

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

Jiqin Yang v. Warden, Jackson Parish Correctional Center, et al.

Civil Action No. 25-1962, Section P (W.D. La. Feb. 6, 2026) (report and recommendation) · No. 3:25-cv-01962;  
Civil Action No. 25-1962, Section P · Decided February 6, 2026

SUMMARY

This Report and Recommendation addresses Jiqin Yang’s 28 U.S.C. § 2241 petition challenging his continued immigration detention and the conditions of his confinement. The magistrate judge recommends granting release under reasonable conditions of supervision because the government did not establish a significant likelihood of removal in the reasonably foreseeable future under Zadvydas v. Davis. The recommendation further advises dismissing Yang’s medical-care and conditions-of-confinement claims without prejudice to pursuing them in a separate civil rights action.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Western District of Louisiana, Monroe Division                                                                                                                                                                                                                                                                                                                                                                                                   |
| WRITING FOR THE COURT | Kayla D. McClusky, United States Magistrate Judge                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| JURISDICTION          | United States District Court for the Western District of Louisiana, Monroe Division                                                                                                                                                                                                                                                                                                                                                                                                   |
| DECIDED               | February 6, 2026                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| DOCKET                | 3:25-cv-01962; Civil Action No. 25-1962, Section P                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| PROCEDURAL POSTURE    | Petitioner sought a writ of habeas corpus under 28 U.S.C. § 2241 challenging his continued immigration detention and the conditions of his confinement and medical care. The magistrate judge issued a report and recommendation proposing that the petition be granted as to detention, that Petitioner be released under reasonable supervision, and that the conditions and medical-care claims be dismissed without prejudice to pursuing them in a separate civil-rights action. |
| STANDARD OF REVIEW    | The report and recommendation was issued under 28 U.S.C. § 636(b) (1)(C) and Federal Rule of Civil Procedure 72(b), subject to de novo consideration of properly objected-to portions by the district judge and waiver subject to the plain-error exception for failure to object.                                                                                                                                                                                                    |
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|--------------------|------------------------------------------------------------------|
| PRECEDENTIAL VALUE | nonprecedential                                                  |
| PARTIES            | Jiqin Yang v. Warden, Jackson Parish Correctional Center, et al. |

## TOPICS

federal habeas corpus immigration detention removal proceedings immigration civil procedure

## PRACTICE AREAS

immigration law federal habeas corpus immigration detention civil procedure

## QUESTIONS PRESENTED

1. Whether Yang's continued detention under 8 U.S.C. § 1231(a)(6) violated the limitation recognized in *Zadvydas v. Davis* because removal was not significantly likely in the reasonably foreseeable future.
2. Whether a pending request for travel documents, without evidence of progress or assurances that documents would issue, rebutted Yang's showing that removal was not reasonably foreseeable.
3. Whether claims concerning conditions of confinement and medical care were cognizable in a § 2241 habeas proceeding.
4. Whether Yang was entitled to attorney's fees under the Equal Access to Justice Act.

## HOLDINGS

1. The magistrate judge recommended finding Yang's detention unreasonable because he had been detained beyond the presumptively reasonable six-month period, showed good reason to believe that removal was not significantly likely in the reasonably foreseeable future, and the Government failed to rebut that showing with sufficient evidence.
2. The magistrate judge recommended finding that the mere submission and continued pendency of a travel-document request does not establish that removal is significantly likely to occur in the reasonably foreseeable future.
3. The magistrate judge recommended dismissing Yang's conditions-of-confinement and medical-care claims from the habeas proceeding because those claims challenge the circumstances of confinement rather than the fact or duration of custody.
4. The magistrate judge recommended rejecting Yang's request for attorney's fees because he was proceeding pro se and attorney's fees are unavailable in habeas corpus proceedings.

## KEY QUOTATIONS

*“the Court construed § 1231(a)(6) to mean that an alien who has been ordered removed may not be detained beyond ‘a period reasonably necessary to secure removal,’”* (at 3)

*“That a travel document request was submitted does not establish that Petitioner’s removal is significantly likely to occur in the reasonably foreseeable future.”* (at 5)

*“The longer a request for travel documents remains pending without any action, “what counts as the ‘reasonably foreseeable future’ conversely would have to shrink.”” (at 6)*

*“A theoretical possibility of eventually being removed does not satisfy the Government’s burden once the removal period has expired and the petitioner establishes good reason to believe [that] his removal is not significantly likely in the reasonably foreseeable future.” (at 8)*

*“Simply stated, habeas is not available to review questions unrelated to the cause of detention.” (at 9)*

## FACTUAL BACKGROUND

Jiqin Yang, a Chinese national, entered the United States without inspection in December 1988. An immigration judge granted voluntary departure with an alternative removal order to China in 1998, and the Board of Immigration Appeals affirmed in 2002; Yang never departed. ICE detained him in March 2025, but after more than ten months of detention, China had not issued travel documents despite ICE requests and follow-up inquiries, and Yang asserted that his history and lack of original identity documents made removal unlikely. He also alleged inadequate medical care, including lack of heart medication and monitoring.

## PROCEDURAL HISTORY

Yang was ordered removed to China in 1998, and the Board of Immigration Appeals upheld the order in 2002. ICE detained him in March 2025, and he filed this § 2241 petition in December 2025. Respondents opposed relief, asserting that removal remained reasonably foreseeable because ICE had requested travel documents and sought updates. The magistrate judge recommended release, prohibition of immediate re-detention or removal under the present detention, a post-release status report, and dismissal of the conditions-of-confinement and medical-care claims.

## DISPOSITION

other

## REMAND INSTRUCTIONS

The magistrate judge recommended that Respondents immediately release Yang without bond under reasonable conditions of supervision established by an ICE deportation officer; notify any recorded family member or emergency contact of the release location and time at least two hours beforehand; refrain from any possible or anticipated removal or transfer under the present detention; and file a status report confirming release within 24 hours. The conditions-of-confinement and medical-care claims should be dismissed with prejudice in this proceeding but without prejudice to a separate civil-rights action.

## CASES CITED

- *Zadvydas v. Davis*, 533 U.S. 678 (2001)
- *Jennings v. Rodriguez*, 138 S. Ct. 830, 843 (2018)
- *Andrade v. Gonzales*, 459 F.3d 538, 543 (5th Cir. 2006)

- Johnson v. Young, 2013 WL 1571938, at \*2 (W.D. La. Feb. 11, 2013), report and recommendation adopted, 2013 WL 1571272 (W.D. La. Apr. 12, 2013)
- Fermin v. Dir. of Immigr. & Customs Enf't, 2007 WL 2284606, at \*4 (W.D. La. May 23, 2007)
- Islam v. Kane, 2011 WL 4374226, at \*3 (D. Ariz. Aug. 30, 2011), report and recommendation adopted, 2011 WL 4374205 (D. Ariz. Sept. 20, 2011)
- Gabremicheal v. Gonzales, 2007 WL 624602, at \*3 (W.D. La. Jan. 31, 2007)
- Fahim v. Ashcroft, 227 F. Supp. 2d 1359, 1362 (N.D. Ga. 2002)
- Nagib v. Gonzales, 2006 WL 1499682, at \*2 (N.D. Tex. May 31, 2006)
- Kane v. Mukasey, 2008 WL 1139137, at \*5 (S.D. Tex. 2008)
- Singh v. Whitaker, Singh v. Whitaker, 362 F. Supp. 3d 93, 102 (W.D.N.Y. 2019)
- Azad v. Interim Dist. Director, New York, 2009 WL 2569132 (S.D.N.Y. Aug. 19, 2009)
- Mohamed v. Ashcroft, 2002 WL 32620339 (W.D. Wash. Apr. 15, 2002)
- Shefqet v. Ashcroft, 2003 WL 1964290, at \*5 (N.D. Ill. Apr. 28, 2003)
- Butt v. Holder, 2009 WL 1035354, at \*5 (S.D. Ala. Mar. 19, 2009)
- Palma v. Gillis, 2020 WL 4880158, at \*2 (S.D. Miss. July 7, 2020)
- Pierre v. United States, 525 F.2d 933, 935-36 (5th Cir. 1976)
- Schipke v. Van Buren, 239 F. App'x 85, 85-86 (5th Cir. 2007)
- Davis v. Fechtel, 150 F.3d 486, 487, 490 (5th Cir. 1998)
- Boyle v. Wilson, 814 F. App'x 881, 882 (5th Cir. 2020)
- Moore v. King, No. 08-60164, 2009 WL 122555, at \*1 (5th Cir. Jan. 20, 2009)
- Mora v. Warden, Fed. Corr. Complex, Yazoo City Medium, 480 F. App'x 779, 780 (5th Cir. 2012)
- Figueroa v. Chapman, 347 F. App'x 48, 50 (5th Cir. 2009)
- McBarron v. Jeter, 243 F. App'x 857, 857 (5th Cir. 2007)
- Watson v. Briscoe, 554 F.2d 650, 652 (5th Cir. 1977)
- Melot v. Bergami, 970 F.3d 596, 599 (5th Cir. 2020)
- Carson v. Johnson, 112 F.3d 818, 820 (5th Cir. 1997)
- Barco v. Witte, 65 F.4th 782, 785 (5th Cir. 2023)
- Douglass v. United Services Automobile Association, 79 F.3d 1415 (5th Cir. 1996)

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