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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION**

Mandeep Singh SANDHU

Petitioner,

v.

Minga Wofford, Warden, Golden State Annex,
McFarland, CA
Robin Barrett, Director of San Francisco
Field Office,
U.S. Immigration and Customs Enforcement;
Kristi Noem, Secretary of the U.S. Department of
Homeland Security; and
Pamela Bondi,
Attorney General of the United States,
in their official capacities,

Respondents.

Case No. _____

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

Petitioner Mandeep Singh Sandhu is a native and citizen of India who has been in U.S. Immigration and Customs Enforcement (ICE) custody since January 2026. The date his final administrative removal order under INA § 238(b); 8 U.S.C. § 1228(b) became effective was on June 21, 2012.

On June 21, 2012, an Immigration Judge ordered the Applicant removed to India. (See **Exhibit A, Print Screen of Immigration Judge's decision**). In the more than twelve years since that order, the Department of Homeland Security has been unable to execute his removal because India has consistently refused to issue him a passport in the absence of a birth certificate. Despite repeated efforts by both the Applicant and DHS to obtain travel documents, no passport has been issued and no third country has been identified or agreed to accept him. Nevertheless, he remains in custody at the Golden State Annex in McFarland, California. Petitioner has remained under an order of supervision since his order of removal.

As of the date of this filing, Mr. Sandhu has been detained for **over 180 days**, well beyond the 90-day statutory removal period authorized under 8 U.S.C. § 1231(a). His continued detention is unconstitutional and unlawful under *Zadvydas v. Davis*, 533 U.S. 678 (2001), because there is no significant likelihood of removal in the reasonably foreseeable future. Mr. Sandhu respectfully petitions this Court for a writ of habeas corpus directing his immediate release under appropriate supervision.

Accordingly, to vindicate Petitioner's statutory and constitutional rights, this Court should grant the instant petition for a writ of habeas corpus.

Absent an order from this Court, Petitioner will continue to suffer indefinite detention in violation of the Constitution and federal immigration law, despite having secured protection from removal to his home country and facing no viable prospect of removal elsewhere.

Petitioner asks this Court to find that his continued detention beyond the statutory removal period, in the absence of a realistic prospect of removal, violates the Fifth Amendment and 8 U.S.C. § 1231(a), and to order his immediate release under appropriate conditions of supervision.

JURISDICTION

This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause). Jurisdiction is proper because Petitioner challenges the legality of his continued civil immigration detention under 8 U.S.C. § 1231(a) and the Constitution, and no statute strips this Court of jurisdiction to review such claims.

This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

Venue is proper because Petitioner is detained Golden State Annex in McFarland, California, which is within the jurisdiction of the Eastern District of California, Fresno Division.

In addition, Venue is proper in this District because Respondents are officers and agencies of the United States, and a substantial part of the events and omissions giving rise to the claims occurred in this District, including Petitioner's ongoing detention at Golden State Annex in McFarland, California. No real property is involved in this action. Venue is therefore proper under 28 U.S.C. § 1391(e).

REQUIREMENTS OF 28 U.S.C. § 2243

The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a

return “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).

Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

PARTIES

Petitioner Mandeep Singh Sanduh is a noncitizen of India who is currently detained at Golden State Annex in McFarland, California. He is in the custody and under the direct control of Respondents and their agents.

Respondent Minga Wofford is the Warden of Golden State Annex, and has immediate physical custody of Petitioner pursuant to the facility’s contract with U.S. Immigration and Customs Enforcement to detain noncitizens. Respondent Wofford is a legal custodian of Petitioner.

Respondent Robin Barrett is sued in her official capacity as the Director of the San Francisco Field Office of U.S. Immigration and Customs Enforcement. Respondent Barrett is a legal custodian of Petitioner and has the authority to release him.

Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Noem is responsible for the implementation and enforcement of the Immigration and Nationality Act and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner’s detention. Respondent Noem is a legal custodian of Petitioner.

Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, Respondent Bondi has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the Board of Immigration Appeals. Respondent Bondi is a legal custodian of Petitioner.

STATEMENT OF FACTS

Petitioner Mandeep Singh Sandhu is a 51-year-old citizen and national of India. In 2011, following a criminal conviction in California that was classified as an aggravated felony under the immigration laws, Petitioner was placed in removal proceedings and taken into immigration custody. He did not contest removability, and on or about June 21, 2012, an Immigration Judge ordered him removed to India.

Following the final order of removal, Petitioner remained detained for approximately nine months. When the Department of Homeland Security ("DHS") was unable to secure travel documents to effectuate his removal, he was released pursuant to a writ of habeas corpus. From 2012 onward, he lived in the community under an order of supervision. For over thirteen years, he complied with all conditions of supervision, reported regularly to immigration authorities, and had no incidents of noncompliance.

The Department of Homeland Security has had more than a decade to attempt to remove him, but those efforts have been unsuccessful. Petitioner has made repeated good-faith attempts to obtain a passport or other travel document from the Indian consulate. The Indian government has consistently refused to issue a passport, citing his lack of a birth certificate and other civil

documentation. DHS has also made unsuccessful efforts to secure a passport or other travel documents from India. No third country has been identified or agreed to accept him for removal.

In January 2025, DHS again took Petitioner into custody, and he has remained detained at the Golden State Annex in McFarland, California. On July 21, 2025, DHS conducted his 180-day post-order custody review interview, during which Petitioner confirmed that he has family members in the United States, provided a valid address for release, and reiterated his long history of compliance with supervision and his continued efforts to secure travel documents from India. Despite these facts, his detention has continued, and no travel document has been issued.

Petitioner has now been detained for more than six months during this most recent period of custody, and in total has spent well over a year of his life in immigration detention, despite the government having had more than twelve years to effectuate his removal without success.

Mr. Sandhu's detention now exceeds the presumptively reasonable 90-day removal period set forth in 8 U.S.C. § 1231(a) and violates the due process principles articulated in *Zadvydas v. Davis*, 533 U.S. 678 (2001), which bars indefinite detention absent a significant likelihood of removal in the reasonably foreseeable future.

LEGAL FRAMEWORK

Under the Immigration and Nationality Act (INA), the government may detain a noncitizen with a final order of removal during a 90-day "removal period." See 8 U.S.C. § 1231(a)(1)(A). During this period, the Department of Homeland Security (DHS) attempts to carry out the removal. Detention during this period is generally mandatory. See 8 U.S.C. § 1231(a)(2).

After the 90-day removal period expires, the statute authorizes continued detention only if removal remains reasonably foreseeable. See *Zadvydas v. Davis*, 533 U.S. 678, 699–701

(2001). The Supreme Court in *Zadvydas* held that a noncitizen may not be detained indefinitely; after six months, if the noncitizen provides “good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future,” the burden shifts to the government to rebut that showing.

The Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678 (2001) held that the government may not detain a noncitizen with a final order of removal indefinitely when there is no significant likelihood of removal in the reasonably foreseeable future. The Court established a presumptive six-month limit on post-order detention, after which the government must either show a significant likelihood of removal or release the individual under supervision.

The Court later confirmed in *Clark v. Martinez*, 543 U.S. 371 (2005) that this same statutory limit applies regardless of the reason why removal cannot be effectuated. Whether the impediment is a foreign government’s refusal to issue travel documents or the absence of a receiving country, the government may not continue to detain a noncitizen when there is no significant likelihood of removal in the reasonably foreseeable future.

This case falls squarely within that framework. Mandip’s detention is not the result of any legal bar to removal, but of the practical impossibility of securing travel documents to India. For more than twelve years, the Indian government has repeatedly refused to issue a passport because he has no birth certificate, and no third country has been identified or is willing to accept him. Under *Zadvydas* and *Clark*, these circumstances make continued detention unlawful.

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process

The allegations in the above paragraphs are realleged and incorporated herein by reference.

1. Petitioner Mandeep Singh Sandhu has been detained by U.S. Immigration and Customs Enforcement (ICE) for more than 180 days following the entry of a final administrative order of removal under INA § 238(b), despite the government's inability for more than twelve years to carry out his removal due to India's refusal to issue travel documents and the absence of any third country willing to accept him.
2. ICE has failed to identify a third country willing to accept Petitioner, and there is no significant likelihood of removal in the reasonably foreseeable future.
3. Petitioner's continued detention beyond the 90-day removal period authorized by statute, and in the absence of a realistic prospect of removal, constitutes a violation of the Fifth Amendment's guarantee of substantive due process.
4. For these reasons, Petitioner's detention violates the Due Process Clause of the Fifth Amendment.

COUNT TWO

Violation of 8 U.S.C. § 1231(a) and Implementing Regulations

The allegations in the above paragraphs are re-alleged and incorporated herein by reference.

1. Under 8 U.S.C. § 1231(a), the government may detain a noncitizen with a final order of removal for up to 90 days—the “removal period.” Continued detention beyond this period is only authorized where removal remains reasonably foreseeable. The regulations implementing this provision, 8 C.F.R. §§ 241.4 and 241.13, require the government to conduct regular post-order custody reviews and to release individuals where removal cannot be effectuated in the reasonably foreseeable future.
2. Petitioner has been detained for more than 180 days since the issuance of a final administrative removal order under INA § 238(b). For over twelve years, DHS has been unable to execute that order because the government of India has repeatedly refused to issue travel documents in the absence of a birth certificate. No third country has been identified or agreed to accept him, and DHS has made no showing that his removal is likely in the reasonably foreseeable future.
3. For these reasons, Petitioner’s detention violates 8 U.S.C. § 1231(a) and 8 C.F.R. §§ 241.4 and 241.13.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

1. Assume jurisdiction over this matter;
2. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
3. Declare that Petitioner’s continued detention violates the Due Process Clause of the Fifth Amendment, 8 U.S.C. § 1231(a), and 8 C.F.R. §§ 241.4 and 241.13;

4. Issue a Writ of Habeas Corpus ordering Respondents **to** release Petitioner immediately under appropriate conditions of supervision;
5. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
6. Grant any further relief this Court deems just and proper.

Respectfully submitted,



Ashkan Yekrangi, Esq.
Counsel for Petitioner

Dated: August 5, 2025

EXHIBIT A



Here's how you know

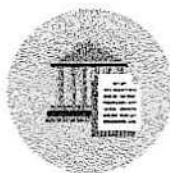


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Automated Case Information

Name: SANDHU, MANDEEP SINGH | **A-Number:** 



Next Hearing Information



There are no future hearings for this case.



Court Decision and Motion Information

The immigration judge ordered **REMOVAL**.

DECISION DATE

June 21, 2012

COURT ADDRESS

3260 NORTH PINAL PARKWAY
FLORENCE, AZ 85132



BIA Case Information

No appeal was received for this case.



Court Contact Information

If you require further information regarding your case, or wish to file additional documents, please contact the immigration court.

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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Mandeep Singh Sandhu, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 1 day of August, 2025.

s/Ashkan Yekrangi

Ashkan Yekrangi

Counsel for Petitioner