

1 MARTIN O'HARA (SBN 313973)
2 5155 Rosecrans Ave., Suite 250
3 Hawthorne, CA 90250
4 Tel: (213) 265-7348
5 Fax: (213) 289-2940
6 Email: Martin@Martinoharalaw.com

7 *Attorney for Petitioner*

8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10
11 **PARDEEP SHARMA**
12 **aka PARDEEP SINGH**

13 *Petitioner,*

14 **v.**

15 **JEREMY CASEY, Warden, Imperial**
16 **Regional Detention Facility; DANIEL A.**
17 **BRIGHTMAN, Field Office Director,**
18 **San Diego Field Office, U.S. Immigration**
19 **and Customs Enforcement; TODD M.**
20 **LYONS, Acting Director, U.S.**
21 **Immigration and Customs Enforcement;**
22 **KRISTI NOEM, Secretary of the U.S.**
23 **Department of Homeland Security; and**
24 **PAMELA JO BONDI, Attorney General**
of the United States in their official
capacities

Respondents.

Case No.: 3:25-cv-3335-BAS-DDL

**APPLICATION FOR ISSUANCE
OF ORDER TO SHOW CAUSE**

1 1. Pursuant to 28 U.S.C. § 2243, Petitioner respectfully requests that this Court
2 “forthwith” issue an order directing Respondents to show cause why the petition for a
3 writ of habeas corpus filed by Petitioner pursuant to 28 U.S.C. § 2241 should not be
4 granted.
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6 2. Petitioner challenges the statutory and constitutional basis of his detention.
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8 DHS previously issued Petitioner an I-220A Order of Release on Recognizance and
9 initiated removal proceedings under 8 U.S.C. § 1229a, confirming that Petitioner is a §
10 1226(a) detainee eligible for discretionary release. Respondents have now reclassified
11 him as a § 1225(b)(2) mandatory detainee, contrary to the text of the INA, longstanding
12 DHS practice, and the allegations in the Notice to Appear. The Petition asserts three
13 claims for relief: (1) violation of the Immigration and Nationality Act through
14 Respondents’ misapplication of § 1225(b)(2) and refusal to treat Petitioner as a § 1226(a)
15 detainee; (2) violation of DHS regulations governing custody determinations, including 8
16 C.F.R. §§ 236.1(c)(8) and 236.1(d), which entitle Petitioner to a custody review and bond
17 redetermination process that Respondents categorically deny; and (3) violation of the
18 Fifth Amendment Due Process Clause, because Respondents’ reclassification deprives
19 Petitioner of liberty without any individualized custody determination or procedural
20 safeguards. Petitioner therefore seeks habeas relief under 28 U.S.C. § 2241 to remedy his
21 ongoing unlawful civil immigration detention. *See* Petition for Writ of Habeas Corpus,
22 Dkt. No. 1.
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1 3. The federal habeas corpus statute provides that “[a] court, justice or judge
2 entering a writ of habeas corpus shall forthwith award the writ or issue an order directing
3 the respondent to show cause why the writ should not be granted, unless it appears from
4 the application that the applicant or person detained is not entitled thereto.” 28 U.S.C. §
5 2243.
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8 4. Section 2243 further provides that the writ or order to show cause “shall be
9 returned within three days unless for good cause additional time, not exceeding twenty
10 days, is allowed.”
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12 5. Section 2243 further provides that the court shall hold a hearing on the writ
13 or order to show cause “not more than five days after the return unless for good cause
14 additional time is allowed.”
15

16 6. In addition, Section 2243 states that the court “shall summarily hear and
17 determine the facts, and dispose of the matter as law and justice require.”
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19 7. Pursuant to Section 2243, Petitioner requests that the Court immediately
20 issue an Order to Show Cause directing Respondents to file a return within three days of
21 the Court’s order, showing cause, if any, why the writ of habeas corpus should not be
22 granted, and to provide Petitioner an opportunity to file a reply within 5 days after
23 Respondents file the return.
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25 8. Giving Respondents additional time is inappropriate because Petitioner
26 suffers ongoing irreparable harm each day he remains detained under an unlawful
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1 statutory regime with no access to any individualized custody determination. DHS
2 previously classified Petitioner as a § 1226(a) detainee through the issuance of an I-220A
3 and the filing of a § 1229a Notice to Appear, yet Respondents now assert that he is
4 subject to mandatory detention under § 1225(b)(2), depriving him of the ability to seek
5 bond or any meaningful review of his custody. This unlawful deprivation of liberty,
6 coupled with the absence of any administrative mechanism to challenge his detention,
7 constitutes the type of ongoing, irreparable constitutional and statutory injury that § 2243
8 is designed to remedy promptly. Each additional day of detention exacerbates this harm,
9 making swift Court intervention essential.
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15 DATED this 28th of November, 2025
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18 s/ Martin O'Hara, Esq.
19 Martin O'Hara, Esq.
20 *Counsel for Petitioner*
21 CA State Bar No. 313973
22 5155 Rosecrans Ave., Ste. 250
23 Hawthorne, CA 90250
24 Tel: (213) 265-7348
25 Email: Martin@MartinOharaLaw.com
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27
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