

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LOVEPREET SINGH  
PETITIONER;

A#201750154

v.

VERIFIED PETITION FOR WRIT  
OF HABEAS CORPUS PURSUANT TO  
28. U.S.C. SECTION 2241

WARDEN OF PHILADELPHIA  
FEDERAL DETENTION CENTER  
RESPONDENT

PETITIONER'S MOTION FOR HABEAS  
CORPUS RELIEF PURSUANT TO 28. U.S.C. SECTION 2241

And Now, comes the Petitioner (Lovepreet Singh), who Motion this honorable Court for habeas corpus relief pursuant to 28 U.S.C. section 2241. Mr. Singh is a 26-year-old native of India who entered the United States via the Mexican border on July 10th 2023. He was then taken into custody of Immigration Custom Enforcement (ICE), while he seeks asylum and withholding of removal or CAT. The Petitioner flee from his native country (India) in fear for his life and safety.

Petitioner recieved a custody review/bond hearing in March 2024 approximately 1-month prior to his final merit hearing. The custody review/bond conducted by DHS that he did have (in March 2024) did not provide him with adequate process such that this court should grant this motion for habeas corpus relief in seek of an individualize bond hearing.

On April 25th, 2024, an Immigration Judge (IJ) ordered the Petitioner Removed to India, due to an erroneous discretion based on the Petitioner's credifibility. The following month of May 28th, 2024, Mr. Singh acting through counsel, appealed the IJ's decision to the Board of Immigration Appeals (BIA) which was summarily dismissed due to its untimeliness on June 28th, 2024.

The Petitioner then by way of his attorney, motion the (BIA) for a reopen on July 22nd, 2024, considering the merits of the case, the supporting evidence which was submitted and also due to the overall ineffectiveness for the mistakenly untimely submission of the appeal motion on May, 28th, 3-days after the 30-day deadline.

#### ISSUE

The Petitioner was initially placed into ICE's custody under 8. U.S.C. section 1226(a) which clearly states that a civil detainee who is detained under such statute has a right to a bond hearing, distinguishable to that of subsection (c).

Even if Mr. Singh detention is govern by 8 U.S.C SECTION 1226 (c), his detention has become unreasonable without a custody evaluation or redetermination since he last had one back in March of 2024 (approaching 16-months), with his motion to reopen currently pending for approximately one-year and Mr. Singh has been detained for two-years all-together.

#### RULE

##### Section 1226. Apprehension and detention of aliens

###### (a) Arrest, detention, and release.

On warrants issued by the Attorney General, an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States. Except as provided in subsection (c) and pending such decision the Attorney General--(1) may continue to detain the arrested alien, and (2) may release the alien on--

(A) bond of at least \$1,500 with security approved by, the Attorney General;

(B) conditional parole;....

8 U.S.C. mandatory detention language must be construed to contain an implicit time limit. Section 1226(c) does not by its terms limit the length or the time that government may detain aliens awaiting removal ( Jennings v. Rodriguez 583 U.S - 138 S CT 830 846 200 L Ed, 2d 122 (2018),

but Petitioner may nonetheless bring an applied constitutional challenges if their continued detention under section 1226(c) has become unreasonably prolonged under the due process clause of the fifth amendment(Santos v. Warden Pike county correctional facility 965 ct 3d 203 208-09 3rd cir (2020)).

#### ASSESSMENT

Petitioner asserts that his continued detention without a bond hearing pending his motion to reopen, violates due process rights. (See Adolph Michelin v. Leonard Oddo case no. 3:23-cv-22), also See (Loful Elyardo v. Patrick Lechleitner).

Here, the Petitioner respectfully requests for the court to consider the case in chief -- German Santos v. Warden Pike County Correction Facility, 965 F. 3d 203 (3rd Cir. 2020) -- where the four factors govern this motion for habeas corpus and must be taken into consideration upon a ruling in this matter, concerning Mr. Singh's Unreasnat le prolong detention. Diop and Chavez - Alvarez answered the constitutional question concluding that 8 U.S.C. section 122(c) would be invalid unless courts read it to be guarantee a bond hearing once detention becomes unreasonable.

In the Immigration context, the only two valid justifications for detention are to mitigate the risk of danger to the community and to prevent flight. (See Demore, 538 U.S. at 531 (Kennedy, J., concurring) ("[T]he justification for U.S.C. section 1226(c) is based upon the government's concerns over the risk of flight and danger to the community"). Given the gravity of the liberty deprivation when the government detains individuals, due process requires that the government bear the burden of proof by clear and convincing evidence for detaining an individual, particularly after that detention as become prolonged. Cf. Velasco Lopez v. Decker, 978 F. 3d 842, 856 (2d. Cir. 2020). (Stating, for an 8 U.S.C. section 1226(a) prolonged detention claim, "it is improper to allocate the risk of error evenly between the individual and the government potential injury is as significant as individual's liberty.

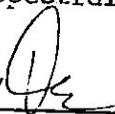
Accordingly, we conclude a clear and convincing evidence standard of proof provides the appropriate level of procedural protection.")

Consistent with these principles, the courts has found that, where a particular detained person's mandatory detention becomes unreasonably prolonged, due process requires the government to show, by clear and convincing evidence, that continued detention is necessary because that detained person is a flight risk or dangerous. *Jules v. Garland*, No. 21-CV-6342 CJS, 2021 WL 4973081, at \*7 (W.D.N.Y. Oct. 26, 2021); See also *Campbell v. Barr*, 387 F. Supp. 3d 286, 300 (W.D.N.Y. 2019)(" To sustain the prolonged detention the government is required, in a full-blown adversary hearing, to convince neutral decision maker by clear and convincing evidence that no conditions of release can reasonably assure the safety of the community or any person, or ensure that the [noncitizen] will appear for any future proceeding. This requires consideration of less restrictive alternatives to detention.") (internal citations and quotations marks omitted); *Ranchinsky*, 422 F.supp. 3d at 800I ("Both due process and BIA precedent require LJ to consider ability to pay and alternative conditions of release in setting bond.")

#### CONCLUSION

WHEREFORE, Petitioner respectfully request that this Court assume jurisdiction over this matter; grant a Writ of Habeas Corpus directing the Respondent to provide Petitioner (Mr. Lovepreet Singh) with an individualize bond hearing before a neutral arbiter at which Respondent must bear the burden of establishing by clear and convincing evidence that Mr. Singh's continued detention is justified.

Respectfully Submitted,

/s/ 

Date: 07/03/2025

Lovepreet Singh  
700 Arch St. Philadelphia,  
PA. 19105