UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY

PARAMJIT SINGH,

Petitioner,

v.

KRISTI NOEM, in her official capacity as Secretary of the Department of Homeland Security; **PAMELA BONDI**, in her official capacity as Attorney General of the United States; **TODD LYONS**, in his official capacity as Acting Director and Senior Official Performing the Duties of the Director of U.S. Immigration and Customs Enforcement; **SAMUEL OLSON**, in his official capacity as Field Office Director for U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations; **MARC FIELDS**, in his official capacity as County Jailer of Kenton County Detention Center,

Respondents.

Case No. 25-161-DCR

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION AND STATEMENT OF FACTS

1. This matter concerns the unlawful detention of Petitioner. As set forth in greater detail below, Petitioner has been a legal permanent resident for over 30 years. Petitioner has a history of Pituitary tumor, which causes him chronic headaches and neck pain. *See* Ex. A. Upon returning from an overseas trip on July 30, 2025, Petitioner was arrested and detained by the Department of Homeland Security ("DHS") because of an August 18, 2000, conviction in Union Circuit Court, Union County, Indiana, for theft under Indiana Code 35-43-4-2, for which Petitioner was sentenced to 10 days probation. An immigration judge granted Petitioner bond in the amount of $10,000, but DHS automatically stayed that decision and subsequently filed an

appeal with the Board of Immigration Appeals ("BIA"). But that appeal alleged Petitioner was ineligible for bond due to a fake, manufactured 2008 criminal conviction that Petitioner was never arrested or convicted of. Indeed, Petitioner has no other criminal history other than the August 2000 conviction.

2. Subsequently, the Immigration Judge ("IJ") who granted bond *sua sponte*—without any party making a motion—reversed himself and rescinded his bond order. The new decision does not reference if it found Petitioner ineligible for bond due to the August 2000 conviction or the fake 2008 conviction that DHS manufactured and filed in their Appeal. Either way, the IJ had no jurisdiction to reconsider his decision because the BIA had been vested with jurisdiction over that matter at the time. DHS shortly thereafter filed a request with the BIA to withdraw its appeal due to the IJ's *sua sponte* unlawful reconsideration.

3. Petitioner is eligible for release on bond because he is subject to discretionary detention under 8 U.S.C. 1226(a). Petitioner is not an arriving alien who is subject to mandatory detention under 8 U.S.C. 1225(b) as argued by DHS. Petitioner cannot take advantage of the administrative remedies to correct this constitutional wrong because DHS and the Executive Office of Immigration Review ("EOIR") have placed Petitioner in an administrative limbo. Petitioner's continued detention is unlawful for two reasons. First, the automatic stay that has subjected to continued detention violates Petitioner's procedural and substantive due process rights and the Immigration and Nationality Act ("INA"). Second, DHS' and EOIR's actions have placed Petitioner in an administrative limbo, inappropriately switched the burden to him to justify his continued detention, and deprived him of a constitutionally adequate bond hearing, in violation of the Fifth Amendment and the INA.

4. Petitioner, Paramjit Singh, is a legal permanent resident and has resided in the United States since 1994, and is married to a United States Citizen ("USC")

5. Petitioner has two USC children and is their primary caregiver.

6. Petitioner is an entrepreneur and currently employs over 100 individuals across various states.

7. In 1999, Petitioner was charged with theft in connection with "making several telephone calls to India from a public pay telephone, without paying for those services . . ." in the Union Circuit Court in Indiana. On August 18, 2000, Petitioner pled guilty to three counts. On June 12, 2023, those charges were modified from Class D felonies to Class A misdemeanors. Petitioner has no other criminal arrests or convictions.

8. On June 12, 2023, the conviction was reduced from a Class D felony to a Class A misdemeanor pursuant to Indiana Code 35-38-1-1.5. *See* Ex. B. The order stated: "to delete the convictions dated August 18, 2000, as a Class D Felonies, the record the same this date as convictions for Class A Misdemeanors."

9. Petitioner has continuously maintained LPR status since that time and has not committed any act that would warrant the forfeiture or abandonment of such status.

10. Petitioner has a history of Pituitary tumor, which causes him chronic headaches and neck pain.

11. On July 30, 2025, Petitioner arrived at the Chicago O'Hare International Airport after an overseas trip. He was detained by the Department of Homeland Security ("DHS").

12. On July 31, 2025, DHS issued a Notice of Custody Determination stating that "[p]ursuant to the authority contained in section 236 of the Immigration and Nationality Act and part 236 of title 8, Code of Federal Regulations, I have determined that, pending a final

administrative determination in your case, you will be: Detained by the Department of Homeland Security." The notice clearly states that "[y]ou may request a review of this custody determination by an immigration judge" and indicates that Petitioner did request that an Immigration Judge ("IJ") review his custody determination.

13. On August 4, 2025, DHS served Petitioner with a Form I-200, Warrant for Arrest of Alien which authorized "[a]ny immigration officer authorized pursuant to section 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations" and commanded to arrest and take into custody Petitioner for removal proceedings. *See* Ex. C.

14. On August 4, 2025, Petitioner was served with a Notice to Appear ("NTA") charging him with removability as having "been admitted to the United States" but removable under section 212(a)(2)(A)(i)(I) of the Immigration and Nationality Act ("INA") as an "alien who has been convicted of, or who admits having committed, or who admits committing acts which constitute the essential elements of a crime involving moral turpitude (other than a purely political offense) or an attempt or conspiracy to commit such a crime." *See* Ex D, NTA. The sole basis for the charge is Petitioner's August 2000 conviction.

15. On August 25, 2025, Petitioner appeared for a bond hearing before an IJ. Upon conclusion of the hearing, the IJ found that Petitioner was detained under 8 U.S.C. § 1226(a) and was eligible for release on bond. The IJ ordered Petitioner released on a bond in the amount of $10,000. *See* Ex. E, August 25, 2025 Bond Order.

16. DHS filed a Form EOIR-43 and automatically stayed the decision of the IJ. *See* Ex. F. The EOIR-43 automatically stays the release of a Petitioner on bond pending the appeal of the bond release.

17. On September 10, 2025, DHS filed an appeal with the Board of Immigration Appeals ("BIA"), alleging for the first and without any facts, that Petitioner was ineligible for release on bond because "in 2008, the [Petitioner] was convicted of a forgery offense in Illinois, which is an offense under INA 212(a)(2)(A)(i)(I). Thus, he was an applicant for admission when encountered by immigration officials returning from abroad in August 2025." Therefore, DHS contended for the first time on appeal that "[h]e was properly detained as an arriving alien pending removal proceedings" and "[s]ince the custody of arriving aliens is governed by INA 235(b)(2)(A), not 236, the Immigration Judge lacked authority to issue a bond in this case." *See* Ex. G, DHS Bond Appeal.

18. However, Petitioner was *never* convicted of any offense other than the 2000 convictions for theft, let alone a 2008 "forgery offense in Illinois." Indeed, DHS never presented any evidence of such an offense at the August 25, 2025 bond hearing.

19. Petitioner's counsel made this representation known to the DHS. *See* H. DHS never responded.

20. On or about September 29, 2025, IJ Brendan Curran *sua sponte* issued a "Memorandum of the Immigration Judge" and reversed himself on his bond decision. *See* Ex. I, Memorandum of the Immigration Judge. No parties made the request for reconsideration, and the IJ considered no legal arguments, testimony, or evidence in making the new decision. The IJ acknowledged he had granted bond in the amount of $10,000, but that "[r]eviewing the Immigration and Nationality Act, the Court has reconsidered its earlier position. Thus, Respondent is an arriving alien charged with an offense identified in INA section 212(a)(2) and his custody status may not be reviewed by the immigration Judge." *Id.* The IJ made no mention of what charge he was referring to and whether it was Petitioner's sole 2000 conviction or the

fake charge that DHS manufactured in its appeal. Indeed, no hearing, arguments, or testimony were considered by the IJ in rendering this new decision.

21. The IJ was divested of any jurisdiction to *sua sponte* reverse his own decision because the matter was pending with the BIA. *See* 8 C.F.R. § 1003.23(b)(1) (2020) (stating that an Immigration Judge may "reconsider any case in which he or she has made a decision, unless jurisdiction is vested with the Board of Immigration Appeals").

22. On October 10, 2025, DHS filed a "Motion to Withdraw Bond Appeal" with the BIA. *See* Ex. J, DHS Motion to Withdraw Bond Appeal. In it, DHS argues that the IJ "issued a memorandum properly reconsidering his decision to issue bond, ruling that this court does not had jurisdiction to review the [Petitioner's] custody status." *Id.* The motion made no mention of the fact that the IJ's decision didn't specify which conviction he was talking about or the fact that the IJ had no authority to reconsider his decision because jurisdiction had been vested with the BIA. The DHS only in a footnote made a passing reference that "DHS's appeal was based on the Immigration Judge's original decision to grant bond to an arriving LPR with convictions of inadmissibility, which was not a proper bond decision. As argued in DHS's Notice of Appeal, an Immigration Judge lacks jurisdiction over an arriving alien LPR who is inadmissible based on convictions. In that Notice of Appeal, DHS referenced a conviction for forgery. This was error; this respondent stands convicted of theft not forgery offenses. The remainder of the Notice of Appeal and the legal basis for the respondent's ongoing detention, however, remains valid. DHS simply uses this opportunity to clarify the record that the respondent's convictions were theft offenses, not forgery offenses." *Id.* n. 1.

23. On October 10, 2025, Petitioner's counsel filed a Motion to Reissue Bond and a Motion to Terminate the proceedings. *See* Ex. K, Motion to Reissue Bond; Ex. L, Motion to Terminate Proceedings.

JURISDICTION

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

25. 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).

26. 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.

27. Federal district courts have jurisdiction to hear habeas claims brought by noncitizens challenging the lawfulness of their detention. *See Demore v. Kim*, 538 U.S. 510, 516–17 (2003) (recognizing habeas jurisdiction over immigration detention challenges); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001) (same); *Soberanes v. Comfort*, 388 F.3d 1305, 1310 (10th Cir. 2004) ("Challenges to immigration detention are properly brought directly through habeas.").

28. No petition for a writ of habeas corpus has previously been filed in any court regarding Petitioner.

VENUE

29. Venue is proper because Petitioner is detained at Kenton County Detention Center in Covington, Kentucky, which is within the jurisdiction of this District. Venue is also proper in this District because Respondents are officers, employees, or agencies of the United

States. *See* 28 U.S.C. §§ 1391(b) and (e)(1) see also *United States v. Scott*, 803 F.2d 1095, 1096 (10th Cir. 1986) ("A § 2241 petition for a writ of habeas corpus must be addressed to the federal district court in the district where the prisoner is confined.").

PARTIES

30. Petitioner is currently detained at Kenton County Detention Center in Covington, Kentucky, and is in the custody and under the direct control of Respondents and their agents.

31. 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 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 and custody. Respondent is a legal custodian of Petitioner.

32. 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, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent is a legal custodian of Petitioner.

33. Respondent **Todd Lyons** is sued in his official capacity as the Acting Director of the U.S. Immigration and Customs Enforcement. Respondent is a legal custodian of Petitioner and has authority to release him.

34. Respondent **Samuel Olson** is named in his official capacity as the Field Office Director for the ICE Chicago Field Office. As Field Office Director, Respondent oversees ICE's

enforcement and removal operations in Illinois, Indiana, and Kentucky. As such, he is a legal custodian of Respondent.

35. Respondent **Marc Fields** is the Jailer of Kenton County Detention Center, and he has immediate physical custody of Petitioner pursuant to the facility's contract with U.S. Immigration and Customs Enforcement ("ICE") to detain noncitizens and is a legal custodian of Petitioner. Respondent is a legal custodian of Petitioner.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

36. Petitioner has no administrative remedies to exhaust.

37. Petitioner's request for custody redetermination was denied due to a lack of jurisdiction. As such, Petitioner's continued detention in ICE custody cannot be challenged by way of bond proceedings before the Immigration Judge.

38. Therefore, a writ of habeas corpus is the sole avenue to vindicate his constitutional, statutory, and regulatory rights and restore his liberty

LEGAL FRAMEWORK

39. The Immigration and Nationality Act ("INA") prescribes three basic forms of detention for noncitizens in removal proceedings. First, 8 U.S.C. § 1226(a) authorizes the detention of noncitizens in standard non-expedited removal proceedings before an IJ. *See* 8 § 1226(a); 8 U.S.C. § 1229a. Individuals in section 1226(a) detention are entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c). Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under 8 U.S.C. § 1225(b)(2). Finally, the Act also provides for

detention of noncitizens who have been previously ordered removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).

40. As a general rule, aliens who seek to enter the United States after arriving at a port of entry, such as an airport, are treated as "applicant[s] for admission." 8 U.S.C. § 1225(a)(1).

41. Applicants for admission must demonstrate to the examining immigration officer that they are "clearly and beyond a doubt" entitled to be admitted. Id. § 1225(b)(2)(A). An applicant for admission who fails to do so "shall be detained" for removal proceedings. Id. Aliens subject to mandatory detention under Section 1225(b)(2)(A) may nevertheless be temporarily paroled into the United States. *See id.* § 1182(d)(5)(A).

42. However, a different set of rules applies to aliens who have become lawful permanent residents ("LPRs") of the United States. LPRs can leave and return to the country more freely than most other aliens. *See Katebi v. Ashcroft*, 396 F.3d 463, 466 (1st Cir. 2005) ("Returning permanent residents are permitted to reenter the country after foreign travel.").

43. This is because returning legal permanent residents "shall not be regarded as seeking an admission into the United States for purposes of the immigration laws" unless one of six exceptions applies. 8 U.S.C. § 1101(a)(13)(C).

44. One of those exceptions is if the noncitizen "(v) has committed an offense identified in section 212(a)(2) [8 USCS § 1182(a)(2)], unless since such offense the alien has been granted relief under section 212(h) or 240A(a) [8 USCS § 1182(h) or 1229b(a)]."

45. In other words, "[o]ne way an LPR is considered an applicant for admission at the border is if he 'has committed an offense identified in section 1182(a)(2) of [the Immigration and Nationality Act]. . . .' 8 U.S.C. § 1101(a)(13)(C)(v). Offenses in section 1182(a)(2) are

criminal in nature and includes conviction of a crime involving moral turpitude, where the noncitizen has not received a waiver or relief from removal. 8 U.S.C. § 1182(a)(2)(A)(i)(I)." *Kasneci v. Dir. of Bureau of Immigration & Customs Enf't*, No. 12-12349,, at *6-8 (E.D. Mich. Aug. 23, 2012).

46. In removal proceedings in immigration court, DHS bears the burden to establish by clear and convincing evidence that a noncitizen is removable as charged. *Woodby v. INS*, 385 U.S. 276, 286 (1966). Ambiguities must be resolved in the noncitizen's favor. *Moncrieffe v. Holder*, 569 U.S. 184, 190-91 (2013).

47. Once an IJ makes a decision concerning release on bond, an IJ may reconsider that decision unless the BIA is vested with jurisdiction. *See* 8 C.F.R. § 1003.23(b)(1) (2020) (stating that an Immigration Judge may "reconsider any case in which he or she has made a decision, unless jurisdiction is vested with the Board of Immigration Appeals").

48. With regard to automatic stays, 8 C.F.R. § 1003.19(i)(2) provides:

> Automatic stay in certain cases. In any case in which [the U.S. Department of Homeland Security ("DHS")] has determined that an alien should not be released or has set a bond of $10,000 or more, any order of the immigration judge authorizing release (on bond or otherwise) shall be stayed upon DHS's filing of a notice of intent to appeal the custody redetermination (Form EOIR-43) with the immigration court within one business day of the order, and, except as otherwise provided in 8 CFR 1003.6(c), shall remain in abeyance pending decision of the appeal by the Board. The decision whether or not to file Form EOIR-43 is subject to the discretion of the Secretary. On September 5, 2025, the BIA issued a decision in Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025) holding that, based on the plain language of section 1225(b)(2)(A), IJs lack authority to hear bond requests or to grant bond to aliens who are present in the United States without admission.

49. "Following an iterative process and consideration of criticism that the automatic stay provision (in its interim rule form) would be invoked absent factual foundation or appropriate individualized case review, the Department of Justice ('DOJ') issued its final rule, as quoted

above." *Leal-Hernandez v. Noem*, No. 1:25-cv-02428, 2025 LX 327685, at *5-6 (D. Md. Aug. 24, 2025).

50. Speaking to these concerns, 8 C.F.R. § 1003.6(c)(1) provides in relevant part:

> To preserve the automatic stay, the attorney for DHS shall file with the notice of appeal a certification by a senior legal official that— (i) The official has approved the filing of the notice of appeal according to review procedures established by DHS; and (ii) The official is satisfied that the contentions justifying the continued detention of the alien have evidentiary support, and the legal arguments are warranted by existing law or by a non-frivolous argument for the extension, modification, or reversal of existing precedent or the establishment of new precedent.

51. On October 2, 2006, the Department of Justice published the final rule and set forth the following context for changes implemented to the final rule following public comment on the interim rule:

> First, in order to allay possible concerns that in some case the automatic stay might be invoked by low-level employees of DHS without supervisory review, or might be invoked without an adequate factual or legal basis, this rule makes two changes in the process for invoking the automatic stay. The final rule provides that the decision to file the Form EOIR-43 (which must be done within one business day of the immigration judge's custody decision) will be subject to the discretion of the Secretary. Under the provisions of the automatic stay rule which are not changed by this final rule, the automatic stay will lapse 10 business days after the issuance of the immigration judge's decision unless DHS files within that time a notice of appeal with the Board presenting DHS's arguments for reversal or modification of the immigration judge's custody decision. This rule adds a new requirement that, in order to preserve the automatic stay, a senior legal official of DHS must certify that the official has approved the filing of the notice of appeal to the Board and that there is factual and legal support justifying the continued detention of the alien.
>
> . . . .
>
> Past experience shows that DHS has invoked the automatic stay in only a select number of custody cases. For example, the EOIR statistics indicate that, in FY 2004, the immigration judges conducted some 33,000 custody hearings and the Board adjudicated 1,373 custody appeals. Yet, DHS sought an automatic stay only with respect to 273 aliens in FY 2004—and only 43 aliens in FY 2005.

71 Fed. Reg. 57874, 57878 (Oct. 2, 2006).

CLAIMS FOR RELIEF

COUNT ONE

Violation of Substantive Fifth Amendment Right to Due Process

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

53. Petitioner is challenging DHS' unlawful custody determination that Petitioner is subject to detention under 8 U.S.C. § 1225(b) and is ineligible for bond and his continued detention under the automatic stay provision at 8 C.F.R. § 1003.19(i)(2), which violates Petitioner's right to substantive due process of law afforded him through the Fifth Amendment to the United States Constitution.

54. The Fifth Amendment provides in pertinent part: "No person shall be . . . deprived of life, liberty, or property, without due process of law[.]" U.S. Const. amend. V. "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).

55. "Invocation of the automatic stay per 8 C.F.R. § 1003.19(i)(2) renders the IJ's custody redetermination order an 'empty gesture' absent demonstration of a compelling interest or special circumstance . . . . As such, the automatic stay results in Petitioner's arbitrary detention violative of Petitioner's substantive due process rights guaranteed by the Fifth Amendment." *Leal-Hernandez v. Noem*, No. 1:25-cv-02428, 2025 LX 327685, at *33 (D. Md. Aug. 24, 2025).

56. As a remedy, the Court should order Petitioner's release on his own recognizance, or in the alternative, order release on bond that was previously granted.

COUNT TWO

Violation of Petitioner's Due Process Rights

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

58. In *Mathews v. Eldridge*, the U.S. Supreme Court set forth the factors to consider in determining if government action deprives an individual's Fifth Amendment right to procedural due process or whether the government process is constitutionally adequate. 424 U.S. 319 (1976) The *Mathews* factors are as follows: First, the private interest that will be affected by the official action; [S]econd, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; [Third], the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail. *Id.* at 335.

59. As to the private interest factor, it is the "most elemental of liberty interests." *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004). Petitioner "has perhaps the most acute private interest known to personkind short of life itself: bodily freedom." *Leal-Hernandez*, 2025 LX 327685, at *34.

60. With respect to the second factor, erroneous deprivation of Petitioner's liberty is at risk. Petitioner is not subject to detention under 8 U.S.C. § 1225(b) as DHS claims. *See Zumba,* 2025 LX 482036. Moreover, the automatic stay prevents his release from detention without any semblance of procedural due process. *See id.* ("[t]he automatic stay is a violent distortion of proper, legitimate process whereby the Government, as though by talisman, renders itself at once prosecutor and adjudicator); *Mohammed H. v. Trump*, No. 25-1576 (JWB/DTS), 2025 LX 172297, at *14-15 (D. Minn. June 17, 2025) ("[a]lthough the Immigration Judge had ordered Petitioner to be released on bond, the Government stayed that order without making any showing

of dangerousness, flight risk, or any other factor justifying detention. Simply by fiat—without introducing any proof and without immediate judicial review—the Government effectively overruled the bond decision and kept Petitioner detained. In doing so, the automatic stay rendered Petitioner's continued detention arbitrary and gave him no chance to contest the Government's case for detention.").

61. As to the third factor, there is no significant governmental interest in continuing to hold Petitioner in custody, particularly because an IJ has already found that Petitioner has satisfied his burden that he is not a danger to the community or risk of flight.

COUNT THREE

Violation of the Immigration and Nationality Act ("INA") and Administrative Procedure Act ("APA")

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

63. The automatic stay set forth at 8 C.F.R. § 1003.19(i)(2) is *ultra vires* because it exceeds authority conferred by Congress through the INA, and rewrites the INA and creates a new class of noncitizens subject to mandatory detention. This deprives noncitizens like Petitioner of the right to a bond hearing that they are statutorily eligible for and eliminates the authority of the IJ to determine who can be released on bond.

64. Respondents and EOIR's actions also violate the INA in so far as Petitioner is stuck in administrative limbo. Petitioner prevailed on his bond hearing, but DHS appealed the decision. However, the IJ—in violation of 8 C.F.R. § 1003.23(b)(1) (2020)—*sua sponte* reversed the decision. This effectively left Petitioner with no option to contest the violation of the governing regulations other than through habeas. Otherwise, Petitioner would be forced to seek an appeal of the IJ's sua sponte decision and effectively flip the burden onto himself to prove

why the IJ erred. Meanwhile, Petitioner would remain detained throughout the entirety of the proceedings through no fault of his own. Furthermore, to date, DHS has presented no arguments in immigration court to substantiate its burden that Petitioner is, in fact, subject to mandatory detention.

65. The Administrative Procedure Act provides that courts "shall . . . hold unlawful and set aside agency action" that is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A).

66. The arbitrary and capricious detention of Petitioner, despite having legal permanent resident status, causes him irreparable harm with each day he remains detained. For the reasons articulated above, this Court should find that any decision to detain Petitioner is arbitrary, capricious, and unsupported by substantial evidence. *See* 5 U.S.C. §§ 706(2)(A), (E) (The reviewing court "shall ... hold unlawful and set aside agency action, findings, and conclusions found to be ... arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law," or "unsupported by substantial evidence.")

PRAYER FOR RELIEF

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

(1) Assume jurisdiction over this matter;

(2) Pursuant to 28 U.S.C. § 2243, issue an order to show cause directing Respondents to file a return within three (3) days, absent good cause for a short extension not exceeding ten days, and set the matter for a prompt hearing;

(3) Enjoin Defendants from transferring Petitioner during the pendency of the instant action;

(4) Declare that Petitioner's continued detention violates the Immigration and Nationality Act, and/or the Due Process Clause of the Fifth Amendment to the U.S. Constitution;

(5) Grant the writ of habeas corpus and order Petitioner's immediate release from ICE custody;

(6) In the alternative, order release on bond in the previous amount set;

(7) Award Petitioner his costs and reasonable attorneys' fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, and any other applicable authority; and

(8) Grant any other further relief this Court deems just and proper.

Dated: October 16, 2025

Respectfully Submitted,

/S/ Luis Angeles

Luis Angeles, Esq. Bar N. 25-384
Angeles Law LLC
2112 Broadway St NE STE 225 #53
Minneapolis, MN 55413
T: (321) 334-0568
Luis@abogadoangeles.com
Attorney for Petitioner

EXHIBIT

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

I represent Petitioner, PARAMJIT SINGH, 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: October 16, 2025

/s/Luis Angeles
Luis Angeles

CERTIFICATE OF SERVICE

I hereby certify that on October 16, 2025, I filed the foregoing petition for Writ of Habeas Corpus electronically through the CM/ECF system, which caused all parties or counsel to be served by electronic means as more fully reflected on the Notice of Electronic Filing.

/s/Luis Angeles
Luis Angeles