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

12 HARDEEP SINGH

13 Petitioner,

14 v.

15 Warden of the Port Isabel Service Detention Center;
16 TODD LYONS, Acting Director of Immigration
17 and Customs Enforcement; KRISTI NOEM,
18 Secretary of the U.S. Department of Homeland
19 Security; PAMELA BONDI, Attorney General of
20 the United States

21 Respondents.

Civil Action No. 1:25-CV-281

**Reply in Support of TRO and
Preliminary Injunction.**

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Reply in Support of TRO and Preliminary Injunction.

INTRODUCTION

1 As a threshold matter, Respondents' Opposition should be stricken as untimely. The Government failed to
2 comply with this Court's clear, court-ordered deadline and filed its opposition only after the deadline had passed,
3 without seeking advance leave and without demonstrating excusable neglect. This case involves emergency
4 injunctive relief and ongoing immigration detention—circumstances in which strict adherence to deadlines is
5 essential. Allowing a late-filed opposition in this posture would reward noncompliance with this Court's orders
6 and would further prejudice Petitioner by prolonging an ongoing and unlawful deprivation of liberty.

7 The prejudice caused by Respondents' delay is neither abstract nor technical. Each day of delay
8 has extended Petitioner's confinement without timely judicial review, precisely the harm Rule 65 and
9 habeas corpus are designed to prevent. In detention cases, the Government benefits from delay because
10 the status quo is continued incarceration. Granting Respondents retroactive permission to file late would
11 shift the consequences of the Government's noncompliance onto the detained Petitioner—an outcome
12 fundamentally inconsistent with equitable principles governing emergency relief.

13 Even if the Court elects to consider the late-filed opposition, Respondents' arguments do not justify
14 continued detention and, in fact, underscore the need for immediate injunctive relief. Respondents do not
15 dispute—and cannot dispute—that Petitioner has been granted Special Immigrant Juvenile Status
16 (“SIJS”) and that his Form I-360 has been approved by United States Citizenship and Immigration
17 Services. Petitioner submitted documentary proof of this approval with his Verified Petition for Writ of
18 Habeas Corpus, and that evidence remains unrebutted.

19 An approved I-360 is not provisional or speculative. It reflects binding determinations by a state
20 juvenile court and USCIS that Petitioner is a vulnerable youth for whom reunification with a parent is
21 not viable and for whom remaining in the United States is in his best interests. Congress created SIJS to
22 stabilize the presence of abused, abandoned, or neglected children and to preserve their ability to seek
23 lawful permanent residence. Detaining an approved SIJ beneficiary—without individualized justification
24 and in a manner that threatens his ability to pursue adjustment of status—directly undermines that
25 statutory scheme.

26 Respondents' continued detention of Petitioner has caused concrete and irreparable prejudice
27 beyond the loss of physical liberty. Adjustment of status for SIJ beneficiaries is an “adjustment-only”
28 process that may be pursued only while the beneficiary remains physically present in the United States.
Prolonged detention increases the risk of transfer, impedes access to counsel and necessary filings, and
threatens to extinguish Petitioner's congressionally protected pathway to lawful permanent residence. No
later remedy can restore that lost opportunity.

1 Finally, Respondents attempt to avoid judicial review by emphasizing that Petitioner’s removal
2 proceedings are ongoing. That argument mischaracterizes the relief sought and should be rejected.
3 Petitioner does not ask this Court to adjudicate removability or interfere with immigration court
4 proceedings. He asks only that this Court exercise its well-established habeas jurisdiction to halt
5 continued unlawful detention and preserve the status quo while his removal case proceeds in the proper
6 forum.

7 For all of these reasons, the Court should strike Respondents’ untimely opposition and grant
8 Petitioner’s Motion for a Temporary Restraining Order and Preliminary Injunction. In the alternative,
9 even if the opposition is considered, Petitioner has demonstrated a clear likelihood of success on the
10 merits, ongoing irreparable harm, and that the balance of equities and public interest overwhelmingly
11 favor immediate relief.

12 **II. RESPONDENTS MISCHARACTERIZE THE RELIEF SOUGHT**

13 At the outset, Respondents argue—explicitly or implicitly—that this Court should refrain from
14 intervening because Petitioner’s removal proceedings are ongoing. That argument misunderstands both
15 the Petition and the Motion.

16 Petitioner does not ask this Court to: Terminate removal proceedings; Review or enjoin
17 Immigration Judge rulings; or Decide removability or eligibility for relief.

18 Instead, Petitioner asks this Court to do what federal courts routinely and lawfully do: review the
19 legality of immigration detention under the Constitution and the INA. Habeas jurisdiction over detention
20 exists precisely because custody is distinct from removability. Ongoing removal proceedings do not
21 authorize unlawful detention, nor do they deprive this Court of jurisdiction to remedy it.
22 Respondents’ attempt to conflate detention with removal should be rejected.

23 **III. RESPONDENTS’ DELAY HAS CAUSED CONCRETE PREJUDICE AND PROLONGED** 24 **UNLAWFUL DETENTION**

25 Respondents’ opposition ignores the central equitable reality of this case: delay itself has inflicted
26 harm. This is not an abstract procedural dispute. Petitioner remains confined while Respondents: missed
27 court-ordered deadlines, filed delayed opposition papers, and continued to rely on a detention theory
28 repeatedly rejected by federal courts.

1 Each day of continued detention is a new and ongoing constitutional injury. Loss of physical liberty
2 is irreparable harm as a matter of law. That harm is compounded where, as here, detention continues
3 without notice, without changed circumstances, and without any opportunity to be heard, following years
4 of government-authorized liberty and full compliance.

5 The prejudice is structural and one-sided. Respondents benefit from delay because the status quo
6 is incarceration. Petitioner bears the cost in lost liberty, separation from family and employment,
7 impaired ability to assist counsel, and the risk of transfer that would frustrate this Court's jurisdiction.
8 Emergency injunctive relief exists to prevent exactly this imbalance.

9 Respondents cannot plausibly claim lack of prejudice while simultaneously arguing Petitioner
10 should remain detained.

11 **IV. CONTINUED DETENTION REMAINS UNLAWFUL NOTWITHSTANDING ONGOING 12 REMOVAL PROCEEDINGS**

13 Respondents repeatedly invoke the pendency of Petitioner's removal proceedings as a reason this
14 Court should deny injunctive relief. That argument fails as a matter of law. Detention and removal are
15 distinct legal inquiries, governed by different statutes, reviewed by different tribunals, and subject to
16 independent constitutional constraints. The existence of ongoing removal proceedings does not authorize
17 unlawful detention, nor does it deprive this Court of jurisdiction to remedy it.

18 **A. Habeas Jurisdiction Over Detention Exists Independent of Removal Proceedings**

19 Federal courts have long exercised habeas jurisdiction to review the lawfulness of immigration
20 detention, even while removal proceedings are pending. Congress preserved that jurisdiction in 28 U.S.C.
21 § 2241, and the Supreme Court has repeatedly confirmed that custody challenges are properly heard in
22 district court notwithstanding parallel proceedings before the Immigration Court or the Board of
23 Immigration Appeals.

24 Petitioner does not seek review of the Immigration Judge's rulings, does not challenge
25 removability, and does not ask this Court to interfere with the adjudication of his immigration case. He
26 challenges only his continued physical confinement by ICE. That claim is squarely within this Court's
27 authority and is not barred by the pendency of removal proceedings.

28 **B. Ongoing Proceedings Do Not Supply Independent Authority to Detain**

Respondents' position appears to assume that the mere existence of removal proceedings
automatically justifies continued detention. That assumption is incorrect. Detention authority must be
lawful in its own right. The Government must identify a valid statutory basis for detention and must

1 exercise that authority in a manner consistent with due process.

2 Here, Respondents rely on a categorical detention theory that ignores Petitioner’s individual
3 circumstances, including: years of government-authorized release and full compliance, the absence of
4 any alleged violation or changed circumstances, and Petitioner’s approved Special Immigrant Juvenile
5 Status and approved I-360.

6 Removal proceedings do not cure these defects. They do not retroactively justify arbitrary re-
7 detention, nor do they eliminate the requirement that detention be reasonable, individualized, and
8 constitutionally sound.

9 **C. Arbitrary Re-Detention Is Unlawful Even While Proceedings Are Pending**

10 Even where detention is initially authorized, the Government may not revoke liberty arbitrarily
11 once it has been granted. Here, ICE released Petitioner, supervised him for years, and affirmatively
12 induced reliance through sustained compliance. ICE then re-detained Petitioner without notice, without
13 changed circumstances, and without any opportunity to be heard.

14 That sequence violates due process regardless of the procedural posture of the removal case. The
15 Constitution does not permit the Government to toggle liberty on and off at will simply because removal
16 proceedings remain open. Ongoing proceedings do not function as a blank check for detention.

17 **D. Continued Detention Conflicts with SIJS and Congressional Intent**

18 This case presents an additional, independent defect: Petitioner is an approved SIJ beneficiary with
19 an approved I-360. Congress created SIJS to protect vulnerable youth and to preserve their ability to seek
20 lawful permanent residence from within the United States. Removal proceedings often remain pending
21 for SIJ beneficiaries precisely because Congress contemplated that they would remain present while
22 awaiting visa availability.

23 Detaining an approved SIJ beneficiary during ongoing proceedings—without individualized
24 justification—undermines the statutory scheme. It threatens Petitioner’s ability to pursue adjustment,
25 increases the risk of transfer or removal that would permanently foreclose relief, and allows ICE to
26 effectively nullify SIJS through custody decisions. Congress did not authorize that result.

27 **E. The Proper Remedy Addresses Detention Only**

28 Finally, granting injunctive relief here would not intrude upon the Immigration Court’s authority.
Ordering release, prohibiting transfer, or requiring an individualized custody determination would
preserve the status quo and ensure constitutional compliance while removal proceedings continue in the
appropriate forum.

1 That is precisely the role of this Court in a habeas and TRO posture: to prevent continued unlawful
2 detention while leaving removal adjudication untouched. Because detention authority must be lawful
3 independent of removal proceedings—and because arbitrary re-detention of an approved SIJ beneficiary violates
4 both the INA and the Constitution—Respondents cannot justify continued confinement by pointing to the
5 pendency of Petitioner’s immigration case. Ongoing removal proceedings do not insulate unlawful detention from
6 judicial review, and they do not defeat Petitioner’s entitlement to immediate injunctive relief.

7 **V. THE EQUITIES AND PUBLIC INTEREST STRONGLY FAVOR RELIEF**

8 The balance of equities and the public interest overwhelmingly favor immediate injunctive relief.
9 On one side of the scale is Petitioner’s continued loss of physical liberty, compounded by the threat to
10 congressionally protected immigration benefits. On the other side, Respondents identify no concrete or
11 cognizable harm that would result from Petitioner’s release or from requiring constitutionally adequate
12 custody review. Where, as here, the Government seeks to maintain detention without individualized
13 justification, equity strongly favors the restrained party.

14 **A. The Balance of Hardships Weighs Heavily in Petitioner’s Favor**

15 Petitioner remains detained despite having lived in the community for years under Government
16 supervision, without incident and in full compliance with all reporting conditions. The Government’s
17 own actions demonstrate that Petitioner poses no danger and no flight risk. Releasing Petitioner under
18 conditions previously deemed sufficient—or ordering an individualized bond hearing—would merely
19 restore the status quo ante that existed for years.

20 By contrast, continued detention imposes severe and irreparable hardships. Petitioner suffers daily
21 loss of liberty, separation from family and community, impaired access to counsel, and diminished ability
22 to meaningfully participate in both his immigration case and this habeas action. These harms are not
23 speculative; they are immediate and ongoing. Equity does not permit such harms to persist absent a
24 compelling governmental justification, which Respondents have not provided.

25 **B. Respondents Face No Meaningful Harm From Injunctive Relief**

26 Respondents cannot plausibly claim harm from compliance with the Constitution and the
27 INA. Injunctive relief would not terminate removal proceedings, prevent enforcement of immigration
28 laws, or confer any immigration status. It would simply ensure that detention—if continued at all—is
lawful and justified.

Moreover, Petitioner’s history of compliance eliminates any claim of administrative burden or
risk. Respondents have already supervised Petitioner successfully for years. Temporary release or

1 custody review imposes no new or unmanageable obligation on the Government.

2 **C. The Public Interest Favors Enforcement of Constitutional and Statutory Limits**

3 The public has a strong interest in ensuring that executive agencies do not exceed the authority
4 granted to them by Congress and do not violate constitutional protections, particularly where physical
5 liberty is at stake. That interest is heightened in cases involving vulnerable populations and humanitarian
6 protections, such as Special Immigrant Juvenile Status.

7 Congress enacted SIJS to protect abused, abandoned, and neglected youth and to ensure they are
8 not subjected to further instability or harm while pursuing lawful permanent residence. Detaining an
9 approved SIJ beneficiary without individualized justification frustrates that purpose and undermines
10 public confidence in the integrity of the statutory scheme.

11 **D. Injunctive Relief Preserves the Status Quo and the Court’s Jurisdiction**

12 Granting relief here would preserve—not disrupt—the status quo by preventing transfer, continued
13 unlawful detention, or actions that could moot this Court’s jurisdiction. Without injunctive relief,
14 Petitioner faces the risk of transfer or removal that would irreparably harm his rights and frustrate judicial
15 review. Courts routinely recognize that preserving jurisdiction and preventing irreparable harm are core
16 public interests served by temporary restraining orders and preliminary injunctions.

17 **E. Rule 65(c) Does Not Require a Bond**

18 Because the injunction sought would halt unconstitutional government action and Respondents
19 face no monetary harm, the Court may—and should—waive any bond requirement under Rule 65(c).
20 Requiring a bond from a detained SIJ beneficiary would serve no equitable purpose and would further
21 penalize Petitioner for seeking to vindicate fundamental rights.

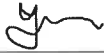
22 In sum, the equities overwhelmingly favor Petitioner, and the public interest is best served by ensuring that
23 immigration detention complies with constitutional and statutory limits. Respondents face no cognizable harm
24 from Petitioner’s release or from providing lawful custody review, while Petitioner continues to suffer irreparable
25 injury from ongoing confinement. Immediate injunctive relief is therefore warranted.

26 **CONCLUSION**

27 Because Petitioner is an approved SIJ beneficiary with an approved I-360, his continued detention
28 is inconsistent with the INA, ultra vires, and unconstitutional. The evidence establishing SIJS is already
before the Court and unrebutted. Respondents’ opposition offers no lawful basis to detain Petitioner in a
manner that defeats Congress’s express protective scheme.

1 This Court should therefore grant the TRO and preliminary injunction, prohibit transfer, and order
2 Petitioner's immediate release—or, at minimum, immediate individualized custody review consistent
3 with SIJS protections.
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5 Respectfully,
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