

Federal judge delays sentencing of Chinese researcher Youhuang Xiang despite “time served” plea agreement

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On March 4, Chinese post-doctoral researcher Youhuang Xiang pleaded guilty to a single count of smuggling. As part of this plea agreement, federal prosecutors agreed to recommend a sentence of “time served.” Xiang has been incarcerated in county jails since his arrest four months ago. Despite the agreement between the prosecution and the defense, Chief Judge James R. Sweeney II of the Southern District of Indiana has delayed the sentencing hearing by nearly five weeks, until April 7.

Xiang, who lawfully resided in the United States on a J-1 visa, worked as a post-doctoral research associate in the Department of Biology at Indiana University. He was arrested November 25 in Chicago on charges alleging he received plasmid DNA associated with *E. coli* through the mail.

Under the terms of the March 4 plea agreement, Xiang petitioned to plead guilty to Count Two of the indictment—Smuggling—while the government agreed to dismiss the remaining charges, which included Conspiracy to Commit Smuggling and Making False Statements. The government recommended a sentence of “time served,” while Xiang agreed to the entry of a judicial order of removal, effectively accepting his deportation from the United States.

Seeking an immediate end to his months-long ordeal behind bars, Xiang filed an unopposed motion to waive the Presentence Investigation Report (PSR) and proceed to sentencing. Judge Sweeney, a Trump appointee and member of the right-wing Federalist Society, flatly denied the request. In his March 9 order, Sweeney justified the delay by citing the need to investigate Xiang’s personal finances to extract a financial penalty. Because the smuggling charge carries

a maximum potential fine of \$250,000, Sweeney demanded a deeper probe into the modest monthly income Xiang earned as a university researcher, to determine his “ability to pay any fine that may be imposed.”

This delay is the latest outrage in a xenophobic dragnet targeting Chinese scientists at universities across the United States. It contrasts with the relatively short delay between plea deal and sentencing in similar recent cases. Former University of Michigan (U-M) researcher Chengxuan Han was sentenced to time served on September 10, three weeks after her plea of no contest. Yunqing Jian was immediately sentenced to time served as part of her plea deal on November 12. Three other U-M researchers—Bai, Zhang, and Zhang—were released the day after the federal cases against them were dismissed on February 4.

The delay in sentencing further highlights the scientific illiteracy and reactionary xenophobia driving the FBI’s operations. The initial criminal complaint filed in Chicago, and the inflammatory posts on X by FBI Director Kash Patel, accused Xiang of smuggling *E. coli* bacteria. However, by the time the formal indictment was filed in Indiana on December 16, the charges had quietly shifted focus. The indictment accused him of receiving a package containing “plasmid DNA of *E. coli* bacteria”.

Judge Sweeney’s March 9 order denying the motion to waive the PSR evinces the same elementary misunderstanding, conflating plasmid DNA with living *E. coli* bacteria: “The offense to which Xiang proposes to plead guilty is a serious offense involving the smuggling from China of plasmid DNA of *E. coli* bacteria, a pathogen, for use in Xiang’s research.

The United States Department of Agriculture requires a permit for the importation of *E. coli* because its importation may negatively impact agriculture in the United States.”

A plant biologist ridiculed the government’s false claim that plasmid DNA poses any danger:

“It’s purified DNA. It’s the same chemical as the DNA in our own cells, or in every organism on the planet. There’s no difference between DNA isolated from *E. coli* versus DNA isolated from a human cell, so the fact that it was isolated from *E. coli* is irrelevant.”

The continued imprisonment of Xiang exposes another way US Immigration and Customs Enforcement (ICE) is used by the state apparatus to break foreign-born workers and scientists. At Xiang’s initial hearing in the Northern District of Illinois on November 26, the magistrate judge was prepared to release him on bail. However, the Department of Homeland Security had already revoked his J-1 visa, and immediately placed a detention hold on his case. This created a legal trap: if Xiang accepted bail and was released from criminal custody, US Marshals would immediately turn him over to an ICE detention facility.

Because time spent in an administrative ICE facility does not count toward a federal criminal sentence, Xiang was effectively forced into a corner. To ensure that his days behind bars would count as “time served” against any ultimate criminal penalty, Xiang had to remain in the Chicago jail. As a result of his revoked visa and the looming threat of ICE, he waived his right to a detention hearing and has remained in federal custody ever since.

Rather than defending against these politically motivated frame-ups, universities have functioned as willing accomplices in the state dragnet. In the cases of Bai, Zhang, and Zhang, it was the university’s internal investigation and subsequent firing of the researchers that abruptly canceled their visas, instantly stripping them of their legal status and exposing them to ICE detention and arrest.

On March 26, U-M President Domenico Grasso testified before Chairman Tim Walberg of the House Committee on Education and Workforce:

“We share this committee’s commitment to research integrity and have no tolerance for behavior that may risk the security of our nation in isolated but serious incidents. ... Once alerted, we acted swiftly and

decisively—working with federal law enforcement, promptly terminating student work visas and severing all ties with those individuals. ...

“We are meeting the increased threat with increased security,” continued Grasso. “We are setting university-wide standards for visiting researchers and expanding use of background checks. We are enhancing oversight of biological materials entering or leaving University labs and strengthening physical security, and we are working to open more regular lines of communication with Federal regulatory law enforcement and intelligence agencies. Safety and security is a team effort, and at Michigan, we know how important it is to be a team player.”

In March 2024, Rep. Walberg called for the nuclear destruction of Gaza.

Grasso’s invocation of “teamwork” with congressional committees and intelligence agencies exposes the university administration as a willing collaborator in the bipartisan drive to purge international researchers, smash academic freedom and prepare public opinion for confrontation with China. The immediate victims are researchers and immigrant workers, but the ultimate target is the entire working class.

The Socialist Equality Party, the International Youth and Students for Social Equality and the *World Socialist Web Site* seek to link the fight for democratic rights to the broader struggle against imperialist war and capitalist austerity. Workers, students and scientists must demand the immediate release of detained researchers, the dropping of all charges against them, restoration of visas and employment, and an independent, publicly accountable inquiry into coordination between universities and the US Department of Justice.



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