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

13 HARDEEP SINGH

14 Petitioner,

15 v.

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

22 Respondents.

Civil Action No. 1:25-CV-281

**PETITIONER’S OPPOSITION TO
RESPONDENTS’ MOTION TO
FILE RESPONSE OUT OF TIME
(AS TO HABEAS PETITION)**

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1 **INTRODUCTION**

2 Respondents move under Rule 6(b)(1)(B) to excuse their failure to comply with this Court’s clear
3 deadline to respond to the Petition for Writ of Habeas Corpus. Their motion should be denied.
4 Respondents have not carried their burden to establish “excusable neglect,” and the delay has caused
5 concrete prejudice to Petitioner, who remains unlawfully detained while Respondents ignored a court-
6 ordered deadline.

7 **ARGUMENT**

8 **A. Respondents Have Not Shown Excusable Neglect**

9 Rule 6(b)(1)(B) permits relief only upon a showing of excusable neglect, a demanding standard that
10 requires consideration of:

- 11 (1) danger of prejudice to the opposing party;
12 (2) length of the delay and its impact on the proceedings;
13 (3) reason for the delay, including whether it was within the movant’s control; and
14 (4) whether the movant acted in good faith.

15 Respondents’ sole explanation is “administrative oversight” and the assertion that undersigned
16 counsel entered the U.S. Attorney’s Office after the deadline passed. That explanation is legally
17 insufficient. Staffing transitions and internal case-management failures are squarely within the
18 Government’s control and do not constitute excusable neglect—particularly in a habeas case involving
19 ongoing deprivation of physical liberty.

20 Respondents concede they “do not precisely know why a response conforming to the Court’s Order
21 was not filed sooner.” That admission alone defeats Rule 6(b) relief. A party that cannot identify the
22 cause of its noncompliance cannot meet its burden to justify it.

23 **B. Petitioner Has Been Prejudiced by the Delay**

24 Respondents’ assertion that Petitioner has not been prejudiced by their late filing is incorrect as a
25 matter of law and fact. This case concerns ongoing physical detention, and delay in habeas proceedings
26 challenging custody is itself a form of prejudice. Unlike ordinary civil litigation, where delay may be
27 remedied through scheduling adjustments or monetary relief, loss of liberty cannot be retroactively cured.

28 First, each day of delay prolongs the very constitutional injury Petitioner seeks to remedy. Habeas
corpus exists to provide a swift and effective check on unlawful detention, and Congress has directed
courts to resolve habeas petitions “forthwith.” 28 U.S.C. § 2243. When Respondents failed to comply

1 with the Court’s deadline, Petitioner remained confined without the benefit of timely adversarial review.
2 That deprivation is not abstract or speculative—it is immediate, concrete, and ongoing.

3 Second, Respondents’ delay has altered the procedural posture and the equities of this case to
4 Petitioner’s detriment. In the TRO context, timing is critical. Emergency relief is designed to prevent
5 irreparable harm before it occurs or worsens. By filing late, Respondents effectively extended Petitioner’s
6 detention without judicial authorization and shifted the burden of delay onto the detained party—an
outcome fundamentally at odds with Rule 65 and habeas principles.

7 Third, the prejudice here is structural, not merely tactical. Respondents’ failure to meet the
8 deadline undermined the orderly administration of this case and deprived the Court of a complete and
9 timely record when it mattered most—while Petitioner remained detained. Courts have repeatedly
10 recognized that delay in detention cases skews the process in favor of the custodian, who benefits from
11 the status quo of continued confinement.

12 Fourth, Respondents’ claim that Petitioner “continues to receive due process” through ongoing
13 removal proceedings misunderstands the nature of the prejudice. The habeas petition challenges custody,
14 not removability. Removal proceedings do not substitute for prompt judicial review of detention, nor do
15 they mitigate the harm caused by unlawful confinement during the pendency of habeas review. Continued
16 detention while Respondents disregard court-ordered deadlines compounds, rather than cures, the injury.

17 Finally, there is no countervailing harm to Respondents that would justify excusing the delay.
18 Respondents do not contend that compliance was impossible, only that it was overlooked. Allowing the
19 late filing would reward noncompliance and signal that, in cases involving detention, the Government
may disregard deadlines without consequence—while the petitioner bears the cost in lost liberty.

20 In short, prejudice is inherent where delay prolongs confinement. Because Respondents’ untimely
21 filing extended Petitioner’s detention and undermined the statutory purpose of habeas review, the Court
22 should find that Petitioner has been materially prejudiced and deny Respondents’ request for relief under
23 Rule 6(b).

24 **C. Granting the Motion Would Reward Disregard of Court Orders**

25 Granting Respondents’ motion would effectively reward noncompliance with this Court’s clear
26 and unambiguous order. Courts rely on adherence to filing deadlines to manage cases efficiently and
27 fairly, and that reliance is especially critical in habeas proceedings, where **physical liberty is at stake**.
28 When a party fails to comply with a court-ordered deadline and then seeks retroactive forgiveness based
solely on internal oversight, granting relief undermines the authority of the Court and erodes respect for

1 its orders.

2 Here, Respondents do not claim that compliance was impossible or that extraordinary
3 circumstances intervened. They do not identify any external impediment, unforeseen emergency, or
4 unavoidable event that prevented timely filing. Instead, they attribute the delay to administrative
5 oversight and staffing transitions—matters wholly within the Government’s control. Excusing such
6 failures would signal that court-ordered deadlines in detention cases are optional rather than mandatory.

7 This concern is not merely abstract. The Government is a frequent litigant in habeas and
8 immigration detention cases. If missed deadlines are routinely excused without a concrete showing of
9 necessity, the burden of noncompliance falls disproportionately on detained petitioners, who remain
10 confined while the Government recalibrates its litigation posture. That dynamic incentivizes delay and
11 transforms missed deadlines into a one-sided advantage for the custodial authority.

12 Moreover, granting the motion would create an asymmetry in enforcement. Detained petitioners
13 are routinely held to strict procedural requirements despite limited access to legal resources, constrained
14 communication, and the realities of confinement. Allowing Respondents to disregard deadlines without
15 consequence—while Petitioner remains incarcerated—would undermine basic principles of fairness and
16 equal application of procedural rules.

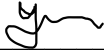
17 Finally, denying Respondents’ motion does not impose an undue hardship. Respondents had notice
18 of the deadline, ample opportunity to comply, and the institutional resources to do so. The only
19 consequence of denial is that Respondents must bear responsibility for their failure to adhere to the
20 Court’s order—precisely the outcome Rule 6(b) is designed to enforce when excusable neglect has not
21 been shown.

22 In short, granting Respondents’ motion would dilute the force of court orders, incentivize lax
23 compliance in detention cases, and shift the costs of noncompliance onto the party whose liberty is
24 restrained. The Court should decline to set that precedent and deny Respondents’ request to file out of
25 time.

26 **CONCLUSION**

27 Because Respondents have failed to demonstrate excusable neglect and because Petitioner has been
28 prejudiced by the delay, the Court should deny Respondents’ Motion to File Response Out of Time as to
the habeas petition, or alternatively strike the late-filed response.

1 Respectfully,
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10 Submitted on 15th of January 15, 2026
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