

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

Sandeep Singh,

**0:25-cv-3451**

Petitioner,

v.

Kristi Noem, Secretary, U.S. Department of  
Homeland Security,

Department of Homeland Security,

Todd M. Lyons, Acting Director of  
Immigration and Customs Enforcement,

Immigration and Customs Enforcement,

Sam Olson, Director, St. Paul Field Office  
Immigration and Customs Enforcement,

and,

Eric Tollefson, Sheriff of Kandiyohi  
County.

**VERIFIED PETITION FOR  
WRIT OF HABEAS CORPUS**

Respondents.

## INTRODUCTION

1. Respondents are detaining Petitioner, Mr. Sandeep Singh, (“Singh”), who is subject to a final order of removal, dated March 3, 2025, as well as a grant of Cancellation of Removal issued simultaneous with the removal order.
2. Mr. Singh’s order of removal became administratively final on March 3, 2025, when counsel waived his right to appeal, and the government’s appeal of his Withholding of Removal grant was dismissed on August 21, 2025, making his removal from the United States unforeseeable in the immediate future.
3. Singh has been held in Respondents custody for more than two years, starting on approximately August 23, 2024, six months of which has postdated his final order of removal.
4. The prolonged post-removal order detention, which has now totaled more than six months, violates the Due Process Clause of the United States Constitution.
5. The continued detention of Singh serves no legitimate purpose.
6. To remedy this unlawful detention, Singh seeks declaratory and injunctive relief in the form of immediate release from detention.
7. Pending the adjudication of his Petition, Singh seeks an order restraining the Respondents from transferring him to a location where he cannot reasonably

consult with counsel, such a location to be construed as any location outside of the geographic jurisdiction of the day-to- day operations of U.S. Customs and Immigration's ("ICE") Fort Snelling, Minnesota of the Office of Enforcement and Removal Operations in the State of Minnesota.

8. Pending the adjudication of this Petition, Petitioners also respectfully request that Respondents be ordered to provide seventy-two (72) hour notice of any movement of Singh.
9. Singh requests the same opportunity to be heard in a meaningful manner, at a meaningful time, and thus requests 72-hour notice prior to any removal or movement of him away from the State of Minnesota.

#### **JURISDICTION AND VENUE**

10. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331 (federal question), § 1361 (federal employee mandamus action), § 1651 (All Writs Act), and § 2241 (habeas corpus); Art. I, § 9, cl. 2 of the United States Constitution ("Suspension Clause"); 5 U.S.C. § 702 (Administrative Procedure Act); and 28 U.S.C. § 2201 (Declaratory Judgment Act). This action further arises under the Constitution of the United States and the Immigration and Nationality Act ("INA"), specifically, 8 U.S.C. § 1101-1537.

11. Because Singh seeks to challenge his custody as a violation of the Constitution and laws of the United States, jurisdiction is proper in this court. Zadvydas, v. Davis, 533 U.S. 678 (2001).
12. Federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear habeas petitions by noncitizens challenging the lawfulness or constitutionality of their detention by DHS. Demore v. Kim, 538 U.S. 510, 516–17 (2003); Jennings v. Rodriguez, 583 U.S. 281, 290-94 (2018); Nielsen v. Preap, 586 U.S. 392, 399, 399-401 (2019)
13. Venue is proper in this Court pursuant to 28 USC §§ 1391(b), (e)(1)(B), and 2241(d) because Singh is detained within this District. He is currently detained at the Kandiyohi County Jail, in Willmar, Minnesota. Venue is also proper in this Court pursuant to 28 U.S.C. § 1391(e)(1)(A) because Respondents are operating in this district.

#### **PARTIES**

14. Petitioner Singh is a citizen and national of India. Singh is currently in Immigration and Customs Enforcement (“ICE”) custody at the Kandiyohi County Jail, in Willmar, Minnesota.
15. Respondent Kristi Noem is being sued in her official capacity as the Secretary of the Department of Homeland Security. In this capacity, Secretary Noem is responsible for the administration of the immigration

laws pursuant to 8 U.S.C. § 1103(a), routinely transacts business in the District of Minnesota, supervises the Fort Snelling ICE Field Office, and is legally responsible for pursuing Singh's detention. As such, Respondent Noem is a legal custodian of Singh.

16. Respondent Department of Homeland Security ("DHS") is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens, including Singh. As such, DHS is a legal custodian of Singh.
17. Respondent Todd M. Lyons is the Acting Director of U.S. Immigration and Customs Enforcement, which oversees the detention of aliens in the United States. Mr. Lyons is sued in his official capacity. Defendant Lyons is responsible for Petitioner's detention. As such, Respondent Lyons is a legal custodian of Singh.
18. Respondent Immigration and Customs Enforcement ("ICE") is the subagency within the Department of Homeland Security responsible for implementing and enforcing the Immigration & Nationality Act, including the detention of noncitizens. As such, ICE is a legal custodian of Singh.
19. Respondent Sam Olson is being sued in his official capacity as the Field Office Director for the Fort Snelling Field Office for ICE within DHS. In that capacity, Field Director Olson has supervisory authority over the ICE

agents responsible for detaining Singh. The address for the Fort Snelling Field Office is 1 Federal Drive, Fort Snelling, Minnesota 55111, and it is the field office with jurisdiction over Singh's detention in Minnesota. As such, Respondent Olson is a legal custodian of Singh.

20. Respondent Sheriff Eric Tollefson is being sued in his official capacity as the Sheriff responsible for the Kandiyohi County Jail Services. Because Petitioner is detained in the Kandiyohi County Jail, Respondent has immediate day-to-day control over Petitioner. As such, Respondent Tollefson is a legal custodian of Singh.

### **EXHAUSTION**

21. A final order of removal has been entered against Petitioner and Petitioner has exhausted his administrative remedies such that judicial action is his only remedy.
22. Notably, no statutory exhaustion requirement applies to Petitioner's claim of unlawful detention. McCarthy v. Madigan, 503 U.S. 140, 144 (1992); 8 U.S.C. § 1252(d)(1) (requiring exhaustion of administrative remedies only where requesting review of a final removal order).
23. Furthermore, prudential “[e]xhaustion is not required when the issue presented to the court ... involves purely legal issues.” Trinity Indus. v.

Reich, 901 F. Supp. 282, 286 (E.D. Ark. 1993), aff'd, 33 F.3d 942 (8th Cir. 1994) (citing Bethlehem Steel v. E.P.A., 669 F.2d 903, 907 (3rd Cir.1982)).

24. This is a purely legal issue relating to prolonged detention under the Fifth Amendment.

25. "Further, exhaustion is not required when the nonjudicial remedy is clearly shown to be inadequate to prevent irreparable injury." Id. (citing Miss America Organization v. Mattel, 945 F.2d 536, 545 (2nd Cir.1991)).

26. Unlawful, going on indefinite, detention is clearly an irreparable injury given that "a loss of liberty ... is perhaps the best example of irreparable harm." Matacua v. Frank, 308 F. Supp. 3d 1019, 1025 (D. Minn. 2018). "Freedom from imprisonment lies at the heart of the liberty protected by the Due Process Clause." Zadvydas v. Davis, 533 U.S. 678, 679 (2001).

27. "In addition, exhaustion is not required where administrative proceedings involve questions of significant national interest or where the agency has clearly violated rights secured by the Constitution, statutes, or administrative regulations." Trinity Indus., 901 F. Supp. at 286 (citing Philip Morris v. Block, 755 F.2d 368, 370 (4th Cir.1985)).

28. Respondents have now detained Mr. Singh beyond the 6 months after his final order of removal, which is presumptively unreasonable. *See Zadvydas*, 533 U.S. at 701.

29. Nevertheless, Singh has indeed exhausted his administrative remedies by seeking custody redetermination at the end of his 90-day mandatory detention period. *See Ex. A.*

#### **FACTUAL ALLEGATIONS & PROCEDURAL HISTORY**

30. Singh is a native and citizen of India.
31. On December 8, 2015, Singh entered the United States through the southern border and was detained shortly thereafter.
32. On December 28, 2015, Singh completed credible fear interview, was found to have a credible fear, and was released into the United States on parole shortly thereafter.
33. On August 22, 2024, Singh was convicted of misdemeanor interfering with an emergency call and misdemeanor simple assault under N.D.C.C. §§ 12.1-21-06.1 and 12.1-17-01(1)(a) and held in the custody of the Burleigh County Jail in North Dakota.
34. On August 23, 2024, Singh was transferred to Respondents' custody and moved to the Kandiyohi County jail.
35. Singh sought bond and on October 17, 2024, the immigration court denied bond, claiming that administrative caselaw, in Matter of M-S-, 27 I. & N. Dec. 509 (2019), stripped it of jurisdiction to release him on bond.

36. On January 14, 2025, the immigration court held the first of two merits hearings in Singh's removal proceedings.
37. On February 4, 2025, the second merits hearing was held.
38. On March 3, 2025, the immigration court denied Singh's application for asylum on the basis that he filed more than a year after arriving in the United States, but granted Withholding of Removal from India under 8 U.S.C. § 1231(b)(3)(A).
39. Singh waived his right to appeal but Respondents reserved the right to appeal the grant of Withholding of Removal.
40. On March 28, 2025, Respondents filed an administrative appeal.
41. On June 2, 2025, Singh requested a custody redetermination with Respondents at the termination of his mandatory removal period under 8 U.S.C. § 1231(a)(1).
42. While in custody, Singh has been prescribed and received daily doses of hydroxyzine to deal with ongoing anxiety issues.
43. On April 14, 2025, Singh began experiencing bouts of dizziness.
44. On July 24, 2025, Singh began experiencing significant sharp chest pains four times a day, and was seen by a doctor on July 26, 2025, after which he was referred to CentraCare in Willmar, placed in a medical segregation unit, and taken off inmate worker status.

45. That same day, Singh was seen at CentraCare, prescribed Omeprazole and returned to the Kandiyohi County jail, which indicated that he would require ongoing EKG monitoring every six months.
46. On August 11, 2025, Singh was once again seen by the Kandiyohi County jail medical staff due to sharp pains in his chest. He was administered over the counter painkillers.
47. On August 12, 2025, Singh reported continued chest pains and his hydroxyzine prescription was discontinues in favor of fluoxetine to address his ongoing anxiety.
48. On August 21, 2025, the Board of Immigration Appeals dismissed Respondents' administrative appeal, meaning Singh cannot be removed to India.
49. Singh remains in detention at Kandiyohi County Jail in Willmar, Minnesota.
50. Guards at the Kandiyohi County Jail have described him as "very respectful, always pleasant, and [ ] willing to do any task that is asked of him."
51. To date, it does not appear as if Respondents have obtained a travel document to any third country.

### **LEGAL FRAMEWORK**

52. As the constitution states, “[t]he Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the Public Safety may require it.” U.S. Const. art. I, § 9 cl. 2.
53. Such a writ is available to a person who “is in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3).
54. “There is no higher duty of a court, under our constitutional system, than the careful processing and adjudication of petitions for writs of habeas corpus, for it is in such proceedings that a person in custody charges that error, neglect, or evil purpose has resulted in his unlawful confinement and that he is deprived of his freedom contrary to law.” Harris v. Nelson, 394 U.S. 286, 291-22 (1969).
55. “The scope and flexibility of the writ – its capacity to real all manner of illegal detention – its ability to cut through barriers of form and procedural mazes – have always been emphasized and jealously guarded by courts and lawmakers.” Id. at 291.
56. “[W]hen an alien is ordered removed, the Attorney General shall remove the alien from the United States within a period of 90 days (in this section referred to as the “removal period”).” 8 U.S.C. § 1231(a)(1)(A).

57. The removal period begins on the latest of the following:
  - (i) The date the order of removal becomes administratively final.
  - (ii) If the removal order is judicially reviewed and if a court orders a stay of the removal of the alien, the date of the court's final order.
  - (iii) If the alien is detained or confined (except under an immigration process), the date the alien is released from detention or confinement.

8 U.S.C. § 1231(a)(1)(B).
58. An “‘order of deportation’ means the order of the special inquiry officer, or other such administrative officer to whom the Attorney General has delegated the responsibility for determining whether an alien is deportable, concluding that the alien is deportable or ordering deportation.” 8 U.S.C. § 1011(a)(47)(A).
59. Such an order “shall become final upon the earlier of—
  - (i) a determination by the Board of Immigration Appeals affirming such order; or
  - (ii) the expiration of the period in which the alien is permitted to seek review of such order by the Board of Immigration Appeals.

8 U.S.C. § 1011(a)(47).
60. The removal period may be extended beyond a period of 90 days if the alien “fails or refuses to make timely application in good faith for travel or other

documents necessary to [his] departure,” or otherwise fails to cooperate in the removal process. 8 U.S.C. § 1231(a)(1)(C).

61. “If the alien does not leave or is not removed within the removal period, the alien, pending removal, shall be subject to supervision under regulations prescribed by the Attorney General. The regulations shall include provisions requiring the alien—
  - (A)to appear before an immigration officer periodically for identification;
  - (B)to submit, if necessary, to a medical and psychiatric examination at the expense of the United States Government;
  - (C)to give information under oath about the alien’s nationality, circumstances, habits, associations, and activities, and other information the Attorney General considers appropriate; and
  - (D)to obey reasonable written restrictions on the alien’s conduct or activities that the Attorney General prescribes for the alien.

8 U.S.C. § 1231(a)(3).

62. “An alien ordered removed who is inadmissible under section 1182 of this title, removable under section 1227(a)(1)(C), 1227(a)(2), or 1227(a)(4) of this title or who has been determined by the Attorney General to be a risk to the community or unlikely to comply with the order of removal, may be detained beyond the removal period and, if released, shall be subject to the terms of supervision in paragraph (3).” 8 U.S.C. § 1231(a)(6).

63. However, “the Attorney General may not remove an alien to a country if the Attorney General decides that the alien’s life or freedom would be threatened in that country because of the alien’s race, religion, nationality, membership in a particular social group, or political opinion.” 8 U.S.C. § 1231(b)(3)(A).
64. Notably, as with an order under the Convention Against Torture, a withholding of removal order under 8 U.S.C. § 1231(b)(3)(A) “is not itself a final order of removal because it is not an order “concluding that the alien is deportable or ordering deportation.” Nasrallah v. Barr, 590 U.S. 573, 582 (2020).
65. As such, “the finality of the order of removal does not depend in any way on the outcome of the withholding-only proceedings.” Johnson v. Guzman Chavez, 594 U.S. 523, 539 (2021).
66. “Because the validity of removal orders is not affected by the grant of withholding-only relief, an alien’s initiation of withholding-only proceedings does not render non-final an otherwise ‘administratively final’ reinstated order of removal.” Id. at 540.
67. Indeed, “the order of removal is separate from and antecedent to a grant of withholding of removal.” Id. at 540.

68. As such, the “order of removal” become administratively final on March 3, 2025, when Singh waived his appeal rights of that order and his removal period began on March 3, 2025, and completed on June 1, 2025.
69. The Due Process Clause of the Fifth Amendment requires that “[n]o person shall... be deprived of liberty... without due process of law.” U.S. Const. amend. 5.
70. It is well-established that the Fifth Amendment entitled aliens to due process of Law[.]” Demore v. Kim, 528 U.S. 510, 523 (2003) (quoting Reno v. Flores, 507 U.S. 292, 306 (1993)).
71. “Freedom from imprisonment – from government custody, detention, or other forms of physical restraint – lies at the heart of the liberty that Clause protects.” Zadvydas v. Davis, 533 U.S. 678, 690 (2001).
72. Due process therefore requires “adequate procedural protections” to ensure that the government’s asserted justification for its conduct infringing on protected interests ‘outweighs the individual’s constitutionally protected interest in avoiding physical restraint.’” Id. (citing Kansas v. Hendricks, 521 U.S. 346, 356 (1997)).
73. As such, “Congress previously doubted the constitutionality of detention for more than six months.” Zadvydas, 533 U.S. at 701 (2001).

74. “After this 6-month period, once the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing.” Id.
75. “[A]s the period of prior postremoval confinement grows, what counts as the ‘reasonably foreseeable future’ conversely would have to shrink.” Zadvydas, 533 U.S. at 701.
76. In the immigration context, the Supreme Court has recognized only two valid purposes for civil detention—to mitigate the risks of danger to the community and to prevent flight. Id.; Demore, 538 U.S. at 528.
77. Other than punishment for a crime, due process permits the government to take away liberty only “in certain special and narrow nonpunitive circumstances . . . where a special justification . . . outweighs the individual’s constitutionally protected interest in avoiding physical restraint.” Zadvydas, 533 U.S. at 690 (quotation marks omitted).
78. Such special justification exists only where a restraint on liberty bears a “reasonable relation” to permissible purposes. Jackson v. Indiana, 406 U.S. 715, 738 (1972); see also Foucha v. Louisiana, 504 U.S. 71, 79 (1992); Zadvydas, 533 U.S. at 690.

**CAUSE OF ACTION**

**COUNT ONE: VIOLATION OF THE FIFTH AMENDMENT**

79. Singh re-alleges and incorporates by reference each allegation.
80. The Fifth Amendment Due Process Clause protects against arbitrary detention by the executive branch. Zadvydas, 533 U.S. at 699. Due process requires that detention be reasonably related to its purpose and accompanied by adequate procedures to ensure that detention is serving its legitimate goals. *See Zadvydas*, 533 U.S. at 690-91.
81. Petitioner's detention is unreasonable, as Petitioner's removal to India is prohibited, no other country has accepted him, and more than six months have elapsed since Petitioner's removal order became final. Singh's ongoing detention is therefore unreasonable, and therefore, is a violation of Singh's Fifth Amendment guarantee of due process.

**COUNT TWO: VIOLATION OF ADMINISTRATIVE PROCEDURES ACT**

82. Singh re-alleges and incorporates by reference each allegation.
83. Under the APA, "the reviewing court shall ... interpret constitutional ... provisions, and determine the meaning or applicability of the terms of an agency action. The reviewing court shall ... hold unlawful and set aside agency action, findings, and conclusions found to be ... contrary to constitutional right." 5 U.S.C. § 706 (2)(B).

84. “[O]nce removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute.” Zadvydas, 533 U.S. at 699.
85. “Congress previously doubted the constitutionality of detention for more than six months. … After this 6-month period, once the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing.” Id. at 701.
86. Petitioner’s detention is unreasonable, as Petitioner’s removal to India is prohibited, no other country has accepted him, and more than six months have elapsed since Petitioner’s removal order became final. Singh’s ongoing detention is therefore unreasonable, and therefore, is a violation of Singh’s Fifth Amendment guarantee of due process and the Administrative Procedures Act.

**PRAYER FOR RELIEF**

WHEREFORE, Petitioner, Saeed Singh, asks this Court for the following relief:

1. Assume jurisdiction over this matter.
2. Issue an order restraining Respondents from attempting to move Singh from the State of Minnesota during the pendency of this Petition.
3. Issue an order requiring Respondents to provide 72-hour notice of any intended movement of Singh.

4. Expedite consideration of this action pursuant to 28 U.S.C. § 1657 because it is an action brought under 28 U.S.C., chapter 153 related to habeas actions.
5. Order Respondents to show cause for their continued detention of Singh within three days pursuant to 28 U.S.C. § 2243.
6. Grant the writ of habeas corpus.
7. Order Petitioner's release from custody under an order of supervision or other condition as set by the Court.
8. Declare that Respondents' action is arbitrary and capricious.
9. Declare that Petitioner's detention beyond the 6 month period violates the Due Process Clause of the Fifth Amendment where travel arrangements have not been made.
10. Grant Singh reasonable attorney fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A).
11. Grant all further relief this Court deems just and proper.

DATED: September 2, 2025

Respectfully submitted,

/s/ Cameron Giebink  
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**Verification by  
Petitioner Pursuant to 28 U.S.C. § 2242**

I am submitting this verification on behalf of Petitioner because I am his attorney and have represented him since November 4, 2024. I have discussed the events described in this Petition with Petitioner and was present for, or have reviewed documents directly corroborating, everything postdating November 4, 2025, which is the period relevant to this habeas action. I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus, including the dates and nature of the administrative appellate procedure, are true and correct to the best of my knowledge.

/s/ Cameron Giebink  
Cameron Giebink

9/2/2025  
Date: