

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII

Yujing Shentu v. Director, ICE Honolulu Field Office

Civil No. 26-00137 DKW-RT (D. Haw. May 12, 2026) · No. Civil No. 26-00137 DKW-RT · Decided May 12, 2026

SUMMARY

The United States District Court for the District of Hawaii denied Yujing Shentu’s emergency motion under Federal Rule of Civil Procedure 59(e) to alter or amend the judgment dismissing her 28 U.S.C. § 2241 habeas action for lack of jurisdiction. The court held that her Intensive Supervision Appearance Program conditions did not constitute custody and that her asserted risk of imminent arrest following a Board of Immigration Appeals bond decision was speculative.

CASE DETAILS

COURT	United States District Court for the District of Hawaii
WRITING FOR THE COURT	Derrick K. Watson
JURISDICTION	United States District Court for the District of Hawaii
DECIDED	May 12, 2026
DOCKET	Civil No. 26-00137 DKW-RT
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner moved under Federal Rule of Civil Procedure 59(e) to alter or amend the judgment dismissing her 28 U.S.C. § 2241 habeas action for lack of jurisdiction.
STANDARD OF REVIEW	A Rule 59(e) motion is an extraordinary remedy available for newly discovered evidence, clear error, or an intervening change in controlling law; it is to be used sparingly in the interests of finality and conservation of judicial resources.
PRECEDENTIAL VALUE	Nonprecedential district court order; supplied metadata lists precedential status as unknown.
PARTIES	Yujing Shentu v. Director, ICE Honolulu Field Office

TOPICS

- federal habeas corpus
- immigration detention
- motion for reconsideration
- immigration
- subject matter jurisdiction

PRACTICE AREAS

immigration

federal habeas corpus

civil procedure

QUESTIONS PRESENTED

1. Whether the conditions imposed on Shentu through the Intensive Supervision Appearance Program constituted custody under 28 U.S.C. § 2241 and demonstrated clear error in the prior dismissal.
2. Whether the Board of Immigration Appeals decision revoking Shentu's bond constituted newly discovered evidence establishing that her arrest was imminent and that she was in custody under § 2241.
3. Whether the judgment should be altered or amended under Federal Rule of Civil Procedure 59(e).

HOLDINGS

1. The conditions described by Shentu, including electronic monitoring, warrantless home entries, and travel restrictions, did not establish the significant restraint necessary to satisfy § 2241's custody requirement and did not show clear error in the prior dismissal.
2. The BIA's decision revoking Shentu's bond did not establish that her arrest was imminent; her assertion of imminent arrest was speculative and therefore did not establish custody or habeas jurisdiction.
3. The Rule 59(e) motion was denied because Shentu did not establish clear error, newly discovered evidence sufficient to alter the judgment, or another recognized basis for extraordinary relief.

KEY QUOTATIONS

“A Rule 59(e) motion is an extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources.” (PageID.312)

“Although Shentu is correct that the phrase “in custody” includes “both physical detention and other restraints on a [person’s] liberty, restraints not shared by the public generally,” such restraints must be “significant,”” (PageID.313–314)

“Thus, even in light of the BIA’s April 27, 2026 decision, Shentu’s assertion that arrest is imminent is speculative.” (PageID.321)

FACTUAL BACKGROUND

Shentu was subject to conditions under the Intensive Supervision Appearance Program, including continuous electronic monitoring, warrantless entries into her home, and travel restrictions. An immigration judge had granted her request for a change in custody status and released her upon payment of bond, but the Board of Immigration Appeals later vacated that decision. Although her arrest was authorized and possible, she presented no facts showing that immigration officers had taken steps to arrest her or that an arrest would occur on a particular timetable.

PROCEDURAL HISTORY

The court dismissed Shentu's habeas action on April 27, 2026, concluding that she was not in custody for purposes of 28 U.S.C. § 2241, and entered judgment the same day. Shentu moved to alter or amend the

judgment, arguing that conditions imposed through the Intensive Supervision Appearance Program satisfied the custody requirement and that a Board of Immigration Appeals decision revoking her bond made her arrest imminent. The Government opposed the motion, Shentu filed a reply through counsel, and the court denied the Rule 59(e) motion, leaving the case closed.

DISPOSITION

dismissed

CASES CITED

- Kaufmann v. Kijakazi, 32 F.4th 843, 850 (9th Cir. 2022)
- Alefosio v. American Samoa Government, No. 24-cv-00196-DKW-KJM, 2024 WL 3090178, at *1 n.1 (D. Haw. June 21, 2024), appeal dismissed, No. 24-4071, 2024 WL 4490653 (9th Cir. Aug. 13, 2024)
- Veltmann-Barragan v. Holder, 717 F.3d 1086, 1088 (9th Cir. 2013)
- Munoz v. Smith, 17 F.4th 1237, 1241 (9th Cir. 2021)
- Ba v. Lyons, No. 3:25-cv-2871-CAB-BJW, 2026 WL 218936 (S.D. Cal. Jan. 27, 2026)
- J.P. v. Santacruz, No. 8:25-cv-01640-FWS-JC, 2025 WL 2633198 (C.D. Cal. Aug. 27, 2025)
- Banos v. Asher, No. C16-1454 JLR, 2017 WL 2983060, at *4 (W.D. Wash. July 11, 2017)
- Jeffredo v. Macarro, 599 F.3d 913, 920 (9th Cir. 2010)
- Wang v. United States Department of Homeland Security, No. CV 26-00009 MWJS-KJM, 2026 WL 452343, at *4 (D. Haw. Feb. 17, 2026)