

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

FILED FEB 26 2026
MAG-CL

GURVINDER SINGH,)
)
 Petitioner,)
)
 v.)
)
 WARDEN, STEWART DETENTION CENTER)
)
 Respondents.)

Case NO.: 4:25-CV-415-CDL-AGH
28 U.S.C. § 2241

REPLY IN OPPOSITION TO RESPONDENT'S MOTION TO DISMISS

NOW COMES, Petitioner, and respectfully files his Reply in Opposition to Respondents/Defendants' Motion to Dismiss and present the followings:

1. First when the Petition was filed, individuals such as Ms. Pam Bondi, United States Attorney General; Ms. Kristie Noem, Secretary of Department of Homeland Security; Director of U.S. Immigration and Customs Enforcement (collectively "Respondents" or the "Government") should have been named as Parties. Via this Reply/Objection, Petitioner requests/motions that the Court on its own authority, jurisdiction, and discretion (granted by law and the U.S. Constitution), to amend the caption and add the aforementioned names herein as the additional and proper Respondents. Moreover, gathering from Respondent's Motion to Dismiss, it is clear that the response is from and on behalf of the Department of Justice ("DOJ"), on behalf of the Attorney General, DHS secretary, and Director of US/ICE and others. (See Declaration of Singh - "*Singh Decl.*" at 2).

2. It seems that Respondent is referencing "Declaration of Marilyn Guerra ('Guerra Decl.),'", but had not provided such declaration for Petitioner to review and Respond. Therefore, Petitioner is without any knowledge and objects to any declaration presented by the Respondent for/by Ms. Marilyn Guerra. See *Singh Decl.* at 4. & Exh. A.

FACT

3. The Respondents' entire case is based on Fraudulent representation or at minimum false

representations of material facts which does not support its invalid action or constitute Petitioner's any violation of law. Nor that its Motion to Dismiss is supported by proper evidence.

4. To begin with, Respondent list of counsels, and agents in charge and responsible for Petitioner's detention and removal could not even reflect his Alien number correctly and reflected another number "A203-674-725" instead, only to further accuse Petitioner for misrepresentation or providing false "A#". See *Singh Decl.* At 3.

5. Contrary to what the Respondents lead the Court to believe via Declaration of the supervisor Tartanger L. Stephens (DHS, ICE supervisor), most of the statements in his declaration are false or misrepresenting the material facts. In saying this, Petitioner numerates by reference agent Stephens' statements and provides his (petitioner's) argument for agent Stephens' ("Stephens") lack of evidence supportive arguments. In his

a. parag.10, he stated that "*On August 23, 2024, the petitioner was arrested by the Franklin County Sheriff's office, ...Exhibit E, Form I-213... On March 28, 2025.*" However, he stopped the remaining facts by simply omitting the TRUTH and the disposition of the criminal matter that Georgia Bureau of Investigation (GBI) investigated the presumed drug and concluded that they are not of any substance/drug. Franklin DA motioned Franklin criminal court to dismiss (See Exhibit B), and the criminal court dismissed the charge. See *Singh Decl.* at 6- Exh. A (upper portion of the page shows DA's Motion and lower part shows the criminal court order dated June 20, 2025. Moreover, it is unreasonable for the government to claim a person is guilty just because he/she is charged with the crime. The laws of this country requires for a person to be arraigned, plea guilty, or be found guilty, and sentenced to conclude the criminal prosecution and obtain a disposition. It is clear that in this case, DOJ/Respondent assumed guilt and disposition, just because Petitioner was charged not that the matter was dismissed.

b. Parg. 11, Stephens stated, "*On March 28, 2025, ICE/ERO assumed custody of the Petitioner.*" As stated in the paragraph above, ICE/ERO arresting, assuming custody of

Petitioner and detained him was without any reason – especially since Petitioner did not violate any law, nor committed any crimes to be arrested and detained by ICE. Therefore, the Respondents' falsely and in violation of the law “Misrepresented the fact to this honorable Court only to detain Petitioner for NO REASON and in violation of the condition of the Bond release. *Id.* at 7.

c. In parg 12, Stephen stated, “*On April 23, 2025, the Petitioner appeared for his initial Master calendar hearing and requested a continuance. The IJ granted the Petitioner's request... Exhibit F..*” However, neither the record shows that Petitioner made such request nor that Stephens provided any evidence. Base on Petitioner's belief, the only reason that the case was continued, was that it was further intent of Respondents to hold him against his will and freedom *Id.* at 8).

d. In parg 13, Stephens stated, “*On May 21, 2025, the Petitioner appeared for his master calendar hearing and requested a continuance. The IJ granted... Exhibit G*” Again, Petitioner had no specific reason to prolong his detention from month to month- as such detention was illegal, invalid and in violation of the INA § 212 (a) or any Immigration and Nationally Act. *Id.* at 9.

e. In parg 14, Stephens stated, “*On July 9, 2025, the Petitioner appeared for his master calendar hearing... IJ granted... Exhibit H, Notice of Hearing, dated July 9, 2025, Exhibit I...*” Similar to Paragraphs above, Petitioner had no reason to prolong his illegal detention and the affiant again did not provide any evidence that Petitioner made such request. *Id.* at 10.

f. In his parg. 15, Stephens stated, “*On July 21, 2025, the Petitioner appeared for his master calendar hearing, the IJ sustained removability...*” This removaibility hearing was based on Respondent presentation of false and misleading material fact- claiming that just because Petitioner was arrested in Franklin County, GA with unknown substance (even though he was not indicted nor trialed); and most importantly even though the Franklin County District

Attorney on his own merit motioned the criminal court to dismiss the charge and the criminal court did so (as the D.A. Requested); yet, the Respondent, prosecuted Petitioner on some bogus charge only to violates the little right or protection he may have under the INA § 212 or APA.

Id. at 11.

g. In his parg 16, Stephens stated, “*On September 3, 2025, the IJ denied Petitioner's application for relief from removal and ordered him removed to India. Although the Petitioner reserved appeal, he did not file an appeal... Exhibit K...*” Petitioner is in dismay and confused by Respondents' and its affiant's cumulative amount of false statements, who were supposed to uphold and preserve the law, tell the TRUTH, and present HONEST facts to the Courts. *Singh Decl.* a 12).

6. As the Court noticed above, the entire immigration case in which Respondents argue is based on a dismissed criminal case, followed by Respondents' sham and bogus charge, misrepresented material facts and continued in the same manner ONLY intended to induce reliance on IJ and to justify Petitioner's unreasonable removal, and illegal detention longer and longer by repeatedly having the bogus “Master Calendar” date changes – to prolong his detention for no reason. (see *Singh Decl.*).

7. Petitioner believes and requests that the Court reprimand respondents for their false, malicious, and mislead representations of material facts- both before the Immigration Judge as well and this Honorable Court.

8. Petitioner initially filed this Habeas Corpus relying on *Zadvydas* for the following reasons:

- a. Petitioner was previously detained in 2018 (see Stephens' *declaration* at 4 thru 9);
- b. Now again he is being detained for no reason and by Respondents' deceptive tactic since March 28, 2025 (see Stephen's *decl.* at 11 thru 18).
- c. Although respondent(s) argue that *Zadvydas* does not apply, therefore, Petition must be dismissed; however, considering the fact that Respondent's entire claim and detention of

Petitioner is a shame and done so - by concealing the true facts both courts (before the IJ and now before this Court), should show the Court that whether it is *Zadvydas* or any other interpretation, that Petitioner detention is illegal and without any merit. Even if we FALSELY assume that Respondent had a right to detain a free person, just because he is charged (no indictment, nor sentencing until the disposition of the case. But the criminal case was dismissed on June 20, 2025 (See *Singh Decl.* and Exhibit A); therefore, Respondent knowingly misrepresents material facts to IJ -only to deprive Petitioner of his rightful remedy in immigration setting and only to get a unsustainable removal order; or now, in this Court get a deceitful favorable Order. By any standard, statue, or even fake evidence, Petitioner should have been released on June 20, 2025, when the criminal Court ordered the charges against him dismissed. Consequently, his immigration proceedings before IJ should have been stopped and dismissed and he should have been freed on the CASH bond he had posted in November 2018. Yet, here we are in January 30, 2026, more than six (6) month past the dismissal of his criminal case and well pasted any reasonable date, he is still detained without reasons. Therefore, the application of *Zadvydas* is still proper.

In *Cambridge Plating Co., Inc. v. Napco, Inc.*, 85 F. 3d 752, 769 (1st Cir 1996) (citation omitted)

"[N]egligent misrepresentation ... give rise to ... liability only if they are 'extreme' or 'egregious.'"

Baker v. Goldman, Sachs & Co. 771 F. 3d 37, 54 (1st Cir. 2014) (quoting *Marram v. Kolbrick Offshore Fund, Ltd.*, 442 Mass 43, 62, 809 N. E. 2d 1017 (2004) - "*negligent misrepresentation of fact the truth of which is reasonably capable of ascertainment is an unfair and deceptive act or practice...*" Here the Government/respondents did not only misrepresented the facts intentionally which goes above and beyond "**Negligent**", but also, continued in the same manner in two courts' detriment since March 2025; inducing Petitioner to immorality and without punitive- lose his immigration proceedings which by itself is harsh punishment categorized as "Extreme" and takes a way an individual's existence in the U.S. which is "Egregious". Then, to add to the above assaults on a human, he is held in detention for

ten (10) months (thus far) – only to continue with the extreme abuse and misrepresented facts to this Honorable Court. *Buthry v. Gen. Signal Corp.*, 68F. 3D 1488, 1493 (2d Cir. 1995). The Government should have released him on June 20th or 21st 2025, since Petitioner would no longer had any charge upon him to hold him.

9. Moreover, there should have not been any reason for detention of Petitioner- since there is no crime or violation in which would have entitled Respondents/Government to take him in the custody. He was released by the same government/ICE/ERO on bond in 2018, which as of this date remains a valid and sustainable bond (which was requested by the government itself).

10. Most importantly, most statues refer to “aliens' misrepresentation of the facts or fraudulent misrepresentation” - i.e. § 1182 (a)(6)(C)(i); but, what happens when the government/DOJ/Respondent losses the honest track, induces fraudulent representation? See *United States v. Hirani*, 824 F. 3d 741 2016 U.S. App. LEXIS 9783 (8th Cir. App May 31, 2016) (“...*in finding that appellant had willfully concealed or misrepresented material facts for purpose of revocation...*”

11. Petitioner should have not been detained to begin with – since he has not violated any law and Respondents' deception or misrepresentation of material fact does not constitute no mandate this illegal detention. The final order of removal issued by IJ is based on fully fabricated and misrepresented material facts intended to induce reliance on IJ's Decision that Petitioner's “presumed guilt and sentence” when non of these actually took place. Petitioner did not commit any crime, GBI and Franklin County Judicial system did not see any drugs or violation and the matter was dismissed well before trial. See *Thompson v. Commonwealth*, 2019 Va. App. LEXIS 80, 2019 WL 1522985 (Va. ct. App. April 9, 2019), see *Singh Decl.* at 6.

12. The above facts makes the remaining argument by the Respondent(s) false, irrelevant and moot. *Zadvudas* applies to the extent that Petitioner should have not been in custody AT ALL or even for one day and it was the Respondents' intentional misrepresentation or material facts, mistake, miscalculation, and continued errors that have placed Petitioner in this situation, requiring this

Honorable Court to intervene.

THEREFORE, Petitioner respectfully requests that the Court grants his Petition and

A. Order the Respondent to immediately released him;

1. Since his detention is based on fraudulent misrepresentation of the material facts presented by the Government;

2. the Government is still holding a \$21,000 bond from Petitioner which is the guarantee the government asked and received.

B. Order the Respondent (if it is within he jurisdiction of the Court) to dismiss and set-aside his removal proceedings before the Immigration Court and the IJ order finding him removable set-aside.

Respectfully submitted this 28th day of January, 2026.



Gurvinder Singh

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CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the forgoing Reply in Opposition to Respondent's Motion to Dismiss upon the Respondent via the E-filing system of this Court upon:

Mr. Michael P. Morrill

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