and recommendation.

STATEMENT OF CLAIM Before the court is a petition for writ of habeas corpus filed by pro se petitioner Xiong Zeng (“Petitioner”), pursuant to 28 U.S.C. §2241. This petition was filed in this court on January 16, 2026. Petitioner, an immigration detainee, was detained in the Winn Correctional Center in Winnfield, Louisiana, when he filed this petition. He challenges his detention.

Petitioner names DHS/ICE as respondent. Petitioner was ordered on January 20, 2026 to file, within 30 days of the service of the order, amended pleadings (Doc. 3). However, that order was returned to this court on February 10, 2026, by the United States Postal Service marked “RETURNED TO SENDER -NEED A # Not Correct-UNKNOWN.” To date, Plaintiff has not informed this court of a correct number or address.

Accordingly; IT IS RECOMMENDED that this petition be DISMISSED WITHOUT PREJUDICE, sua sponte, for failure to prosecute, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure as interpreted by the court and under the court's inherent power to control its own docket. See *Link v. Wabash Railroad Company*, 370 U.S. 626, 82 S.Ct. 1386 (1962); *Rogers v. Kroger Company*, 669 F.2d 317, 320-321 (5th Cir.

1982). OBJECTIONS Under the provisions of 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72(b), parties aggrieved by this recommendation have fourteen (14) days from service of this Report and Recommendation to file specific, written objections with the Clerk of Court unless an extension of time is granted under Fed. R. Civ. P. 6(b). A party may respond to another party’s objections within fourteen (14) days after being served with a copy thereof.

Counsel are directed to furnish a courtesy copy of any objections or responses to the District Judge at the time of filing. A party’s failure to file written objections to the proposed findings, conclusions and recommendation set forth above, within fourteen (14) days after being served with a copy shall bar that party, except upon grounds of plain error, from attacking on appeal the proposed factual findings and legal conclusions that were accepted by the district court and that were not objected to by the aforementioned party.

See *Douglas v. U.S.A.A.*, 79 F.3d 1415 (5th Cir. 1996) (en banc). Page 2 of 3 THUS DONE AND SIGNED, in chambers, at Shreveport, Louisiana, on this 10th day of March 2026. Mark L. Hornsby U.S. Magistrate Judge Page 3 of 3