

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Chunbiao Xu v. Pamela Bondi, et al.

Xu · No. 2:25-cv-16274 (BRM) · Decided January 6, 2026

SUMMARY

The United States District Court for the District of New Jersey granted Chunbiao Xu’s 28 U.S.C. § 2241 petition challenging his prolonged detention following a final order of removal. Applying *Zadvydas v. Davis*, the Court held that Respondents failed to show a significant likelihood of Xu’s removal in the reasonably foreseeable future and ordered his release under the prior conditions of supervision. The Court also prohibited Respondents from re-detaining Xu unless that likelihood exists.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Brian R. Martinotti
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	January 6, 2026
DOCKET	2:25-cv-16274 (BRM)
DISPOSITION	granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging prolonged detention following a final order of removal.
STANDARD OF REVIEW	The court evaluated whether continued detention under 8 U.S.C. § 1231 violated due process and whether the government rebutted the petitioner's showing under <i>Zadvydas v. Davis</i> that removal was not reasonably foreseeable.
PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Chunbiao Xu v. Pamela Bondi, et al.

TOPICS

- immigration detention
- federal habeas corpus
- removal proceedings
- due process
- equitable relief

PRACTICE AREAS

- immigration law
- federal habeas corpus
- immigration detention
- remedies

QUESTIONS PRESENTED

1. Whether Xu's continued post-removal-order detention under 8 U.S.C. § 1231 violated the statute and due process because his removal was not likely in the reasonably foreseeable future.
2. Whether the government rebutted Xu's showing that there was no significant likelihood of his removal in the reasonably foreseeable future.
3. Whether Xu was entitled to release under an order of supervision and protection against re-detention absent a significant likelihood of removal in the reasonably foreseeable future.

HOLDINGS

1. Under *Zadvydas v. Davis*, post-removal-order detention is limited to the period reasonably necessary to accomplish removal; after six months, once the detainee provides good reason to believe that removal is not significantly likely in the reasonably foreseeable future, the government must produce evidence rebutting that showing.
2. A detainee's failure personally to obtain a travel document does not defeat a *Zadvydas* claim absent evidence that the detainee actively impeded the government's efforts to obtain the document.
3. Xu was entitled to release under an order of supervision because the government failed to establish a significant likelihood of removal in the reasonably foreseeable future.

KEY QUOTATIONS

“Once removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute, and the alien must be released.” (699)

“After this 6-month period, once the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing.” (701)

FACTUAL BACKGROUND

Xu, a Chinese national, entered the United States in approximately January 2002 and received a final removal order in March 2011 after pleading guilty to conspiracy to harbor illegal aliens for commercial and financial gain. He was released under an order of supervision and complied with reporting requirements for approximately fourteen years. ICE detained him during a March 2025 supervision check-in, but the government did not provide the notice stating the basis for revocation or evidence that it had actually obtained a travel document. Xu remained detained for nearly nine months without evidence that China would issue a travel document or that the government was actively securing one.

PROCEDURAL HISTORY

Xu was ordered removed by an immigration judge in March 2011 and was released under an order of supervision after the ninety-day removal period. ICE detained him again on March 28, 2025. After an unsuccessful custody redetermination and unsuccessful motion to reopen the removal proceeding, Xu filed this § 2241 petition on October 6, 2025. The district court granted the petition and ordered his release under the pre-detention conditions of supervision.

DISPOSITION

granted

REMAND INSTRUCTIONS

Respondents must release Xu under the same conditions of release that existed immediately before his March 28, 2025 re-detention. Respondents are prohibited from re-detaining Xu unless there is a significant likelihood of his removal in the reasonably foreseeable future.

CASES CITED

- *Maleng v. Cook*, 490 U.S. 488, 490 (1989)
- *Spencer v. Kemna*, 523 U.S. 1, 7 (1998)
- *Braden v. 30th Judicial Circuit Court*, 410 U.S. 484, 494-95, 500 (1973)
- *Zadvydas v. Davis*, 533 U.S. 678, 689, 699, 701 (2001)
- *Resil v. Hendricks*, No. 11-2051 (JLL), 2011 WL 2489930, at *5 (D.N.J. June 21, 2011)
- *Pelich v. INS*, 329 F.3d 1057, 1059-60 (9th Cir. 2003)