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**IN THE UNITED STATES DISTRICT COURT**
**SOUTHERN DISTRICT OF TEXAS**

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| HARDEEP SINGH<br><br>Petitioner,<br>v.<br><br>Warden of the Port Isabel Service Detention Center; TODD LYONS, Acting Director of Immigration and Customs Enforcement; KRISTI NOEM, Secretary of the U.S. Department of Homeland Security; PAMELA BONDI, Attorney General of the United States<br><br>Respondents. | Civil Action No. |

**MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION AND TEMPORARY RESTRAINING ORDER**

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## INTRODUCTION

Petitioner, Hardeep Singh, respectfully requests that this Honorable Court hear this matter on an expedited basis and grant his release to prevent further irreparable harm. Mr. Singh is a citizen of India who fled his country and sought refuge in the United States in 2023 to escape persecution. Upon arrival, he entered the United States without inspection and was briefly detained by the Department of Homeland Security ("DHS") pursuant to a Form I-200, Warrant for Arrest of Alien.

Following his initial detention, DHS released Mr. Singh under an Order of Release on Recognizance ("ROR"), which required his enrollment in the Alternatives to Detention ("ATD") program and mandated that he check in with Immigration and Customs Enforcement ("ICE") on monthly basis. On the same date, DHS issued a Notice to Appear ("NTA"), charging him as an "alien present in the United States without being admitted or paroled," and alleging removability under section 212(a)(6)(A)(i) of the Immigration and Nationality Act ("INA")—as an individual who entered the United States at a time or place other than as designated by the Attorney General.

Since his release, Mr. Singh has acted diligently and in full compliance with all legal obligations. He timely filed a Form I-589, Application for Asylum, with the immigration court, obtained employment authorization, and fully adhered to all conditions of his release. Most significantly, Mr. Singh filed a Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, seeking classification as a Special Immigrant Juvenile ("SIJ") based on findings that reunification with one or both parents are not viable due to abuse, neglect, or abandonment, and that return to India would not be in his best interest.

That petition was approved by U.S. Citizenship and Immigration Services ("USCIS") on November 4, 2025, thereby conferring upon Mr. Singh lawful SIJ status and placing him firmly on a path toward permanent residency. This approval reflects an affirmative determination by the federal

government that Mr. Singh merits protection under U.S. law and should not be subject to removal or continued immigration detention.

Mr. Singh has no criminal history, has cooperated fully with immigration authorities, and poses no risk to public safety or flight. Given his approved I-360 SIJ status, continued detention serves no legitimate government interest and directly contravenes the humanitarian and statutory purposes underlying the Special Immigrant Juvenile program. Accordingly, Mr. Singh's release—or, at minimum, an immediate constitutionally adequate bond hearing—is both legally required and equitable.

Despite his full compliance and lack of any risk to public safety or flight, ICE detained him. On or about September 18, 2025, Petitioner was traveling as a passenger in a truck when the vehicle was stopped for a routine inspection during the driver's course of employment. Petitioner cooperated fully and provided his identification documents to the investigating ICE officer. Despite being aware of Petitioner's Special Immigrant Juvenile (SIJ) status, ICE officers proceeded to detain him. Petitioner is now being held without bail or bond at the Port Isabel Detention Center. This abrupt detention—absent any change in circumstances or violation of release conditions—has caused Mr. Singh severe hardship and constitutes the irreparable harm this petition seeks to remedy.

Petitioner is subject to discretionary detention under 8 U.S.C. § 1226(a) and is therefore statutorily eligible for a bond hearing before an Immigration Judge ("IJ"). However, on July 8, 2025, the Department of Homeland Security ("DHS") issued Interim Guidance (the "Policy") asserting that all noncitizens—such as Petitioner—who entered the United States without inspection, permission, or parole are categorically ineligible for release on bond.

This Policy radically departs from decades of well-established interpretation of DHS's detention authority under 8 U.S.C. §§ 1226(a) and 1225(b). It effectively transforms discretionary detention into

mandatory detention, unlawfully depriving noncitizens like Petitioner of the individualized custody determinations long recognized under the Immigration and Nationality Act ("INA").

Subsequently, on September 5, 2025, the Board of Immigration Appeals ("BIA") issued its decision in Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025), adopting DHS's interpretation and holding that Immigration Judges lack jurisdiction to grant bond to noncitizens who entered the United States without admission or parole. This decision, in conjunction with DHS's Policy, has effectively stripped Petitioners such as Mr. Singh of the statutory right to seek release on bond, subjecting them to indefinite and unnecessary detention contrary to law, due process, and longstanding agency practice.

## STANDARD OF REVIEW

Petitioner has satisfied all the criteria necessary for the issuance of injunctive relief. The standards for issuing a temporary restraining order ("TRO") and a preliminary injunction are "substantially identical." *Stuhlbarg Int'l Sales Co. v. John D. Bush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001). A plaintiff seeking a preliminary injunction must establish that:

1. He is likely to succeed on the merits;
2. He is likely to suffer irreparable harm in the absence of preliminary relief;
3. The balance of equities tips in his favor; and
4. The injunction is in the public interest. *Winter v. Natural Resources Defense Council*, 555 U.S. 7, 20 (2008).

"Likelihood of success on the merits is a threshold inquiry and the most important factor." *Simon v. City & Cnty. of San Francisco*, 135 F.4th 784, 797 (9th Cir. 2025). However, if a plaintiff raises "serious questions going to the merits" and the balance of hardships tips sharply in his favor, injunctive relief remains warranted. *Friends of the Wild Swan v. Weber*, 767 F.3d 936, 942 (9th Cir. 2014). (internal quotation marks and citations omitted).

Both equity and public interest are best served by ensuring adherence to the rule of law and the constitutional protections guaranteed to all persons within the United States. For the reasons stated below, and in light of Petitioner's approved Special Immigrant Juvenile Status, his lack of any criminal history, and his consistent compliance with all prior supervision requirements, continued detention is both unlawful and unconstitutional. Petitioner respectfully requests that this Court:

1. Grant Petitioner's immediate release from detention, or, in the alternative, order that Petitioner be provided a constitutionally adequate bond hearing before an Immigration Judge; and
2. Enjoin Respondents from transferring Petitioner outside of this District pending the Court's final adjudication of this matter.
3. Declare that the Petitioner may remain in the United States to pursue adjustment of status.
4. Stay the Petitioner's removal proceedings until he exhausts the process, successfully or otherwise, of pursuing relief from removal by virtue of his Special Immigrant Juvenile Status.

## ARGUMENTS

### I. THE GOVERNMENT'S INTERPRETATION OF 8 U.S.C. § 1225(b)(2) AND 8 U.S.C. § 1226(a) IS BASELESS

The central issue in this case is whether Petitioner is properly detained under 8 U.S.C. § 1226(a) or § 1225(b)(2). For nearly three decades, both the Department of Homeland Security ("DHS") and the Board of Immigration Appeals ("BIA") consistently interpreted the governing statutes to hold that noncitizens like Petitioner—who entered the United States without inspection but were later placed in removal proceedings—are detained pursuant to § 1226(a) and therefore eligible for bond.

However, on July 8, 2025, DHS abruptly reversed this long-standing interpretation and announced that all noncitizens who have not been formally admitted to the United States are categorically ineligible for bond. The BIA adopted this new position in its decision in Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025), effectively extending mandatory detention to millions of individuals who were previously entitled to individualized custody determinations under § 1226(a).

This sweeping policy shift not only contradicts decades of agency and judicial precedent, but also violates the statutory and constitutional guarantees that safeguard liberty pending removal proceedings.

For the reasons set forth below, this Court should again grant habeas relief and reaffirm that Petitioner is detained under § 1226(a) and entitled to a bond hearing.

*A. 8 U.S.C. § 1225(b)(2) Does Not Govern Petitioner's Detention*

In examining the relevant provisions of sections 1225 and 1226, the Court should consider "whether the language at issue has a plain and unambiguous meaning with regard to the particular dispute in the case." *Robinson v. Shell Oil Co.*, 519 U.S. 337, 340 (1997). But crucially, a statute "cannot be construed in a vacuum. It is a fundamental canon of statutory construction that the words of a statute must be read in their context and with a view to their place in the overall statutory scheme." *Roberts v. Sea-Land Services, Inc.*, 566 U.S. 93, 101 (2012) (quoting *Davis v. Mich. Dep't of Treasury*, 489 U.S. 803, 809 (1989)). Here, the context is clear that "detention authority in § 1225 is exercised at or near the port of entry; and detention authority arises from § 1226 when a noncitizen is arrested in the interior of the United States." *Zumba v. Bondi*, No. 25-cv-14626 (KSH), 2025 LX 482036, at *19 (D.N.J. Sep. 26, 2025). Indeed, "[t]he line historically drawn between these two sections, making sense of their text and the overall statutory scheme, is that section 1225 governs detention of non-citizens 'seeking admission into the country,' whereas section 1226 governs detention of non-citizens 'already in the country.'" *Martinez v. Hyde*, Civil Action No. 25-11613-BEM, 2025 LX 284582, at *18 (D. Mass. July 24, 2025). In other words, the text and context of section 1225(b)(2) indicates that it applies to noncitizens entering, or attempting to enter, or who have recently entered the U.S. It does not include noncitizens "who entered long ago, are not taking affirmative steps that could be characterized as 'seeking admission,' and have been residing in the U.S. for years." *Vazquez v. Feeley*, No. 2:25-cv-01542-RFB-EJY, 2025 LX 460110, at *39 (D. Nev. Sep. 17, 2025).

This is true for several reasons. First, "for section 1225(b)(2)(A) to apply, several conditions must be met—in particular, an 'examining immigration officer' must determine that the individual is: (1) an 'applicant for admission'; (2) 'seeking admission'; and (3) 'not clearly and beyond a doubt entitled to be admitted.'" *Martinez*, 2025 LX 284582, at *6. There was no examination by an immigration officer in this case. Petitioner entered the United States without inspection and was arrested based on an I-200 warrant, which specifically references section 1226. Petitioner was also released on ROR, which explicitly references section 1226. The issuance of the NTA is not an examination by an immigration officer, and the Government cannot present any legal authority demonstrating otherwise.

Furthermore, the phrase "seeking admission" is undefined but "necessarily implies some sort of present-tense action." *Martinez*, 2025 LX 284582, at *11. Here, there is no present action, and the NTA cannot conceivably be interpreted such. As another district court succinctly stated, "[t]o reiterate, § 1225(b)(2)(A) narrows the above broader definition of 'applicants for admission' and applies in the context of (1) 'inspection' by an 'examining immigration officer' only to (2) 'applicants for admission' as defined above, who are (3) 'seeking admission,' and (4) whom § 1225(b)(1) does not address." *Vazquez*, 2025 LX 460110, at *36. "It is inconsistent with the plain, ordinary meaning of the phrase 'seeking admission' to apply this section to all noncitizens already present and residing in the U.S., regardless of whether they are taking any affirmative acts that constitute 'seeking admission.'" *Id.*

As a court in this district recently held: "[t]he government's argument that section 1225(b) applies to all noncitizens present in the United States without admission is implausible. The government's proposed interpretation of the statute (1) disregards the plain meaning of section 1225(b)(2)(A); (2) disregards the relationship between sections 1225 and 1226; (3) would render a recent amendment to section 1226(c) superfluous; and (4) is inconsistent with decades of prior statutory interpretation and practice." *Sanchez v. Minga Wofford, Warden, Mesa Verde Immigrant Processing Ctr.*, No. 1:25-cv-01187-SKO (HC), 2025 LX 481997, at *9 (E.D. Cal. Oct. 17, 2025). Other courts in this district have ruled similarly. *See Sanchez v. Minga Wofford, Warden, Mesa Verde Immigrant Processing Ctr.*, No. 1:25-cv-01187-SKO (HC), 2025 LX 481997, at *23 (E.D. Cal. Oct. 17, 2025); *Polo v. Chestnut,* No. 1:25-CV-01342 JLT HBK, 2025 LX 451732, at *18 (E.D. Cal. Oct. 17, 2025); *J.S.H.M v. Wofford*, No. 1:25-CV-01309 JLT SKO, 2025 LX 426816, at *29 (E.D. Cal. Oct. 16, 2025); *Aceros v. Kaiser*, No. 25-cv-06924-EMC (EMC), 2025 LX 330524, at *21 (N.D. Cal. Sep. 12, 2025).

Second, "the titles and headings of § 1225 repeatedly cabin its application to 'Inspections,' which, as petitioner convincingly argues, occur at ports of entry, their functional equivalent, or near the border." *Zumba*, 2025 LX 482036, at *23. While not binding, [titles and headings of a statute] are instructive and provide the Court with the necessary assurance that it is at least applying the right part of the statute in a given circumstance." *Lopez-Campos v. Raycraft*, No. 2:25-cv-12486, 2025 LX 315102, at *15 (E.D. Mich. Aug. 29, 2025). Therefore, "1225(b)(2)(A) applies when people are being inspected, which usually occurs at the border, when they are seeking lawful entry into this country." *Id.* at *18.

*B. 8 U.S.C. § 1226(a) Clearly Applies to Petitioner*

As a matter of plain-text reading, it is § 1226(a) that applies to people situated like Petitioner, not § 1225(b)(2)(A). Section 1226(a) concerns all noncitizens who are not subject to section 1225 and 1231

(which concerns those with final orders of removal). *See Benitez v. Francis,* 2025 LX 337407, *3 (S.D.N.Y. Aug. 8, 2025) (holding that § 1225 did not apply because the "plain text, overall structure, and uniform case law interpreting" the statutory provision compels the conclusion). "Indeed, for nearly 30 years, § 1225 has applied to noncitizens who are either seeking entry to the United States or have a close nexus to the border, and § 1226 has applied to those aliens arrested within the interior of the United States." *Zumba*, 2025 LX 482036, at *26. Nothing in the Supreme Court's decision in *Jennings* compels a different outcome. *Id.* ("Although the *Jennings* Court characterizes § 1225(b)(2) as the 'catchall' detention provision for noncitizens who are 'seeking admission,' it identifies § 1226(a) as the 'default rule' for the arrest, detention, and release of non-criminal aliens who are already present in the United States.").

The recent enactment of Laken Riley Act further supports this finding. The Act added language to section 1226(c) that directly references people who have entered without inspection or who are present without authorization. *See* Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025). Pursuant to these amendments, noncitizens charged as inadmissible under INA § 212(a)(6)(A) (the inadmissibility ground for entry without inspection) or INA 212 § (a)(7)(A) (the inadmissibility ground for lacking valid documentation to enter the United States) and who have been arrested, charged with, or convicted of new certain crimes (not previously covered by section 1226(c)) are now subject to § 1226(c)'s mandatory detention provisions. *See* 8 U.S.C. § 1226(c)(1)(E). By including such individuals under section 1226(c), Congress reaffirmed that section 1226(a) covers noncitizens who are not subject to section (c) but are charged as removable under § 212(a)(6)(A) or 212(a)(7). Otherwise, the Respondents' position would effectively render 1226(a) and the LRA superfluous

*C. Respondents' Actions Violate Petitioner's Due Process Rights and the INA*

Petitioner's continued detention absent a bond hearing, violates due process under the balancing test set forth in *Mathews v. Eldridge*, 424 U.S. 319, 334-335 (1976). The Court must evaluate the three-part test set forth in *Mathews v. Eldridge*, 424 U.S. 319, 334-335 (1976), to determine whether the procedures (or lack thereof) that have been applied to Petitioner are sufficient to protect the liberty interest at issue. In *Mathews*, the Court determined the following: "[O]ur prior decisions indicate that identification of the specific dictates of due process generally requires consideration of three distinct factors: First, the private interest that will be affected by the official action; second, 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; and finally, the Government's interest, including the function involved

and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail."

Mr. Singh has a substantial liberty interest in freedom from physical restraint, especially given his prior lawful release and subsequent compliance. He has no criminal record, poses no danger to the community, and has consistently met every supervision requirement. DHS's prior release of Petitioner constitutes a determination that he is neither a danger nor a flight risk.

During his time on recognizance, "Petitioner built a life outside detention, has been gainfully employed, and has supported family members . . . ." *Polo*, 2025 LX 451732, at *32. Petitioner therefore "has a substantial private interest in being out of custody, which would allow him to continue in these life activities." *Id.* Moreover, "Respondents' interest in continuing to detain Petitioner is slight" and there has "been no change in any of Petitioner's circumstances that would warrant a finding that [he] is a flight risk or a danger to the community. There is no dispute that Petitioner does not have a criminal record." *Id.* Indeed, "in releasing him on parole, DHS necessarily concluded that Petitioner was not a flight risk or danger to the community." *J.S.H.M v. Wofford*, No. 1:25-CV-01309 JLT SKO, 2025 LX 426816, at *40 (E.D. Cal. Oct. 16, 2025); *see also Noori v. LaRose, et al.*, 2025 WL 2800149, at *13 (S.D. Cal. Oct. 1, 2025) ( noting that '[r]elease reflects a determination by the government that the noncitizen is not a danger to the community or a flight risk."); *Vieira v. Anda-Ybarra*, No. EP-25-CV-00432-DB, 2025 LX 410786, at *17 (W.D. Tex. Oct. 16, 2025) ("But that interest, in this case, seems particularly diluted given Respondents' own decision to release Petitioner on his own recognizance once before."); *J.C.L.A. v. Wofford*, No. 1:25-cv-01310-KES-EPG (HC), 2025 LX 404689, at *10 (E.D. Cal. Oct. 16, 2025) ("Even if the government were correct that § 1225(b), by its terms, could apply to petitioner, the government previously represented to petitioner, in the order of release on recognizance, that he had been 'released on [his] own recognizance [under § 1226(a)] provided that he comply with' certain conditions. This was an 'implicit promise' that his release would "be revoked only if he fail[ed] to live up to the [release] conditions,' as in *Morrissey*.").

The Government's interest in detaining him further is minimal, whereas the risk of erroneous deprivation is extreme. Denying him a hearing on the false premise that § 1225 applies constitutes a clear violation of both statutory and constitutional safeguards.

**A. PETITIONER'S APPROVED I-360 SPECIAL IMMIGRANT JUVENILE PETITION ESTABLISHES A CLEAR ENTITLEMENT TO RELEASE**

Mr. Singh's approved Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, conferring Special Immigrant Juvenile (SIJ) classification, fundamentally alters his immigration posture and removes any lawful basis for continued detention. The approval—issued by U.S. Citizenship and Immigration Services ("USCIS") on November 4, 2025—represents a formal, affirmative determination by the federal government that Mr. Singh meets the statutory criteria for humanitarian protection under 8 U.S.C. § 1101(a)(27)(J).

By definition, SIJ classification is granted only after both a state juvenile court and USCIS find that (1) reunification with one or both parents is not viable due to abuse, neglect, or abandonment, and (2) it would not be in the child's best interest to return to his country of nationality. See 8 U.S.C. § 1101(a)(27)(J); 8 C.F.R. § 204.11. These findings—ratified by USCIS through the I-360 approval—carry significant legal weight: they reflect a federal determination that the individual merits protection and a pathway to lawful permanent residence, not continued confinement under immigration custody.

Courts have consistently recognized that the approval of SIJ classification places a noncitizen in a distinctly protected category. See, e.g., *Perez-Olano v. Gonzalez*, 248 F.R.D. 248, 265 (C.D. Cal. 2008) (recognizing congressional intent that SIJs be shielded from removal and detention while pursuing adjustment of status); *Garcia v. Barr*, 2020 WL 2126784, at *6 (N.D. Cal. May 5, 2020)* (granting release to SIJ-eligible petitioner where detention conflicted with the protective purpose of the SIJ statute). Continued detention of an SIJ-approved individual thus undermines congressional intent and constitutes arbitrary and capricious agency action in violation of the Administrative Procedure Act, 5 U.S.C. § 706(2)(A), as well as the Fifth Amendment's Due Process Clause.

Moreover, DHS's own policy guidance recognizes that once SIJ status is approved, such individuals are eligible to pursue adjustment of status under 8 U.S.C. § 1255(h) and generally should not be prioritized for removal or prolonged detention, absent compelling circumstances such as serious criminal conduct—which are entirely absent here. Mr. Singh's lack of any criminal record, consistent compliance with all release conditions, and cooperation with ICE underscore that his detention serves no legitimate purpose and imposes substantial, irreparable harm.

In sum, Mr. Singh's approved I-360 establishes that he is statutorily eligible for lawful status and should not remain in detention pending resolution of his immigration proceedings. Accordingly, this Court should issue a temporary restraining order and preliminary injunction directing his immediate release—or, in the alternative, requiring DHS to provide a constitutionally adequate bond hearing before an Immigration Judge without delay.

Additionally, Petitioner has demonstrated a strong likelihood of success on the merits. The Department of Homeland Security's ("DHS") Policy, which categorically denies Petitioner the opportunity for a bond hearing, violates both the Immigration and Nationality Act ("INA") and Petitioner's Fifth Amendment procedural and substantive due process rights. The INA expressly contemplates individualized custody determinations under 8 U.S.C. § 1226(a), and long-standing judicial precedent has affirmed that noncitizens are entitled to such hearings to assess flight risk and danger to the community.

Moreover, the overwhelming majority of federal district courts—including courts within this District—have rejected policies identical or substantially similar to DHS's current approach, consistently holding that such blanket denials of bond eligibility are contrary to statute and constitutionally infirm. Accordingly, Petitioner is highly likely to prevail on the merits of his claim.

## II. PETITIONER SUFFERS IRREPARABLE HARM

"It is well established that the deprivation of constitutional rights *unquestionably constitutes irreparable injury.*" Melendres v. Arpaio, 695 F.3d 990, 1002 (9th Cir. 2012) (quoting Elrod v. Burns, 427 U.S. 247, 272 (1976)). The Ninth Circuit has likewise recognized the "*irreparable harms imposed on anyone subject to immigration detention,* including the *economic burdens imposed on detainees and their families as a result of detention.*" Hernandez v. Sessions, 872 F.3d 976, 995 (9th Cir. 2017); *see also* Leiva-Perez v. Holder, 640 F.3d 962, 969–70 (9th Cir. 2011) (holding that the inability to pursue a petition for review may constitute irreparable harm).

Here, Mr. Singh's detention is unlawful. Each additional day of confinement deepens his injury, separating him from community, counsel, and the ability to prepare his asylum and adjustment cases. His approved Special Immigrant Juvenile status—reflecting a federal finding of vulnerability—makes the harm especially acute. Detaining a recognized SIJ beneficiary not only undermines congressional purpose but also inflicts ongoing psychological and emotional trauma inconsistent with humanitarian protections enshrined in federal law.

Mr. Singh's situation presents an even more compelling case for emergency relief. His approved Special Immigrant Juvenile (SIJ) petition reflects a federal determination that he is a vulnerable youth

who has suffered parental abuse, neglect, or abandonment and whose best interests lie in remaining in the United States under humanitarian protection. Detaining a person in this protected category not only contradicts the humanitarian purpose of the SIJ statute, but also inflicts profound psychological and developmental harm on a young person who has already endured significant trauma.

Continued detention of an SIJ-approved individual like Mr. Singh causes ongoing violations of statutory and constitutional rights, severe emotional distress, and substantial barriers to pursuing lawful status. While detained, Mr. Singh is forced to litigate his asylum and adjustment cases from within a restrictive facility, with limited access to counsel, evidence, and supportive services—conditions that irreparably compromise his ability to secure the protections Congress intended for him.

Every additional day of confinement prolongs this injury and undermines the very findings underlying USCIS's approval of his I-360. Because Mr. Singh's detention serves no legitimate governmental interest, and because the harm to his liberty, wellbeing, and ability to vindicate his rights is immediate and irreparable, the equities overwhelmingly warrant the Court's issuance of a temporary restraining order and preliminary injunction to secure his release—or, at minimum, a prompt and constitutionally adequate bond hearing.

## III. BALANCE OF HARMS AND PUBLIC INTEREST FAVOR PETITIONER

The merged "balancing-the-equities" and "public interest" factors favor Petitioner. The balance of equities and the public interest weigh decisively in favor of Petitioner's release. The harm to Mr. Singh from continued detention is grave and irreparable, whereas any harm to Respondents from granting relief is minimal or nonexistent. Mr. Singh's detention serves no lawful or practical purpose in light of his approved Special Immigrant Juvenile (SIJ) classification, which recognizes his humanitarian eligibility to remain in the United States and ultimately adjust status to lawful permanent residency If Petitioner is not released or promptly provided a constitutionally adequate bond hearing, he will be forced to continue litigating his asylum claim in detention even though he is statutorily eligible for release on bond. "In comparison, the harm to Respondents is minimal." *Lira v. Noem*, No. 1:25-cv-00855-WJ-KK, 2025 LX 383996, at *11-12 (D.N.M. Sep. 5, 2025). Indeed, "there is a substantial public interest in having governmental agencies abide by the federal laws that govern their existence and operations." *League of*

*Women Voters of U.S. v. Newby*, 838 F.3d 1, 12 (D.C. Cir. 2016). Practically speaking, injunctive relief would inflict little more on Respondents than ensure they adhere to the requirement of the Constitution.

Mr. Singh has no criminal history, has complied fully with every condition of release previously imposed, and poses no threat to public safety or risk of flight. In contrast, the ongoing deprivation of liberty inflicted upon a federally recognized SIJ beneficiary—someone whom both state and federal authorities have determined to be a victim of parental abuse, neglect, or abandonment—inflicts immediate and irreparable injury that offends both constitutional principles and Congress's humanitarian intent in enacting the SIJ statute.

Courts routinely recognize that the public interest is served by ensuring that the government acts in accordance with the law and respects constitutional and statutory protections. See *Preminger v. Principi*, 422 F.3d 815, 826 (9th Cir. 2005) ("The public interest is served when government agencies abide by the laws that govern them."). Here, granting relief promotes precisely that interest. Releasing Mr. Singh—or, at minimum, providing a prompt and constitutionally adequate bond hearing—advances the rule of law, conserves government resources, and upholds the humanitarian protections Congress created for immigrant youth under 8 U.S.C. § 1101(a)(27)(J).

In contrast, denying relief would perpetuate unlawful detention and inflict needless suffering on an individual the United States has already deemed worthy of protection. Accordingly, the balance of hardships and public interest factors overwhelmingly favor the issuance of a temporary restraining order and preliminary injunction directing Mr. Singh's immediate release or a bond hearing without further delay.

## IV. THE PROPER REMEDY IS RELEASE OF PETITIONER FROM DETENTION

A habeas court has "the power to order the conditional release of an individual unlawfully detained—though release need not be the exclusive remedy and is not the appropriate one in every case in which the writ is granted." *Boumediene v. Bush*, 553 U.S. 723, 779 (2008). Several courts, including at least one in this district, have held that the appropriate remedy for the government's constitutional violations is release from detention. *See Lepe v. Andrews*, No. 1:25-cv-01163-KES-SKO (HC), 2025 LX 452767, at *23 (E.D. Cal. Sep. 23, 2025) ("[g]iven that the government does not assert any other basis for petitioner's detention and does not argue that petitioner presents a flight risk or danger, the appropriate

remedy is petitioner's immediate release."); *see also Zumba*, 2025 LX 482036 at *32 (holding that "habeas does not provide meaningful relief with respect to some of the indignities petitioner has endured . . . . But due to its flexible nature, the Court may fashion a remedy that returns petitioner to her position prior to her unlawful detention. The Court finds that release from detention is the appropriate relief . . . ."). Given Petitioner's approved Special Immigrant Juvenile Status, his path toward lawful permanent residency is statutorily protected under the INA. Continued detention directly undermines this congressionally recognized humanitarian relief.

Alternatively, if the Court is not inclined to release Petitioner, it should instead direct a bond hearing at which time the burden of proof lies with DHS given the gravity of the unconstitutional action and the fact that Petitioner was already once found not to be a danger to the community or a risk of flight when it released him pursuant to ROR. *See Pinchi v. Noem*, No. 5:25-cv-05632-PCP, 2025 LX 227518, at *21 (N.D. Cal. July 24, 2025) (directing that petitioner "may not be detained unless the government demonstrates at such a bond hearing, by clear and convincing evidence, that she is a flight risk or a danger to the community and that no conditions other than her detention would be sufficient to prevent such harms."); *J.S.H.M*, 2025 LX 426816, at *49 (E.D. Cal. Oct. 16, 2025) (holding that "[d]oing so is logical even for a post-detention custody hearing for the reasons articulated in *Pinchi*-namely that the immigrant's initial release reflected a determination by the government that the noncitizen is not a danger to the community or a flight risk."). In addition, the Court should also enjoin Respondents from transferring Petitioner out of the district. *See Santiago v. Noem*, No. EP-25-CV-361-KC, 2025 LX 349750, at *5 (W.D. Tex. Sep. 9, 2025) ("[t]he Court finds persuasive the decisions enjoining removal and transfer of petitioners under the Court's inherent power to preserve its ability to hear the case" and that enjoining transfers was necessary "[t]o ensure the ability to meaningfully assess [Petitioner's] Petition.").

## CONCLUSION

For the foregoing reasons, For the foregoing reasons, and in light of Petitioner's approved Special Immigrant Juvenile Status, lack of criminal history, and full compliance with all conditions of release, this Court should:

1. Order Petitioner's immediate release from detention; or, in the alternative,
2. Order a constitutionally adequate bond hearing before an Immigration Judge;
3. Enjoin Respondents from transferring Petitioner outside this District pending final adjudication; and
4. Declare that Petitioner may remain in the United States to pursue adjustment of status under his approved SIJ classification; and
5. Stay Petitioner's removal proceedings until he completes the process of applying for lawful permanent residency through SIJ-based adjustment.

Respectfully submitted on 13th day of November, 2025

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