Name: JASKARAN SINGH
1623 EAST J STREET SUITE FIVE
TACOMA, WASHINGTON 98421

UNITED STATES DISTRICT COURT

IN AND FOR THE WESTERN DISTRICT OF WASHINGTON

2:25cv504-RAJ-TLF

Name : JASKARAN SINGH	) **Case No :**
	) **A #** [redacted]
Petitioner	) **PETITION FOR WRIT OF HABEAS CORPUS**
	) **UNDER 289 USC 2241**
vs.	)
ICE Field Office Director	)
Respondent	)

FILED LODGED RECEIVED MAIL

MAR 20 2025

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

The Appellant is currently held in custody of the Attorney General at Tacoma's Northwest Detention Center in Tacoma Washington.

Here, the Appellant moves this Court to issue an order commanding his release from the custody of BICE due to the fact that such custody violates the due process rights of the Petitioner.

FACTS

1. This Petitioner has been within the confines of the Northwest Detention Center, a Center run by the United States Bureau of Immigration and Customs Enforcement for the ongoing period of 24 months.
2. On the date of MARCh, 27th, 2023 the Petitioner entered the Northwest Detention Center and has not been released since that date.

the Ninth Circuit, in an unpublished Order in Bromfield v Mukasey, 07-72319 made the distinction regarding persons due bond and those who are held under the authority of the Attorney General. The Ninth Circuit decided that Bromfield was due a bond hearing, and that, even though he was being held pending the Ninth Circuit's ruling on his Petition for Review, he was entitled to bond, and the BIA and IJ had authority to grant the bond.

The Ninth Circuit on July 25th, 2008 issued two decisions in cases that had been pending before it. Those precedential cases are Preito-Romero v A. Neil Clark, 07-35458 ___ F. 3d ___; and Casas-Castrillon v Lockyer, 07-56261, ___ F. 3d ___. Those decisions deliberately discuss the interplay between the statutes governing detention of aliens and release of aliens. In particular, the Ninth Circuit issued precedents dealing with several inter-related issues: A. When bond hearing is required; B. The burden of the parties in bond hearings; C. When detention remains legally authorized.

In this case we have a person who is currently being held by the Immigration Services where the Bond is either nonexistent or where the Bond is too high to afford and is unreasonable given the circumstances that the Respondent will appear for all future hearings.

The Respondent has equities in the United States and those equities far outweigh any adversities. If the Respondent is released he will appear for all hearings and will appear if he is to be removed from the country.

The Respondent here moves the Judge to grant a bond review in this case and to release the Respondent upon conditions that is fair and just.

The release on bond or conditions will allow the Respondent to continue with his life, with his family, and to gain evidence to use in his hearing and to gain possible assistance of counsel or other adequate representative.

Petitioner is not held under 8 USC 1226 (c) according to the Ninth Circuit's decision on the matter. The Ninth Circuit cited that the Government's interpretation was incorrect where the Agency and the Government has repeatedly held that aliens are held under 8 USC 1226 (c) and ineligible for a grant of bond. The Ninth Circuit cited that an alien who has completed the administrative process is held under 8

USC 1226 (a). "which gives the Attorney General general discretionary authority to detain an alien 'pending a decision on whether the alien is to be removed from the United States."

The Court in Cases-Castrillon cited, "the Supreme Court similarly recognized in Denmore v Kim, 538 US. 510 (2003) that 1226 (c) was intended only to "govern {] detention of deportable criminal aliens *pending their removal proceedings,"* which the Court emphasized typically "lasts roughly a month and a half in the vast majority of cases in which it is invoked and about five months in the minority of cases in which the alien chooses to appeal' his removal order to the BIA. Id. at 527-528.

Importantly, the Ninth Circuit held that the conclusion of proceedings occurs upon the dismissal of the alien's appeal by the BIA.

Thus, under the explicit Ninth Circuit holding, the fact that the custody has changed from 1226 (c) to 1226 (a) means that the Agency no longer had mandatory detention of the alien, but has the authority to order release on bond or upon conditions.

Moreover, the Ninth Circuit explicitly rejected the Government's contention that the custody again shifts once the Circuit Court issues an order of stay of removal. The Ninth Circuit also rejected that the custody authority changes once the Circuit grants relief. "We therefore conclude that the mandatory, bureaucratic detention of aliens under 1226 (c) was intended to apply for only a limited time and ended in this case when the BIA affirmed..." id. See Prieto-Romero slip op. at 9295.

Directly contradicting the Agency's previous holdings, the Court cited, "Even though Casas' detention is permitted by statute because keeping him in custody could serve a legitimate immigration purpose, **Casas may nonetheless have the right to contest before a neutral decision maker whether the government's purported interest is *actually served* by detention in his case.** There is a difference between detention being authorized and being necessary to any particular person. We hold that the government may not detain a legal permanent resident such as Casas for a prolonged period without providing him a neutral forum in which to contest the necessity of his continued detention."

This decision by the Ninth Circuit completely establishes the right of aliens to an impartial hearing before a neutral decider who will take evidence on the issue and grant bond in the cases where it is amply demonstrated that bond is applicable. Moreover, this finding by the Ninth Circuit is directly in line with Matter of Patel, supra. This standard is the same for persons who are aliens without criminal histories as for those with such a history. According to the Ninth Circuit's decision in Prieto-Romero and Casas-Castrillon, both are entitled to impartial hearings before a neutral factfinder.

Although this Petition is not within the Zadvydas mold, the *Zadvydas* opinion opened by noting the clear applicability of general due process standards: physical detention requires both a "special justification" that "outweighs the 'individual's constitutionally protected interest in avoiding physical restraint'" and "adequate procedural protections." 533 US, at 690, 150 L Ed 2d 653, 121 S Ct 2491 (quoting *Hendricks* at 356, 138 L Ed 2d 501, 117 S Ct 2072). Nowhere did the Court suggest that the "constitutionally protected liberty interest" in avoiding physical confinement, even for aliens already ordered removed, was conceptually different from the liberty interest of citizens considered in *Jackson, Salerno, Foucha,* and *Hendricks*. On the contrary, the Court cited those cases and expressly adopted their reasoning, even as applied to aliens whose right to remain in the United States had already been declared forfeited. *Zadvydas*, 533 U.S., at 690, 150 L Ed 2d 653, 121 S Ct 2491.

Thus, this Court's review must begin by positing commonly accepted substantive standards and proceeded to enquire into any "special justification" that might outweigh the aliens' powerful interest in avoiding physical confinement "under [individually ordered] release conditions that may not be violated." *Id.*, at 696, 150 L Ed 2d 653, 121 S Ct 2491. The Supreme Court found nothing to justify the Government's position. The statute was not narrowed to a particularly dangerous class of aliens, but rather affected "aliens ordered removed for many and various reasons, including tourist visa violations." *Id.*, at 691, 150 L Ed 2d 653, 121 S Ct 2491. The detention itself was not subject to "stringent time limitations," *Salerno*, 481 U.S., at 747, 95 L Ed 2d 697, 107 S Ct 2095, but was potentially indefinite or even permanent, *Zadvydas*, 533 U.S., at 691, 150 L Ed 2d 653, 121 S Ct 2491. Finally, although both

Zadvydas and Ma appeared to be dangerous, this conclusion was undermined by defects in the procedures resulting in the finding of dangerousness. *Id.*, at 692, 150 L Ed 2d 653, 121 S Ct 2491. The upshot was such serious doubt about the constitutionality of the detention statute that the Supreme Court construed it as authorizing continuing detention only when an alien's removal was "reasonably foreseeable." *Id.*, at 699, 150 L Ed 2d 653, 121 S Ct 2491.

In Demore v Kim, 538 U.S. 510; 123 S. Ct. 1708; **the Court stated,** "While it is true that removal proceedings are unlikely to prove "indefinite and potentially permanent," 533 US, at 696, 150 L Ed 2d 653, 121 S Ct 2491, they are not formally limited to any period, and often extend beyond the time suggested by the Court, that is, "an average time of 47 days" or, for aliens who exercise their right of appeal, "an average of four months." *Ante*, at 155 L Ed 2d. at 742; see also Case Hearing Report 12 (finding that the average time from receipt of charging documents by a detained alien to a final decision by the immigration judge was 54 days). However, in this case, the confinement has been for 700+ days. Thi is completely excessive and this Court has jurisdiction to order the Agency to release the Petitioner or to set a bond for the Petitioner's release or that the Petitioner be released on conditions.

Petitioner does assert the fact that he is not able to afford a large bond, but may be able to gain assistance from the community in gaining access to a low bond.

For the reasons that go before, the Petitioner urges that the court issues orders that does substantial justice.

Dated: 03/17/2025

Signed: [signature]

3. The current charges of deportation is illegal Entry.

________________________________.

4. Petitioner has appealed before the BIA / Ninth Circuit (Circle One) and the case remains pending.

5. The Ninth Circuit has issued a Stay of Removal in the case # N/A.

JURISDICTION

The Jurisdiction of this Court is sought under 28 USC 2241.

QUESTION PRESENTED

1. Is the Petitioner entitled to release from the Attorney General?
2. Is alternative relief in the form of release on conditions appropriate or release on bond that is reasonable?

RELIEF REQUESTED

That the Court Order the Petitioner to be released on supervised release pending all finality or that the court orders the Agency to hold a bond hearing where individual factors are considered that can allow for the release of the Petitioner pending the conclusion of his legal matters with ICE and the District Courts and the Ninth Circuit.

ARGUMENT

An alien should not be held in custody unless there are no facts or circumstances that would guarantee his return for hearings or to be deported. In general, an alien should not be detained or required to post bond unless it is found that he is a threat to the national security or a poor bail risk. Matter of Patel, 15 I & N Dec. 666 (BIA 1976). National Center for Immigrant Rights v INS, 743 F2d 1365 (9th Cir. 1984).

Furthermore, the Ninth Circuit has recently issued guidelines regarding the release of aliens and the jurisdiction of the Immigration Judge and BIA to grant bond in these cases. In particular,

PROOF OF SERVICE

&

DECLARATION

I, JASKARAN SINGH, AVER THAT I AM A PARTY TO THIS ACTION DO HEREBY AVER THAT I HAVE PROVIDED A COPY OF THE FOREGOING DOCUMENT:

PETITION FOR WRIT OF HABEAS CORPUS

U.S. District Court
Clerk's Office
700 Stewart Street, Suite 2310
Seattle, Washington 98101

I WILL TESTIFY UNDER THE PENALTY OF PERJURY THAT THIS IS THE TRUTH.

THE ITEMS WERE MAILED FIRST CLASS MAIL ON THE DATE BELOW.

SUBMITTED ON 3/17/2023

Signed: Jas

3/27/23

world relief

WESTERN WASHINGTON

(253) 277-1121 worldrelief.org/western-wa
23835 Pacific Highway S Suite 100, Kent, WA 98032

August 27, 2024

Greetings! World Relief Western Washington has held church services since January 2000 for the detainees. This support letter is for Jaskaran Sing A # [redacted]

He has attended our church services from June 2024 to the present. We baptized him recently at the detention center.
This letter will help his case. He is a nice person and a man of God.

May God bless America!
Habtom Ghebru
Pastor Habtom Ghebru / M.Div

भारतीय गैर न्यायिक

एक सौ रुपये Rs. 100

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सत्यमेव जयते

भारत INDIA

INDIA NON JUDICIAL

राजस्थान RAJASTHAN

BN 164021

Valid for Embassies High Commission And Out of India

NOTARY GOVT OF RAJASTHAN

AFFIDAVIT

I, Karnal Singh S/o Gurbachan Singh, caste Jatsikh, resident of Ward No. 16 Sri Karanpur, tehsil Srikaranpur district Sriganganagar Rajasthan.

1. I stated in an affidavit that Baldev Singh's son Gurvachan Singh's father and Bindra Singh's father Mangal Singh caste Jatsikh resident of Chak 53 GG Tehsil Srikaranpur, both of whom are brothers-in-law of Baldev Singh's son Jaskaran Singh. Due to which Jaskaran Singh's life is in danger.
2. I declare under oath that Jaskaran Singh's brother-in-laws Pappa Singh and Binder Singh have beaten and attempted to kill him several times.
3. I declare on oath that Jaskaran Singh's wife is a resident of village 53 GG and she is well-known in the police station and due to this reason no hearing is being held against Jaskaran Singh's family.
4. I declare on oath that Jaskaran Singh is lodged in America's jail. Who should not be sent back to India. If Jaskaran Singh is sent back to India, Jaskaran Singh will be killed by his wife and his brothers.
5. I swear that items 1 and 4 of the affidavit are correct and correct. No fact is wrong. God help me. Date 07.08.2024

ATTESTED
7/8/24
BHAGWAN DASS
ADVOCATE & NOTARY
SRI KARANPUR Distt Sri Ganganagar

(Karnal Singh)

Sarbdeep Baidwan

Manager

भारतीय गैर न्यायिक

एक सौ रुपये Rs. 100

रु. 100 ONE HUNDRED RUPEES

सत्यमेव जयते

भारत INDIA

INDIA NON JUDICIAL

राजस्थान RAJASTHAN BN 164021

Valid for Embassies High Commission And Out of India

NOTARY GOVT OF RAJASTHAN

AFFIDAVIT

I, Karnal Singh S/o Gurbachan Singh, caste Jatsikh, resident of Ward No. 16 Sri Karanpur, tehsil Srikaranpur district Sriganganagar Rajasthan.

1. I stated in an affidavit that Baldev Singh's son Gurvachan Singh's father and Bindra Singh's father Mangal Singh caste Jatsikh resident of Chak 53 GG Tehsil Srikaranpur, both of whom are brothers-in-law of Baldev Singh's son Jaskaran Singh. Due to which Jaskaran Singh's life is in danger.
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ATTESTED
7/8/24
BHAGWAN DASS
ADVOCATE & NOTARY
SRI KARANPUR, Distt. Sri Ganganagar

(Karnal Singh)

भारतीय गैर न्यायिक

एक सौ रुपये **Rs. 100**

रु. 100 ONE HUNDRED RUPEES

भारत INDIA

INDIA NON JUDICIAL

राजस्थान RAJASTHAN **AFFIDAVIT** NOTARY GOVT OF RAJASTHAN 8B 054758

I, Kuldeep Singh Brad, son of Sher Singh, caste Jatsikh, resident of Badiga tehsil Srikaranpur district Sriganganagar Rajasthan.

1. I gave an affidavit that Baldev Singh's son Gurvachan Singh's father Pappa Singh and Bindra Singh's father Mangal Singh caste Jatsikh resident of Chak 53 GG Tehsil Srikaranpur, both of whom are brother-in-laws of Baldev Singh's son Jaskaran Singh and were accused of killing Jaskaran Singh. Jaskaran Singh was ready to kill. As soon as he went there, they attacked him and Jaskaran Singh started shouting loudly that he has killed, killed. Hearing the noise, I ran away. With great difficulty, I freed Jaskaran Singh, otherwise he would have killed Jaskaran. Would have killed the lion.
2. I declare under oath that Jaskaran Singh's brother-in-laws Pappa Singh and Binder Singh have beaten and attempted to kill him several times.
3. I declare on oath that Jaskaran Singh's wife is a resident of village 53 GG and she is well-known in the police station and due to this reason no hearing is being held against Jaskaran Singh's family.
4. I declare on oath that Jaskaran Singh is lodged in America's jail. Who should not be sent back to India. If Jaskaran Singh is sent back to India, Jaskaran Singh will be killed by his wife and his brothers.
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ATTESTED
7/8/24
BHAGWAN DASS
ADVOCATE & NOTARY
Tehsil Sri Ganganagar

(Kuldeep Singh Brar)

FROM: JASKARAN SINGH
[redacted]
1623 E "J" street
TACOMA, WA 98421

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FIRST-CLASS MAIL
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03/18/2025 ZIP 98421
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US POSTAGE

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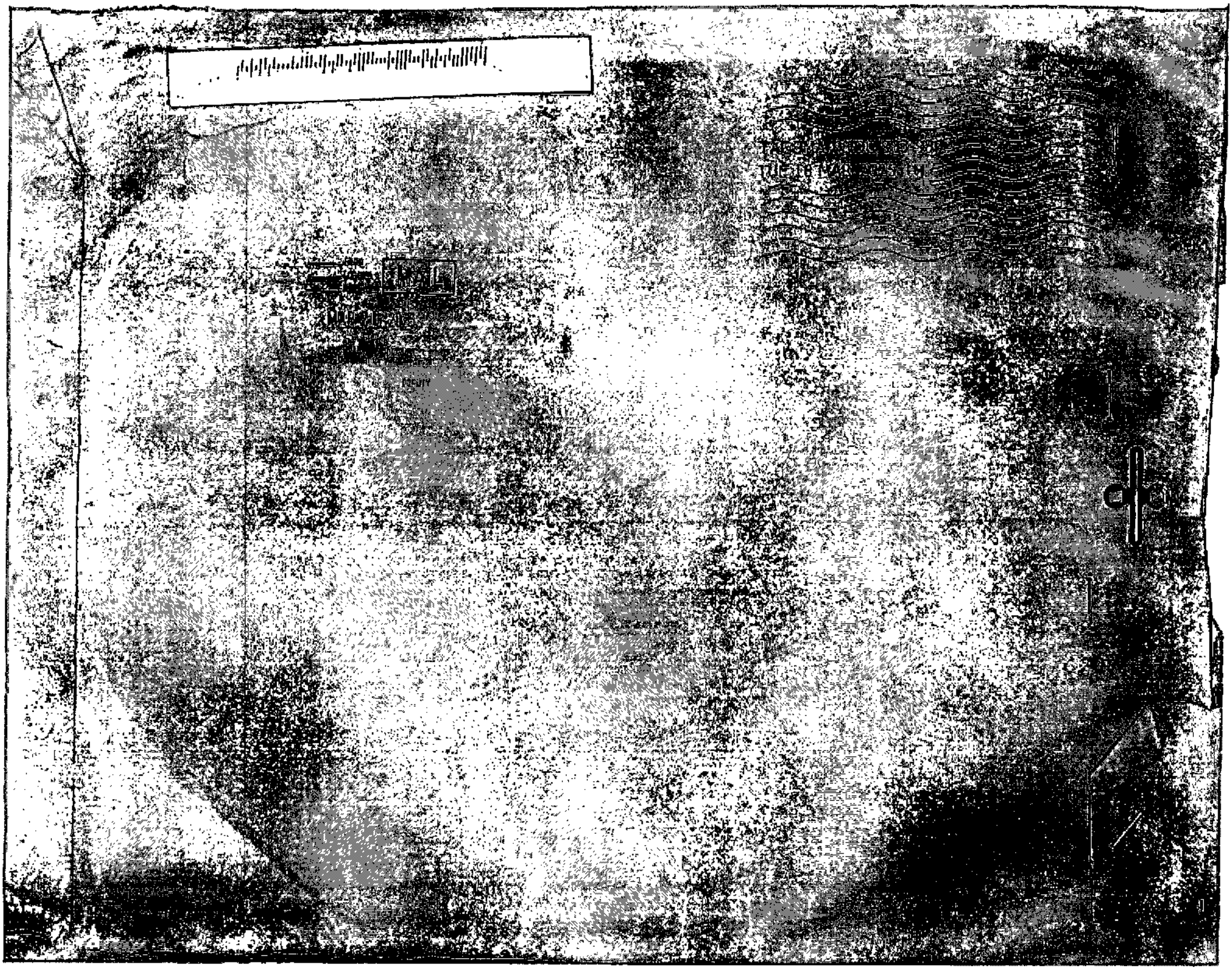
MAR 20 2025

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

To: U.S. District Court
Clerk's office
700 Stewart Street, suite 2
Seattle, WA 98101



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