

FILED

SEP 15 2024

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
DEPUTY CLERK

Name: Jasmeet Singh Randhawa

A Number: [REDACTED]

Address: Otay Mesa Detention Center
7488 Calzada de la fuente
San Diego CA 92154

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Name: Jasmeet Singh Randhawa

Petitioner,

Case No.

1:25-cv-01201-SAB-(HE)

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

Warden of the Otay Mesa Detention Center
Detention Facility; Field Office Director, San
Francisco Field Office, United States
Immigration and Customs Enforcement; Director,
United States Immigration and Customs
Enforcement; Secretary, United States
Department of Homeland Security; and United
States Attorney General,

Respondents.

Petitioner [name] Jasmeet Singh Randhawa petitions this Court for a writ
of habeas corpus to remedy Petitioner's indefinite detention by Respondents.

JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction and may grant relief under 28 U.S.C. §
2241 (habeas corpus), 28 U.S.C. § 1651 (All Writs Act), and 28 U.S.C. § 1331 (federal question).

1 This Court also has jurisdiction to hear this case under the Suspension Clause of Article I of the
2 United States Constitution. *JNS v. St. Cyr*, 533 U.S. 289 (2001).

3 2. Because Petitioner challenges his or her custody, jurisdiction is proper in this
4 Court. While the courts of appeals have jurisdiction to review removal orders through petitions
5 for review, *see* 8 U.S.C. §§ 1252(a)(1) and (b), the federal district courts have jurisdiction under
6 28 U.S.C. § 2241 to hear habeas petitions by noncitizens challenging the lawfulness of their
7 detention. *See, e.g., Zadvydas v. Davis*, 533 U.S. 678, 687-88 (2001); *Nadarajah v. Gonzales*, 443
8 F.3d 1069, 1075-76 (9th Cir. 2006).

9 3. Petitioner has exhausted any and all administrative remedies to the extent required
10 by law.

11 4. Venue is proper in the Eastern District of California because this is the district in
12 which Petitioner is confined. *See Doe v. Garland*, 109 F.4th 1188, 1197-99 (9th Cir. 2024).

13 PARTIES

14 5. Petitioner is a noncitizen who is currently detained by Immigration and Customs
15 Enforcement (ICE) at the [name of detention facility] Olaj Mesa Detention Center
16 in [city, state] San Diego, California

17 6. Respondent Warden of the Olaj Mesa Detention Center [name of detention facility]
18 Detention Facility is Petitioner's immediate custodian at the facility where Petitioner is detained.
19 *See Doe*, 108 F.4th at 1194-97.

20 7. Respondent Field Office Director for the San Francisco Field Office of ICE ("SF
21 FOD") has the authority to order Petitioner's release or continued detention. As such, Respondent
22 SF FOD is a legal custodian of Petitioner.

23 8. Respondent Director of ICE ("ICE Director") is the head of ICE, an agency within
24 the United States Department of Homeland Security that detains and removes certain noncitizens.
25 Respondent ICE Director is a legal custodian of Petitioner.

26 9. Respondent Secretary of the United States Department of Homeland Security
27 ("DHS Secretary") is responsible for the implementation and enforcement of the immigration
28

laws and oversees ICE. As such, Respondent DHS Secretary has ultimate custodial authority over Petitioner.

10. Respondent Attorney General of the United States ("U.S. A.G.") is the head of the United States Department of Justice, which oversees the immigration courts. Respondent U.S. A.G. shares responsibility for enforcement of the immigration laws with Respondent DHS Secretary.

11. All Respondents are sued in their official capacities.

FACTUAL ALLEGATIONS

12. Petitioner [name] Jasmeet Singh Randhawa was born in [country] INDIA

13. Petitioner entered the United States on or about [date] 15 MAY 2015.
Petitioner's immigration history is as follows:

Asylum

14. Petitioner's criminal history is as follows:

Possession of Control Substance,
Possession of Fire Arm

15. Petitioner was detained by Immigration and Customs Enforcement on or about [date] 11 March 25. Petitioner has remained in ICE custody since that date.

16. An Immigration Judge ordered Petitioner removed from the United States on or about [date] Dec 2024. Petitioner [circle one] DID / **DID NOT** appeal the Immigration Judge's decision to the Board of Immigration Appeals (BIA). The BIA dismissed Petitioner's appeal on [date, if applicable] NA.

1 17. Petitioner received a document titled "Decision to Continue Detention" from ICE
2 on or about [date] -NA-. Petitioner received a second "Decision to
3 Continue Detention" from ICE on or about [date] -NA-.

4 18. Petitioner has cooperated fully with all of ICE's efforts to remove Petitioner.
5 Petitioner has cooperated with ICE in the following ways: _____

6 Cooperated Given All the information asked
7 moved to 5 different facilities for deportation

8 19. Nonetheless, ICE has been unable to remove Petitioner from the United States.
9 ICE is unlikely to be able to remove Petitioner because: _____

10 ICE is Unable to get Travel Documents
11 as my Country is not accepting me
12 as their Citizen

13
14
15
16
17
18 **LEGAL FRAMEWORK**

19 20. In *Zadvydas v. Davis*, the Supreme Court held that the immigration statute 8
20 U.S.C. § 1231(a)(6) does not allow ICE to detain a noncitizen indefinitely while attempting to
21 carry out removal. 533 U.S. 678, 689 (2001). Because of the "serious constitutional problem"
22 posed by indefinite detention, the Court read the statute to limit a noncitizen's detention to "a
23 period reasonably necessary to bring about that alien's removal from the United States." *Id.*

24 21. The Court also recognized six months as the "presumptively reasonable period" of
25 post-removal order detention. *Id.* at 701. After six months, once the noncitizen provides "good
26 reason to believe that there is no significant likelihood of removal in the reasonably foreseeable
27 future," the burden shifts to the government to rebut that showing. *Id.* Moreover, "as the period of
28

1 prior postremoval confinement grows, what counts as the 'reasonably foreseeable future'
2 conversely would have to shrink." *Id.*

3 22. In *Clark v. Martinez*, the Supreme Court held that its ruling in *Zadvydas* applies
4 equally to noncitizens who have never been admitted to the United States. 543 U.S. 371 (2005).

5 **CLAIM FOR RELIEF**

6 **VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT**

7 23. The foregoing allegations are realleged and incorporated herein.

8 24. Petitioner's continued detention is unlawful and violates 8 U.S.C. § 1231(a)(6) as
9 interpreted by the Supreme Court in *Zadvydas*. The six-month presumptively reasonable period of
10 detention has expired and Petitioner has provided good reason to believe that his or her removal is
11 not significantly likely to occur in the reasonably foreseeable future. Therefore, Respondents lack
12 authority to continue detaining Petitioner.

13 **PRAYER FOR RELIEF**

14 WHEREFORE, Petitioner respectfully requests that the Court grant the following relief:

- 15 a. Assume jurisdiction over this matter;
16 b. Issue an order pursuant to 28 U.S.C. § 2243 directing Respondents to show cause
17 why the writ of habeas corpus should not be granted;
18 c. Grant the writ of habeas corpus and order Petitioner's immediate release from
19 custody;
20 d. Grant any other and further relief as the Court deems just and proper.

21
22 Date: 08-10-25

23 Signature: _____

24 *Dordhana*
25 _____
26 Petitioner
27
28