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5
6 **UNITED STATES DISTRICT COURT**
EASTERN DISTRICT OF CALIFORNIA
7 **FRESNO DIVISION**

8 SARTAJ SINGH,
9

Petitioner,
10

v.
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12 ANDREWS, TONYA, Facility Administrator
of Golden State Annex ; SERGIO
13 ALBARRAN, Acting Field Office Director of
the San Francisco Immigration and Customs
14 Enforcement Office; TODD LYONS, Acting
Director of United States Immigration and
15 Customs Enforcement; KRISTI NOEM,
Secretary of the United States Department of
16 Homeland Security, PAMELA BONDI,
Attorney General of the United States, acting in
17 their official capacities,

18 Respondents.
19

CASE NO. 25-1184

**PETITION FOR WRIT OF HABEAS
CORPUS**

INTRODUCTION

- 1
2 1. Petitioner, Sartaj Singh, is a 33-year-old citizen of India who  He
3 entered the United States on April 16, 2022, seeking safety and freedom after fleeing
4 persecution in India. Since his arrival, Petitioner has fully complied with all immigration
5 procedures, including attending every required Immigration and Customs Enforcement
6 (“ICE”) check-in and Immigration Court hearing. He timely filed his asylum application
7 on August 25, 2022, retained an attorney, and his next Master Hearing is scheduled for
8 January 22, 2026 in Adelanto Immigration Court. Petitioner lives in California with his
9 wife and two minor daughters and has developed deep roots in his religious and local
10 community.
11
- 12 2. After entering the United States, Petitioner settled in California and consistently reported
13 to ICE offices across multiple jurisdictions, including San Francisco, Stockton, Tukwila
14 (Washington), and Seattle. At each required check-in, Petitioner provided accurate
15 address information, complied with all supervision requirements, and was never accused
16 of being a danger or a flight risk. Petitioner received his Employment Authorization
17 Document in 2023 and worked as a truck driver for A1 Trucking until his recent
18 detention. He regularly attended the Fremont Gurdwara, where he participated in seva,
19 Sikh festivals, and community service.
20
- 21 3. On October 29, 2025, Petitioner notified ICE that he would be out of town on October 30
22 to attend a family wedding and would be unable to appear for the scheduled in-person
23 check-in. ICE expressly approved this request and instructed Petitioner to upload his
24 required check-in photograph on November 3, 2025, after he returned. Petitioner relied
25 on these instructions in good faith.
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- 1 4. On November 3, 2025, Petitioner uploaded the required photograph between 7:15 and
2 7:20 PM, only minutes after the anticipated submission window. Despite Petitioner's
3 compliance and the trivial nature of the delay, ICE called him shortly afterward, informed
4 him that he had "missed" his check-in window, and stated that officers would be sent to
5 his home.
- 6 5. On November 8, 2025, at approximately 7:30 a.m., ICE officers arrived at Petitioner's
7 home and arrested him. Petitioner was not shown a warrant, was not permitted to contact
8 his attorney, and ICE did not provide any explanation of the basis for his arrest. He was
9 handcuffed, transported from San Francisco, and booked into Golden State Annex later
10 that evening. At no point was Petitioner informed of his rights, the reason for the arrest,
11 or given the opportunity to clarify the circumstances surrounding the alleged violation.
- 12 6. Petitioner has no criminal history, has never violated any ICE directives, and has never
13 missed a single court hearing. His detention is based solely on a minor and non-willful
14 delay of approximately fifteen minutes in uploading a photograph—an upload made on
15 the same date ICE instructed him to submit it. Petitioner has always cooperated with ICE
16 and has consistently updated his address and complied with all legal obligations.
- 17 7. Since his detention, Petitioner has suffered severe and ongoing harm. He has experienced
18 anxiety, sleeplessness, and emotional distress particularly because he has been removed
19 from his wife and his two children. He is the primary provider of the house and without
20 him, his wife cannot sustain herself and the two kids.
- 21 8. Further, [REDACTED]
22 [REDACTED] His detention has separated him
23 from his wife and minor daughter, halted his employment, and interfered with preparation
24 of his asylum case.
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1 9. Petitioner’s summary arrest and detention violate substantive and procedural due process
2 because they lack any individualized finding of danger or flight risk and were imposed
3 without notice or an opportunity to be heard. His arrest reflects the broader pattern of
4 ICE’s quota-driven enforcement practices, which prioritize arrest numbers over
5 individualized determinations. Petitioner respectfully seeks immediate relief from this
6 Court to halt the ongoing harm and unlawful deprivation of his liberty.
7

8 10. This arrest is part of a new, nationwide initiative by ICE to arbitrarily arrest individuals.
9 Since mid-May, DHS has implemented a coordinated practice of leveraging immigration
10 detention to strip people like Petitioner of their substantive and procedural rights and
11 pressure them into deportation. Immigration detention is civil, and thus is permissible for
12 only two reasons: to ensure a noncitizen’s appearance at immigration hearings and to
13 prevent danger to the community. But ICE did not arrest and detain Petitioner—who
14 demonstrably poses no risk of absconding from immigration proceedings or danger to the
15 community—for either of these reasons. Instead, as part of its broader enforcement
16 campaign, DHS detained Petitioner to strip him of his procedural rights, force him to
17 forfeit his applications for relief, and pressure him into fast-track removal.

18 11. In immigration court, noncitizens have the right to pursue claims for relief from removal
19 (including asylum), be represented by counsel, gather and present evidence, and pursue
20 appeals. 8 U.S.C. § 1229(a). By dismissing an ongoing case, DHS—in its view—can
21 transfer a noncitizen’s case from removal proceedings in immigration court, governed by
22 8 U.S.C. § 1229a, to cursory proceedings under 8 U.S.C. § 1225(b)(1) called “expedited
23 removal,” where the procedural protections and opportunities to pursue relief from
24 removal built into regular immigration-court proceedings do not apply. DHS in concert
25 with ICE is detaining people with the goal of accelerating removals (detained dockets
26 move faster than non-detained dockets, though they’re still slow when you’re detained).
27 DHS is also definitely doing this to demoralize people and get them to give up their
28 immigration cases

1 12. Petitioner's arrest and detention have caused him tremendous and ongoing harm. Every
2 additional day Petitioner spends in unlawful detention subjects him to further irreparable
3 harm.

4 13. Since being detained, Petitioner has struggled with anxiety, sleeplessness, and emotional
5 distress. The environment is custody is isolating, noisy, and mentally exhausting since he
6 has been separated from his family. [REDACTED]

7 [REDACTED]
8 14. The Constitution protects Petitioner—and every other person present in this country—
9 from arbitrary deprivations of his liberty and guarantees him due process of law. The
10 government's power over immigration is broad, but as the Supreme Court has declared,
11 it "is subject to important constitutional limitations." *Zadvydas v. Davis*, 533 U.S. 678,
12 695 (2001). "Freedom from bodily restraint has always been at the core of the liberty
13 protected by the Due Process Clause from arbitrary governmental action." *Foucha v.*
14 *Louisiana*, 504 U.S. 71, 80 (1992).


15 15. Petitioner respectfully seeks a writ of habeas corpus ordering the government to
16 immediately release him from his ongoing, unlawful detention, and prohibiting his re-
17 arrest without a hearing to contest that re-arrest before a neutral decisionmaker. In
18 addition, to preserve this Court's jurisdiction, Petitioner also requests that this Court order
19 the government not to transfer him outside of the district or deport him for the duration
20 of this proceeding.

21 **JURISDICTION AND VENUE**

22 The Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 (federal question), 28
23 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§ 2201–02 (Declaratory Judgment Act), 28 U.S.C.
24 § 2241 (habeas corpus), Article I, § 9, cl. 2 of the U.S. Constitution (the Suspension Clause),
25 the Fourth and Fifth Amendments to the U.S. Constitution, and 5 U.S.C. §§ 701-706
26 (Administrative Procedure Act).

27 Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(a) and 28 U.S.C. §
28 1391(b)(2) and (e)(1) because Petitioner is physically detained within this district.

PARTIES

1
2 1) Petitioner is a 33-year-old citizen of India who  He entered
3 the United States on April 16, 2022, seeking safety and freedom after fleeing persecution in India.
4 Since his arrival, Petitioner has fully complied with all immigration procedures, including
5 attending every required ICE check-in and Immigration Court hearing. He timely filed his asylum
6 application on August 25, 2022, and his next Master Hearing is scheduled for November 24, 2025.
7 Petitioner has no criminal history. He lives in California with his wife and minor daughter and is
8 presently in civil immigration detention at Golden State Annex in McFarland, California.

9 2) Respondent Tonya Andrews is the Facility Administrator of Golden State Annex,
10 a private, for-profit detention facility owned and operated by the GEO Group, Inc., which contracts
11 with ICE to detain individuals suspected of civil immigration violations. Respondent Andrews is
12 Petitioner's immediate physical custodian and is sued in her official capacity.

13 3) Sergio Albarran is the Acting Field Office Director of the San Francisco ICE Field
14 Office. In this capacity, he is responsible for the administration and enforcement of immigration
15 laws within ICE's San Francisco Area of Responsibility, including decisions relating to
16 Petitioner's arrest, detention, and custody. Respondent Becerra maintains an office and regularly
17 conducts business in this District and is sued in his official capacity.

18 4) Respondent Todd M. Lyons is the Acting Director of ICE. As the Senior Official
19 Performing the Duties of the Director of ICE, he is responsible for the administration and
20 enforcement of the immigration laws of the United States; routinely transacts business in this
21 District; and is legally responsible for pursuing any effort to detain and remove the Petitioner.
22 Respondent Lyons is sued in his official capacity.

23 5) Respondent Kristi Noem is the Secretary of Homeland Security and has ultimate
24 authority over DHS. In that capacity and through her agents, Respondent Noem has broad authority
25 over and responsibility for the operation and enforcement of the immigration laws; routinely
26 transacts business in this District; and is legally responsible for pursuing any effort to detain and
27 remove the Petitioner. Respondent Noem is sued in her official capacity.

28 6) Respondent Pamela Bondi is the Attorney General of the United States and the most

1 senior official at the Department of Justice. In that capacity and through her agents, she is
2 responsible for overseeing the implementation and enforcement of the federal immigration laws.
3 The Attorney General delegates this responsibility to the Executive Office for Immigration
4 Review, which administers the immigration courts and the BIA. Respondent Bondi is sued in her
5 official capacity.

6 EXHAUSTION

7 7) There is no requirement to exhaust because no other forum exists in which
8 Petitioner can raise the claims herein. There is no statutory exhaustion requirement prior to
9 challenging the constitutionality of an arrest or detention or challenging a policy under the
10 Administrative Procedure Act. Prudential exhaustion is not required here because it would be
11 futile, and Petitioner will “suffer irreparable harm if unable to secure immediate judicial
12 consideration of [their] claim.” *McCarthy v. Madigan*, 503 U.S. 140, 147 (1992). Any further
13 exhaustion requirements would be unreasonable.

14 LEGAL BACKGROUND

15 *A. The Constitution Protects Noncitizens Like Petitioner from Arbitrary Arrest and* 16 *Detention.*

17 8) The Constitution establishes due process rights for “all ‘persons’ within the United
18 States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or
19 permanent.” *Hernandez v. Sessions*, 872 F.3d 976, 990 (9th Cir. 2017) (quoting *Zadvydas*, 533
20 U.S. at 693). These due process rights are both substantive and procedural.

21 9) *First*, “[t]he touchstone of due process is protection of the individual against
22 arbitrary action of government,” *Wolff v. McDonnell*, 418 U.S. 539, 558 (1974), including “the
23 exercise of power without any reasonable justification in the service of a legitimate government
24 objective,” *Cnty. of Sacramento v. Lewis*, 523 U.S. 833, 846 (1998).

25 10) These protections extend to noncitizens facing detention, as “[i]n our society
26 liberty is the norm, and detention prior to trial or without trial is the carefully limited exception.”
27 *United States v. Salerno*, 481 U.S. 739, 755 (1987). Accordingly, “[f]reedom from
28 imprisonment—from government custody, detention, or other forms of physical restraint—lies

1 at the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas*, 533 U.S. at 690.

2 11) Substantive due process thus requires that all forms of civil detention—including
3 immigration detention—bear a “reasonable relation” to a non-punitive purpose. *See Jackson v.*
4 *Indiana*, 406 U.S. 715, 738 (1972). The Supreme Court has recognized only two permissible
5 non-punitive purposes for immigration detention: ensuring a noncitizen’s appearance at
6 immigration proceedings and preventing danger to the community. *Zadvydas*, 533 U.S. at 690–
7 92; *see also Demore v. Kim*, 538 U.S. 510 at 519–20, 527–28, 31 (2003).

8 12) *Second*, the procedural component of the Due Process Clause prohibits the
9 government from imposing even permissible physical restraints without adequate procedural
10 safeguards.

11 13) Generally, “the Constitution requires some kind of a hearing *before* the State
12 deprives a person of liberty or property.” *Zinerman v. Burch*, 494 U.S. 113, 127 (1990). This is so
13 even in cases where that freedom is lawfully revocable. *See Hurd v. D.C., Gov’t*, 864 F.3d at 683
14 (citing *Young v. Harper*, 520 U.S. 143, 152 (1997) (re-detention after pre-parole conditional
15 supervision requires pre-deprivation hearing)); *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973)
16 (same, in probation context); *Morrissey v. Brewer*, 408 U.S. 471 (1972) (same, in parole context).

17 14) After an initial release from custody on conditions, even a person paroled following
18 a conviction for a criminal offense for which they may lawfully have remained incarcerated has a
19 protected liberty interest in that conditional release. *Morrissey* at 408 U.S. at 482. As the Supreme
20 Court recognized, “[t]he parolee has relied on at least an implicit promise that parole will be
21 revoked only if he fails to live up to the parole conditions.” *Id.* “By whatever name, the liberty is
22 valuable and must be seen within the protection of the [Constitution].” *Id.*

23 15) This reasoning applies with equal if not greater force to people released from civil
24 immigration detention at the border, like Petitioner. After all, noncitizens living in the United
25 States like Petitioner have a protected liberty interest in their ongoing freedom from confinement.
26 *See Zadvydas*, 533 U.S. at 690. And, “[g]iven the civil context [of immigration detention], [the]
27 liberty interest [of noncitizens released from custody] is arguably greater than the interest of
28 parolees.” *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 970 (N.D. Cal. 2019).

1
2 **FACTUAL ALLEGATIONS**

3 ***A. DHS Dramatically Expands the Scope of Expedited Removal.***

4 16) For decades, DHS applied expedited removal exclusively in the border enforcement
5 context, with only narrow exceptions to that general rule. From 1997 until 2002, expedited removal
6 applied only to inadmissible noncitizens arriving at ports of entry. *See* Inspection and Expedited
7 Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum
8 Procedures; Final Rule, 62 Fed. Reg. 10312 (Mar. 6, 1997).

9 17) In 2002, the government for the first time invoked its authority to apply expedited
10 removal to persons already inside the country, but only for a narrow group of people who arrived
11 by sea, were not admitted or paroled, and were apprehended within two years of entry. *See* Notice
12 Designating Aliens Subject to Expedited Removal Under Section 235(b)(1)(A)(iii) of the
13 Immigration and Nationality Act, 67 Fed. Reg. 68924 (Nov. 13, 2002).

14 18) In 2004, the government authorized the application of expedited removal to
15 individuals who entered by means other than sea, but only if they were apprehended within 100
16 miles of a land border and were unable to demonstrate that they had been continuously physically
17 present in the United States for 14 days. *See* Designating Aliens for Expedited Removal, 69 Fed.
18 Reg. 48877 (Aug. 11, 2004).

19 19) In 2019, at the direction of President Trump, DHS published a Federal Register
20 Notice authorizing the application of expedited removal to certain noncitizens arrested anywhere
21 in the country who could not affirmatively show that they had been continuously present for two
22 years. *See* Designating Aliens for Expedited Removal, 84 Fed. Reg. 35409 (July 23, 2019). The
23 District Court for the District of Columbia entered a preliminary injunction preventing the rule
24 from taking effect, which the D.C. Circuit later vacated. *Make the Rd. New York v. McAleenan*,
25 405 F. Supp. 3d 1, 11 (D.D.C. 2019), *vacated sub nom. Make the Rd. New York v. Wolf*, 962 F.3d
26 612, 618 (D.C. Cir. 2020).

27 20) In 2021, President Biden directed the DHS Secretary to review the rule expanding
28 expedited removal and consider whether it comported with legal and constitutional requirements,

1 including due process. In 2022, DHS rescinded the rule. *See* Rescission of the Notice of July 23,
2 2019, Designating Aliens for Expedited Removal, 87 Fed. Reg. 16022 (Mar. 21, 2022).

3 21) While the 2019 expansion was in effect, the government applied expedited removal
4 to persons inside the country in an exceedingly small number of cases. Thus, from 1997 to 2025,
5 with limited exceptions, immigration authorities generally did not apply expedited removal to
6 noncitizens apprehended far from the border, or individuals anywhere in the United States
7 (including near the border) who had been residing in the country for more than fourteen days.

8 22) This state of affairs changed drastically on January 20, 2025, the day that President
9 Trump took office for his second term. That day, President Trump signed Executive Order 14159,
10 “Protecting the American People Against Invasion,” the purpose of which was “to faithfully
11 execute the immigration laws against all inadmissible and removable aliens, particularly those
12 aliens who threaten the safety or security of the American people.” Exec. Order No. 14,159, 90
13 C.F.R. § 8443 (Jan. 20, 2025). The order directed the Secretary of Homeland Security to take
14 various actions “to ensure the efficient and expedited removal of aliens from the United States.”
15 *Id.*

16 23) To implement this Executive Order, DHS issued a notice immediately authorizing
17 application of expedited removal to certain noncitizens arrested anywhere in the country who
18 cannot show “to the satisfaction of an immigration officer” that they have been continuously
19 present in the United States for at least two years. 90 Fed. Reg. 8139 (published Jan. 24, 2025).

20 24) On January 23, 2025, the Acting Secretary of Homeland Security issued a
21 memorandum providing guidance regarding how to exercise enforcement discretion in
22 implementing” the new expedited-removal rule. The guidance directed federal immigration
23 officers to “consider . . . whether to apply expedited removal” to “any alien DHS is aware of who
24 is amenable to expedited removal but to whom expedited removal has not been applied.” As part
25 of that process, the guidance encourages officers to “take steps to terminate any ongoing removal
26 proceeding and/or any active parole status.”¹

27 _____
28 ¹ Benjamine C. Huffman, *Guidance Regarding How to Exercise Enforcement Discretion*, Dep’t

1 25) Under the administration’s expanded approach to expedited removal, hundreds of
2 thousands of noncitizens who have lived in the country for less than two years are at imminent risk
3 of summary removal without any hearing, meaningful process, access to counsel, or judicial
4 review—regardless of the strength of their ties to the United States.

5 ***B. To Place More People in Expedited Removal, DHS Undertakes New Campaign of Arrests***
6 ***and Detention.***

7 26) Since mid-May 2025, DHS has initiated an aggressive new enforcement campaign
8 targeting people who are in regular removal proceedings in immigration court, many of whom
9 have pending applications for asylum or other relief. This “coordinated operation” is “aimed at
10 dramatically accelerating deportations” by arresting people at the courthouse or other places and
11 placing them into expedited removal.²

12 27) The first step of this enforcement operation typically takes place inside the
13 immigration court or with ICE agents due to baseless ISAP violations. When people arrive in court
14 for their master calendar hearings, DHS attorneys orally file a motion to dismiss the proceedings—
15 without any notice to the affected individual. Although DHS regulations do not permit such
16 motions to dismiss absent a showing that the “[c]ircumstances of the case have changed,” 8 C.F.R.
17 § 239.2(a)(7), (c), DHS attorneys do not conduct any case-specific analysis of changed
18 circumstances before filing these motions to dismiss. Or in circumstances, as with the petitioner,
19 where they are being called by ICE for check-ins and being arrested there.

20 28) Even though individuals are supposed to have ten days to respond to a motion to
21 dismiss, some IJs have granted the government’s oral motion on the spot and immediately
22 dismissed the case. This is consistent with recent instructions from the Department of Justice to
23 immigration judges stating that they may allow the government to move to dismiss cases orally,

24 of Homeland Sec. (Jan. 23, 2025), [https://www.dhs.gov/sites/default/files/2025-01/25_0123_er-](https://www.dhs.gov/sites/default/files/2025-01/25_0123_er-and-parole-guidance.pdf)
25 [and-parole-guidance.pdf](https://www.dhs.gov/sites/default/files/2025-01/25_0123_er-and-parole-guidance.pdf).

26 ² Arelis R. Hernández & Maria Sacchetti, *Immigrant Arrests at Courthouses Signal New Tactic*
27 *in Trump’s Deportation Push*, Wash. Post, May 23, 2025,
<https://www.washingtonpost.com/immigration/2025/05/23/immigration-court-arrests-ice-trump/>;
28 *see also* Hamed Aleaziz, Luis Ferré-Sadurní, & Miriam Jordan, *How ICE is Seeking to Ramp Up*
Deportations Through Courthouse Arrests, N.Y. Times, May 30, 2025,
<https://www.nytimes.com/2025/05/30/us/politics/ice-courthouse-arrests.html>.

1 in court, without a written motion, and to decide that motion without allowing the noncitizen an
2 opportunity to file a response.

3 29) Despite these instructions, some IJs have still asked DHS to re-file the motion as a
4 written motion and continued proceedings to allow individuals to file their response. A smaller
5 group of IJs have expressly denied the motion to dismiss on the record or in a written order.

6 30) The next step of DHS's new campaign takes place outside the courtroom. ICE
7 officers, in consultation with DHS attorneys and officials, station themselves in courthouse waiting
8 rooms, hallways, and elevator banks. When an individual exits their immigration hearings, ICE
9 officers—typically masked and in plainclothes—immediately arrest the person and detain them.
10 ICE officers execute these arrests regardless of how the IJ rules on the government's motion to
11 dismiss. On information and belief, they typically do not have an arrest warrant.

12 31) Once the person has been transferred to a detention facility, the government places
13 the individual in expedited removal. In cases in which the IJ did not dismiss the person's removal
14 proceedings, DHS attorneys unilaterally transfer venue of the case to a "detained" immigration
15 court, where they renew their motions to dismiss—again with the goal of putting the person in
16 expedited removal.

17 32) DHS is aggressively pursuing this arrest and detention campaign at courthouses
18 throughout the country and with the help of ICE agents at check ins. In New York City, for
19 example, "ICE agents have apprehended so many people showing up for routine appointments this
20 month that the facilities" are "overcrowded," with "[h]undreds of migrants . . . sle[eping] on the
21 floor or sitting upright, sometimes for days."³

22 33) DHS's and ICE's aggressive tactics appear to be motivated by the Administration's
23 imposition of a new daily quota of 3,000 ICE arrests.⁴ In part as a result of this campaign, ICE's

24 ³ Luis Ferré-Sadurní, *Inside a Courthouse, Chaos and Tears as Trump Accelerates Deportations*,
25 N.Y. Times, June 12, 2025, <https://www.nytimes.com/2025/06/12/nyregion/immigration-courthouse-arrests-trump-deportation.html>.

26 ⁴ Ted Hesson & Kristina Cooke, *ICE's Tactics Draw Criticism as it Triples Daily Arrest Targets*,
27 Reuters, June 10, 2025, <https://www.reuters.com/world/us/ices-tactics-draw-criticism-it-triples-daily-arrest-targets-2025-06-10/>; Alayna Alvarez & Brittany Gibson, *ICE Ramps Up Immigration Arrests in Courthouses Across the U.S.*, Axios, June 12, 2025,
28 <https://www.axios.com/2025/06/12/ice-courthouse-arrests-trump>.

1 arrests of noncitizens with no criminal record have increased more than 800% since before
2 January.⁵

3 34) The government's new campaign is also a significant shift from previous DHS
4 practice of re-detaining noncitizens only after a material change in circumstances. *See Saravia v.*
5 *Sessions*, 280 F. Supp. 3d 1168, 1197 (N.D. Cal. 2017), *aff'd sub nom. Saravia for A.H. v.*
6 *Sessions*, 905 F.3d 1137 (9th Cir. 2018) (describing prior practice).

7 **C. Petitioner is Unlawfully Arrested and Detained Pursuant.**

8 35) Petitioner is [REDACTED]

9 [REDACTED] He fled India due to [REDACTED]

10 and entered the United States on April 16, 2022, seeking safety and protection.

11 36) Petitioner entered through an official border checkpoint, where he was briefly processed
12 by federal agents. After determining that he posed no danger and no flight risk, federal
13 authorities released Petitioner on his own recognizance and issued him a Notice to
14 Appear (NTA) on April 19, 2022. DHS placed no restrictions on him at the time of
15 release, indicating their assessment that custodial detention was unnecessary.

16 37) Upon release, DHS instructed Petitioner to check in with ICE. Petitioner complied fully.
17 His first check-in occurred on April 22, 2022, at the ICE office in San Francisco. He
18 continued to comply with every ICE requirement thereafter, including attending
19 appointments in San Francisco, Stockton, Tukwila (Washington), and Seattle, as
20 directed. Petitioner consistently maintained his address with ICE, updated his address
21 promptly when needed, and never missed a scheduled check-in.
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27 ⁵ José Olivares & Will Craft, *ICE Arrests of Migrants with No Criminal History Surging under*
28 *Trump*, *The Guardian*, June 14, 2025, <https://www.theguardian.com/us-news/2025/jun/14/ice-arrests-migrants-trump-figures>.

1 38) Petitioner timely filed his asylum application on August 25, 2022. He later obtained
2 employment authorization in 2023 and worked as a truck driver for A1 Trucking. His
3 first and only Master Calendar Hearing took place in San Francisco in September, and
4 Petitioner appeared as required. His next scheduled hearing is on November 24, 2025.
5 Petitioner has no criminal history and has complied with every court and supervision
6 requirement since his arrival.

7
8 39) On October 29, 2025, Petitioner notified ICE that he would be out of town on October
9 30 because he was attending a family wedding. ICE expressly approved this and
10 instructed him to upload his check-in photograph on November 3, 2025, when he
11 returned home. Petitioner relied on ICE's instruction and complied exactly as directed.

12 40) On November 3, 2025, Petitioner uploaded his check-in photograph between
13 approximately 7:15 and 7:20 p.m. Shortly afterward, ICE called Petitioner and informed
14 him that he had "missed the check-in window," despite his compliance with their
15 instructions. ICE stated that an officer would be dispatched to his residence.

16
17 41) On November 8, 2025, at approximately 7:30 a.m., ICE officers arrived at Petitioner's
18 home and arrested him. Petitioner had not violated any ICE requirement and was fully
19 compliant at the time of the arrest. No warrant was shown, and he was not allowed to
20 contact his attorney. He was transported in handcuffs and booked into Golden State
21 Annex later that evening.

22
23 42) Petitioner repeatedly informed ICE that he had complied fully with their instructions,
24 had followed the updated check-in procedure they provided, and had maintained
25 communication with both ICE and his attorney. ICE nevertheless detained Petitioner
26 based on an arbitrary and baseless allegation related solely to a minor delay in uploading
27 a photograph—a delay of mere minutes, on the date ICE instructed him to upload it.
28

1 43) During the arrest and transfer, Petitioner was never informed of his rights or given any
2 explanation for his detention. He was frightened, confused, and unable to understand
3 why he was being taken into custody after years of perfect compliance.

4 44) Petitioner has never violated any ICE directive, supervision requirement, or court order.
5 His detention serves no legitimate government purpose and represents an unlawful
6 deprivation of liberty inconsistent with the Fifth Amendment. Petitioner's arrest was
7 based entirely on an administrative misunderstanding created by ICE's own
8 instructions—not on any evidence of dangerousness or risk of flight.
9

10 45) Because Petitioner should not have been arrested in the first place, his ongoing detention
11 cannot be justified under either permissible rationale for civil immigration detention—
12 danger or flight risk. His detention is unrelated to any legitimate governmental interest
13 and instead reflects arbitrary and unjustified enforcement. Petitioner remains committed
14 to pursuing his asylum case, supporting his wife and minor daughter, and appearing at
15 all future Immigration Court hearings.
16

17
18 ***D. As a Result of His Arrest and Detention, Petitioner is Suffering Ongoing and Irreparable
19 Harm.***

20 46) Petitioner is being deprived of his liberty without any permissible justification. The
21 government previously released him on his own recognizance because he did not pose sufficient
22 risk of flight or danger to the community to warrant detention.

23 47) None of that has changed. Petitioner has no criminal record, and there is no basis
24 to believe that he poses any public-safety risk. Nor is Petitioner, who was arrested *while appearing*
25 *to ICE*, conceivably a flight risk. His whole family lives in the United States, where was he going
26 to flee, leaving them behind. To the contrary, Petitioner appeared for every immigration court
27 hearing and supervision check-in, and he has consistently informed the court about any change in
28 his address or other circumstances.

1 **CLAIMS FOR RELIEF**

2 **FIRST CLAIM FOR RELIEF**

3 **Violation of the Fifth Amendment to the United States Constitution**

4 **(Substantive Due Process—Detention)**

5 48) Petitioner repeats and re-alleges the allegations contained in the preceding
6 paragraphs of this Petition as if fully set forth herein.

7 49) The Due Process Clause of the Fifth Amendment protects all “person[s]” from
8 deprivation of liberty “without due process of law.” U.S. Const. amend. V. “Freedom from
9 imprisonment—from government custody, detention, or other forms of physical restraint—lies at
10 the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas*, 533 U.S. at 690.

11 50) Immigration detention is constitutionally permissible only when it furthers the
12 government’s legitimate goals of ensuring the noncitizen’s appearance during removal
13 proceedings and preventing danger to the community. *See id.*

14 51) Petitioner is not a flight risk or danger to the community. Respondents’ detention
15 of Petitioner is therefore unjustified and unlawful. Accordingly, Petitioner is being detained in
16 violation of the Due Process Clause of the Fifth Amendment.

17 52) Moreover, Petitioner’s detention is punitive as it bears no “reasonable relation” to
18 any legitimate government purpose. *Id.* (finding immigration detention is civil and thus ostensibly
19 “nonpunitive in purpose and effect”). Here, the purpose of Petitioner’s detention appears to be “not
20 to facilitate deportation, or to protect against risk of flight or dangerousness, but to incarcerate for
21 other reasons”—namely, to meet newly-imposed DHS quotas and transfer immigration court
22 venue away from an IJ who refused to facilitate DHS’s new expedited removal scheme. *Demore*,
23 538 U.S. at 532–33 (Kennedy, J., concurring)

24 **SECOND CLAIM FOR RELIEF**

25 **Violation of the Fifth Amendment to the United States Constitution**

26 **(Procedural Due Process—Detention)**

27 53) Petitioner repeats and re-alleges the allegations contained in the preceding
28 paragraphs of this Petition as if fully set forth herein.

1 54) As part of the liberty protected by the Due Process Clause, Petitioner has a weighty
2 liberty interest in avoiding re-incarceration after his release. See *Young v. Harper*, 520 U.S. 143,
3 146–47 (1997); *Gagnon v. Scarpelli*, 411 U.S. 778, 781–82 (1973); *Morrissey v. Brewer*, 408 U.S.
4 471, 482–83 (1972); see also *Ortega*, 415 F. Supp. 3d at 969–70 (holding that a noncitizen has a
5 protected liberty interest in remaining out of custody following an IJ’s bond determination).

6 55) Accordingly, “[i]n the context of immigration detention, it is well-settled that due
7 process requires adequate procedural protections to ensure that the government’s asserted
8 justification for physical confinement outweighs the individual’s constitutionally protected
9 interest in avoiding physical restraint.” *Hernandez*, 872 F.3d at 990 (cleaned up); *Zinerman*, 494
10 U.S. at 127 (Generally, “the Constitution requires some kind of a hearing *before* the State
11 deprives a person of liberty or property.”). In the immigration context, for such hearings to
12 comply with due process, the government must bear the burden to demonstrate, by clear and
13 convincing evidence, that the noncitizen poses a flight risk or danger to the community. See *Singh*
14 *v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011); see also *Martinez v. Clark*, 124 F.4th 775, 785,
15 786 (9th Cir. 2024).

16 56) Petitioner’s re-detention without a pre-deprivation hearing violated due process.
17 Nearly three years after deciding to release Petitioner from custody on his own recognizance,
18 Respondents re-detained Petitioner with no notice, no explanation of the justification of his re-
19 detention, and no opportunity to contest his re-detention before a neutral adjudicator before being
20 taken into custody.

21 57) These facts are materially indistinguishable from *Y.S.G. v. Andrews*, No. 2:25-cv-
22 01884-SCR (E.D. Cal. Oct. 22, 2025), where the Court granted a writ of habeas corpus after
23 finding that ICE violated due process by re-detaining a previously released individual without
24 advance notice or a pre-deprivation hearing. In *Y.S.G.*, as here, DHS claimed a technical violation
25 of supervision conditions but offered no proof that the individual posed a danger or flight risk.
26 The court held that any re-detention requires a pre-deprivation hearing before a neutral
27 adjudicator, at which the government bears the burden to establish danger or flight risk by clear
28 and convincing evidence. Petitioner, who has fully complied with ICE and court requirements

1 and poses no danger, was similarly re-detained in violation of his constitutional rights.

2
3 **PRAYER FOR RELIEF**

4 Petitioner respectfully requests that this Court:

- 5 1. Assume jurisdiction over this matter;
- 6 2. Issue a writ of habeas corpus ordering Respondents to immediately release
- 7 Petitioner from custody;
- 8 3. Declare that Petitioner's arrest and detention violate the Due Process Clause of the
- 9 Fifth Amendment.
- 10 4. Enjoin Respondents from transferring Petitioner outside this District or deporting
- 11 Petitioner pending these proceedings;
- 12 5. Enjoin Respondents from re-detaining Petitioner unless his re-detention is ordered
- 13 at a custody hearing before a neutral arbiter in which the government bears the
- 14 burden of proving, by clear and convincing evidence, that Petitioner is a flight risk
- 15 or danger to the community;
- 16 6. Award Petitioner his costs and reasonable attorneys' fees in this action as provided
- 17 for by the Equal Access to Justice Act and 28 U.S.C. § 2412; and
- 18 7. Grant such further relief as the Court deems just and proper.
- 19

20 Date: November 27, 2025,

Respectfully Submitted,

21 */s/ Simranjit Kaur*
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26 Tracy, CA. 95376
27 Telephone: (925)817-0209

Attorneys for Petitioner

VERIFICATION PURSUANT TO 28 U.S.C. 2242

1 I am submitting this verification on behalf of the Petitioner because I am one of
2 Petitioner's attorneys. I have discussed with the Petitioner the events described in the Petition.
3 Based on those discussions, I hereby verify that the factual statements made in the attached
4 Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

5 Executed on this November 27, 2025, in Tracy, CA.

6
7 */s/ Simranjit Kaur*
8 (attorney)
9 Attorney for Petitioner
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