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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

KOMALPAL SINGH

Petitioner,

v.

Case No.

JUDITH ALMODOVAR,
In her official capacity as the
Field Office Director, U.S. Immigration
& Customs Enforcement;

JOHN TSOUKARIS,
In his official capacity as the
Field Office Director, U.S. Immigration
& Customs Enforcement, Newark, NJ

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

KRISTI NOEM,
In her official capacity as Secretary, U.S.
Department of Homeland Security;

TODD M. LYONS,
In his official capacity as Acting Director
Of Immigration & Customs Enforcement;
and,

PAMELA BONDI,
In her official capacity as Attorney General,
U.S. Department of Justice,

Respondents.

INTRODUCTION

Petitioner, Komalpal Singh (“Mr. Singh”), is a 25 year-old man from India who petitions for a writ of habeas corpus under 8 U.S.C. § 2241, challenging the lawfulness of his detention by the Immigration and Customs Enforcement (“ICE”). On October 28, 2025, ICE detained Mr. Singh at 26 Federal Plaza, New York, NY 10278, ICE field office without an individualized assessment that he posed a flight risk or a danger to the community and, therefore, without due process. He therefore seeks immediate release from custody.

STATEMENT OF FACTS

1. Mr. Singh entered the U.S. on or about March 19, 2023, at or near Lukeville, AZ.
2. Mr. Singh applied for asylum and withholding of removal with the New York Immigration Court on May 10, 2023. The application is under review by the New York Immigration Court and is currently pending. Mr. Singh has an employment authorization document and a valid state ID.
3. Upon his entry, Mr. Singh was detained by ICE and released on his own recognizance with direction for online check-ins with ICE through email. Before Mr. Singh was arrested, he received an email from ICE requiring him to appear in-person on October 28, 2025, at the New York Federal Plaza Field Office. Mr. Singh complied with the email and in good faith, made appearance for his in-person check-in, despite being aware of the risk it involved. However, Mr. Singh did not want to violate ICE directive and put his stay in the U.S. in jeopardy. As soon as Mr. Singh went before the ICE officer, he was informed of his detention without any explanation.
4. Upon information and belief, ICE has detained Mr. Singh at the Delaney Hall Detention Facility, 451 Doremus Avenue, Newark, NJ 07105.

5. Upon information and belief, ICE has detained Petitioner pursuant to ICE policy that began on or about May 20, 2025, directing agents, and granting them power under the One Big Beautiful Bill (“OBBB”) to detain individuals at ICE check-in appointments or immigration courts, or upon general inquiry, without an individualized assessment of an individual’s flight risk, dangerousness, or moral character.

PARTIES

6. Petitioner Komalpal Singh (“Petitioner” or “Mr. Singh”) is an Indian national who resided at [REDACTED] prior to his ICE detention. He was briefly placed in custody at the Buffalo (Batavia) ICE Service Processing Center, before transferring him to the Delaney Hall Detention Facility, Newark, NJ.

7. Respondent Judith Almodovar is the ICE New York Acting Field Office Director. She is responsible for carrying out ICE’s immigration detention operations at the 26 Federal Plaza ICE ERO office. Respondent Almodovar is a legal custodian of Mr. Singh. She is sued in his official capacity.

8. Respondent Kristi Noem is named in her official capacity as the Secretary of DHS. In this capacity she is responsible for the administration of the immigration laws pursuant to Section 402 of the Homeland Security Act of 2002. 107 Pub. L. 296 (November 25, 2003); *see also* 8 U.S.C. § 1103(a); routinely transacts business in the District of New York and New Jersey; and is legally responsible for Mr. Patel’s incarceration and removal. She is therefore a custodian of Mr. Singh. Respondent Noem’s office is located at DHS headquarters in Washington, DC, 20528. Ms. Noem is sued in her official capacity.

9. Respondent Todd M. Lyons is the Acting Director of ICE. As the head of ICE, he is responsible for decisions related to detaining and removing certain noncitizens. Director Lyons is a legal custodian of Mr. Singh and is sued in his official capacity.

10. Respondent Pamela Bondi is named in his official capacity as the Attorney General of the United States. She is responsible for the administration of the immigration laws as exercised by EOIR, pursuant to 8 U.S.C. § 1103(g). She routinely transacts business in the Southern District of New York, and is legally responsible for administering Mr. Singh's removal proceedings as well as the procedural standards used in those proceedings. She is therefore a legal custodian of Mr. Patel. Respondent Bondi's office is at DHS of Justice, 950 Pennsylvania Avenue, NW, Washington, DC 20530.

(Individually named as "Respondent", or collectively "Respondents")

JURISDICTION AND VENUE

11. Respondents incarcerated Mr. Singh on October 28, 2025, in New York, and he is under the direct control of the Respondents and their agents.

12. This action arises under the Constitution of the United States, and the Immigration and Nationality Act ("INA").

13. Federal Courts have subject matter jurisdiction under 28 U.S.C. § 2441(c)(1) and (c)(3) (habeas corpus) to determine whether people imprisoned in federal custody are held in violation of law. *INS v. St. Cyr*, 533 U.S. 289, 305 (2001).

14. Jurisdiction is proper pursuant to 28 U.S.C. § 1331 (federal question); 5 U.S.C. § 702 (waiver of sovereign immunity); 28 U.S.C. § 1346 (original jurisdiction); Article I, § 9, clause 2 of the U.S. Constitution (Suspension Clause); the All Writs Act, 28 U.S.C. § 1651; and 28 U.S.C. §§ 2201-2202 (Declaratory Judgment Act).

15. Further, the Court has jurisdiction to grant injunctive relief pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201—02, 1651, 2241, and the All Writs Act, 28 U.S.C. § 1651. Mr. Singh’s detention constitutes a “severe restraint[] on his individual liberty” interest such that Mr. Singh is “subject to restraints not shared by public generally” and “in custody in violation of the . . . laws . . . of the United States.” *Hensley v. Municipal Court*, 411 U.S. 345 (1973)

16. The federal district courts have jurisdiction to hear habeas corpus claims by noncitizens challenging the lawfulness of their detention by DHS. *Jennings v. Rodriguez*, 583 U.S. 281, 292—95 (2018); *Denmore v. Kim*, 538 U.S. 510, 516—17 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

17. Venue properly lies in the District of New Jersey. 28 U.S.C. §§ 1391(b)(2), (e). This petition is filed while Mr. Singh is physically present within the district, as, upon information and belief, he is incarcerated in Newark, NJ.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

18. Exhaustion is not necessary because Congress did not codify a requirement that petitioners seeking a writ of habeas corpus exhaust administrative remedies. *McCarthy v. Madigan*, 503 U.S. 140, 144 (1992) (“Where Congress specifically mandates, exhaustion is required... But where Congress has not clearly required exhaustion, sound judicial discretion governs.”) (citation omitted).

19. Further, exhaustion of remedies is unnecessary if futile. Here, exhaustion would be futile because Mr. Singh was detained pursuant to an ICE policy that is defined by its systematic denial of the very administrative remedy Respondents will likely urge him to avail himself of, a

bond hearing.¹ See *Beharry v. Ashcroft*, 329 F.3d 51, 62 (2d Cir. 2003) (Sotomayor, J.) (as amended) (judicial exhaustion may be excused when “available remedies provide no genuine opportunity for adequate relief” or exhaustion “would be futile”). Such hearings are provided for the purpose of custody redetermination—a hearing held by an immigration judge after ICE makes its initial decision to detain. 8 C.F.R. § 236.1(d). Such a hearing is no substitute for the requirement that ICE engage in a “deliberative process prior to, or contemporaneous with,” the initial decision to strip a person of the freedom that lies at the heart of the Due Process Clause. *Lopez v. Sessions*, No. 18. Civ. 4189, 2018 WL 29327626, at *15 (S.D.N.Y. June 12, 2018); *Rampersaud v. Barr*, No. 19-16070 (D.N.J. Oct. 10, 2019).

20. Finally, even if meaningful administrative remedies were promptly available, Mr. Singh, as a noncitizen challenging the lawfulness of his ongoing immigration detention, is not required to exhaust those remedies under 8 U.S.C. § 2241. *Ashley v. Ridge*, 288 F. Supp. 2d 662, 666–69 (D.N.J. 2003).

ARGUMENT

21. Mr. Singh’s detention violates his Fifth Amendment right to due process because ICE detained him without notice, an opportunity to respond, or an individualized determination that he poses a flight risk or a danger to the community.

22. “[T]he Fifth Amendment entitles noncitizens to due process of law . . . whether their presence here is lawful, unlawful, temporary, or permanent.” *Velasco Lopez v. Decker*, 978 F.3d 842, 850 (2d Cir. 2020). “Noncitizens are also entitled to challenge through habeas corpus the legality of their ongoing detention,” including “the lawfulness of detention when it is first

¹ Under current BIA precedent, noncitizens who entered without inspection are deemed “arriving aliens” or applicants for admission and thus fall outside Immigration Judges’ bond jurisdiction. See *Matter of M-S-*, 27 I&N Dec. 509 (A.G. 2019); *Matter of Q-Li*, 28 I&N Dec. 834 (BIA 2024) (holding that EWI entrants remain in DHS custody and are categorically ineligible for IJ bond consideration).

imposed.” *Borbot v. Warden Hudson County Correctional Facility*, 906 F.3d 274, 279 (3d Cir. 2018).

23. In evaluating whether the process afforded to a civil immigration detainee satisfies the Fifth Amendment, the Court applies the three-factor balancing test from *Mathews v. Eldridge*, 424 U.S. 319 (1976).” See *Diop v. ICE/Homeland Sec.*, 656 F.3d 221, 231–34 (3d Cir. 2011) (applying *Mathews* to determine whether mandatory detention under § 1226(c) violates due process); *Chavez-Alvarez v. Warden York Cnty. Prison*, 783 F.3d 469, 475–78 (3d Cir. 2015) (same); *German Santos v. Warden Pike Cty. Corr. Facility*, 965 F.3d 203, 210 (3d Cir. 2020) (“In deciding what process is due, courts apply the *Mathews* balancing test.”); *Borbot v. Warden Hudson Cnty. Corr. Facility*, 906 F.3d 274, 279 (3d Cir. 2018) (“Due process requires that the nature and duration of detention bear a reasonable relation to its purpose.”).

24. Mr. Singh does not contend that greater “judicial-type procedures must be imposed upon [the] administrative action[s]” of ICE than those already required by law; instead, the agency must comply with the procedures already in place, and its failure to do so amounts to a complete and arbitrary denial of due process. *Dia v. Ashcroft*, 353 F.3d 228, 238 (3d Cir. 2003) (en banc) (“The touchstone of due process is protection of the individual against arbitrary action of government.”); *Serrano-Alberto v. Att’y Gen.*, 859 F.3d 208, 213–14 (3d Cir. 2017) (holding that even within administrative immigration proceedings, due process requires the Government to comply with its own procedural rules and to provide a full and fair hearing); *Leslie v. Att’y Gen.*, 611 F.3d 171, 180 (3d Cir. 2010) (“A due process violation may occur where the agency fails to adhere to its own regulations or deprives an alien of a meaningful opportunity to be heard.”).

25. More specifically, if ICE wishes to detain a noncitizen under the detention authority vested under 8 U.S.C. § 1226(a), ICE must allow meaningful opportunity to the noncitizen to “demonstrate to the satisfaction of the officer that [] release would not pose danger to property and persons [,] and that the [noncitizen] is likely to appear for any future proceeding. 8 C.F.R. §§ 1236.1(c)(8), 236.1(c)(8). Typically, the Board of Immigration Appeals, or Circuit Courts cannot circumvent a noncitizen’s due process rights, and the authority provided by the Immigration and Nationality Act (“INA”) to interpret that a noncitizen can be detained for no cause, without presentation of a warrant or official charge of violation under the INA, and without an opportunity afforded to the noncitizen to present his case diligently and to his benefit.

26. ICE’s policy, and the following precedents by the BIA have severely restrained the immigration courts, and stripped them off their power to grant a discretionary bond determination where an Immigration Judge deems appropriate. In practice, two most recent BIA precedents take away the immigration court’s discretionary power to grant discretionary bonds to *all* noncitizens but for few exceptions as put in place by *Matter of Q-Li*, 29 I&N Dec. 66 (BIA 2025), and *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025)²

27. In the specific instance, Mr. Singh was detained by ICE pursuant to an ICE policy memorandum circulated, granting overbroad powers to ICE to detain noncitizens without individualized screening, assessment, or notice to be heard. In fact, the record shows that Mr. Singh was summoned to appear in-person for an ICE check-in, which he had complied with for 3 years, was only with an intent to arrest him and place him in ICE custody.

² hold that Immigration Judges lack jurisdiction to grant bond to noncitizens detained by ICE under 8 U.S.C. § 1226(a) when DHS has issued a “noncompliance” or “public safety” designation. Together, these decisions effectively strip IJs of authority to conduct individualized bond hearings in such cases, leaving detainees without an administrative avenue for release.

28. Up until now, since Mr. Singh’s arrest, ICE and DHS has provided no reasonable cause for his continued detention. Courts within this Circuit have long recognized that the Government’s authority to detain noncitizens is constitutionally limited by due process. See *German Santos v. Warden, Pike Cnty. Corr. Facility*, 965 F.3d 203, 210–12 (3d Cir. 2020); *Chavez-Alvarez v. Att’y Gen.*, 783 F.3d 478, 484–88 (3d Cir. 2015); *Diop v. ICE/Homeland Sec.*, 656 F.3d 221, 233–35 (3d Cir. 2011). Under this binding authority, prolonged immigration detention becomes unreasonable and unconstitutional once it extends beyond the “brief” period Congress envisioned absent an individualized hearing at which the Government bears the burden to justify continued confinement. Recently, in *Valdez v. Joyce*, No. 25 Civ. 4627 (GBD), 2025 WL 1707737 (S.D.N.Y. June 18, 2025), the Southern District of New York applied the same constitutional principles in granting habeas relief to a noncitizen who was re-detained without any individualized determination of necessity. The *Valdez* court held that detention without a pre-deprivation hearing violates due process because it fails the *Mathews v. Eldridge*, 424 U.S. 319 (1976), balancing test. Although *Valdez* is not binding within the Third Circuit, its reasoning is consistent with—and reinforces—the Third Circuit’s due-process framework requiring timely, meaningful review of custody when detention becomes unreasonably prolonged. In light of the deprivation of his liberty, formerly granted and approved by Respondents, [the] absence of any deliberative process prior to, or contemporaneous with the deprivation, and statutory constitutional rights implicated, a writ of habeas corpus is the only vehicle of relief. It is, in essence, the most appropriate remedy.” *Lopez*, 2018 WL 2932726.

CAUSE OF ACTION

COUNT I **PROCEDURAL DUE PROCESS VIOLATION UNDER THE FIFTH AMENDMENT**

29. ICE’s arrest and detention of Petitioner at a routine check-in, without any pre-deprivation hearing or individualized determination, violated the procedural due process protections of the Fifth Amendment.

30. Under the *Mathews v. Eldridge*, 424 U.S. 319 (1976), balancing test—applied repeatedly by the Third Circuit—Petitioner’s strong liberty interest, the minimal risk of flight, and the Government’s ability to provide notice and hearing make the absence of process unconstitutional.

31. Courts in this Circuit have found similar abrupt detentions unlawful. See *Lopez v. Sessions*, 2018 WL 2932726, at 5–6 (*D.N.J. June 12, 2018*) (ordering release or bond hearing after prolonged detention without individualized review).

COUNT II

SUBSTANTIAL DUE PROCESS VIOLATION UNDER THE FIFTH AMENDMENT

32. The Fifth Amendment also prohibits arbitrary or conscience-shocking government conduct. Detaining a fully compliant, non-dangerous asylum seeker without cause after years of cooperation is arbitrary, irrational, and unconstitutional.

COUNT III

UNREASONABLE DETENTION UNDER 8 U.S.C. § 1226(A) AND THIRD CIRCUIT

PRECEDENT

33. The Third Circuit has held that immigration detention must remain “reasonable.” *Diop*, 656 F.3d at 233. When detention becomes unreasonably prolonged or arbitrary, due process requires release or a bond hearing. *Chavez-Alvarez*, 783 F.3d at 486; *German Santos*, 965 F.3d at 210–12.

34. ICE’s re-detention of Petitioner—after years of compliance and without a risk determination—exceeds those constitutional limits and violates § 1226(a).

PRAYER FOR RELIEF

WHEREFORE, Mr. Singh, through counsel, prays that this Court grant the following relief:

1. Assume jurisdiction over this matter;
2. Enjoin Respondents from transferring the Petitioner outside of the jurisdiction of this District Court;
3. Issue a writ of habeas corpus compelling and directing the Respondents to effectuate release of the Petitioner from detention within 14 days;
4. Award the Petitioner attorneys’ fees and costs under the Equal Access to Justice Act (“EAJA”) as amended, 5 U.S.C. § 504 and 28 U.S.C. § 2412, or any other basis such justified under law; and
5. Grant any other further relief that the Court may deem fit and proper.

Dated: November 11, 2025

New York, New York

Respectfully Submitted,

/s/ Sugandha Dahiya

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