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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
10 **FRESNO DIVISION**

11 **SARTAJ SINGH,**

12 **Petitioner,**

13 **v.**

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

24 **Respondents.**

25 **Case No. 25-1184**

26 **MEMORANDUM OF POINTS AND**  
27 **AUTHORITIES IN SUPPORT OF**  
28 **PETITIONER'S EX PARTE**  
**MOTION FOR TEMPORARY**  
**RESTRAINING ORDER**

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1 INTRODUCTION

2 Petitioner, Sartaj Singh, is a 33-year-old citizen of India who [REDACTED] He  
3 entered the United States on April 16, 2022, seeking safety and freedom after fleeing persecution  
4 in India. Since his arrival, Petitioner has fully complied with all immigration requirements,  
5 including attending every Immigration Court hearing and each required Immigration and Customs  
6 Enforcement ("ICE") check-in. Petitioner timely filed his asylum application on August 25, 2022,  
7 and has diligently pursued his case. His next Master Hearing is scheduled for January 22, 2026, in  
8 Adelanto Immigration Court.  
9

10 Petitioner has established strong ties to the United States through his family, community  
11 involvement, faith, and steady employment. He resides with his wife and two daughters, one of  
12 whom is a United States Citizen. The family regularly [REDACTED] where he  
13 actively participates [REDACTED] Petitioner received  
14 employment authorization in 2023 and worked as a truck driver with A1 Trucking until his recent  
15 detention. He has been the primary financial provider for his household, covering all household  
16 expenses. In addition to supporting his family financially, he is also deeply involved in caring for  
17 his children, as the family has no other relatives in the United States to assist them.  
18  
19

20 On October 29, 2025, Petitioner notified ICE that he would be out of town on October 30 due to a  
21 family wedding and would be unable to attend his in-person check-in. ICE confirmed that this  
22 was acceptable and instructed him to upload his check-in photograph on November 3, 2025, upon  
23 returning home. Petitioner relied on these instructions in good faith and complied.  
24


25 On November 3, 2025, Petitioner uploaded his check-in photograph between 7:15 and 7:20 PM,  
26 only minutes after the anticipated window. Despite his compliance, ICE called him shortly  
27  
28

1 afterward, claimed he had missed the check-in time, and informed him that officers would be sent  
2 to his residence.

3  
4 On November 8, 2025, at approximately 7:30 a.m., ICE officers arrived at Petitioner's home and  
5 arrested him. Petitioner was not shown a warrant and was not permitted to contact his attorney.  
6 He was handcuffed, transported from San Francisco, and booked into Golden State Annex later  
7 that evening. ICE did not explain his rights or provide any documentation to justify this arrest.  
8

9 Petitioner has no criminal history, has never violated ICE supervision, and has attended every  
10 scheduled hearing and check-in since 2022. He has maintained stable employment, strong  
11 community ties, and a home with his wife. His arrest was based solely on a minor technical  
12 allegation, a fifteen-minute delay in uploading a photo, despite following ICE's explicit  
13 instructions.  
14

15 Petitioner's detention has caused severe emotional, mental, and spiritual harm. He suffers from  
16 anxiety, disrupted sleep, and the effects of isolation. He is the provider of the household and helps  
17 his wife take care of their two year old U.S. Citizen daughter. He provides for the family, he  
18 provides comfort and financial help to his wife. They have no other family to rely on, they only  
19 have each other.  
20

21 Further, he is unable to 

22  
23 His detention has separated him from his wife, halted his employment, and interfered with his life  
24 and he cannot practice his religion.

25  
26 Petitioner's summary arrest and detention violate both substantive and procedural due process  
27 because they lack any individualized finding that he poses a danger or flight risk, and because  
28 they were imposed without notice or any opportunity to be heard. Petitioner complied with every

1 ICE requirement for over three years, followed ICE's explicit instructions regarding his check-in,  
2 and has no criminal history, no supervision violations, and no behavioral concerns that could  
3 justify detention. His arrest was based solely on a brief delay in uploading a photograph that ICE  
4 itself instructed him to submit on that date, and not on any change in circumstances indicating  
5 risk.

6  
7 This arbitrary re-detention flouts the Fifth Amendment. Civil immigration detention is  
8 constitutionally permissible only when it is reasonably related to preventing danger or ensuring  
9 appearance at proceedings. When those interests are absent, continued detention becomes  
10 punitive and violates due process. The government provided no explanation, no individualized  
11 assessment, and no opportunity for Petitioner to contest his arrest or detention before a neutral  
12 decisionmaker. At minimum, he was constitutionally entitled to a hearing at which the  
13 government would be required to justify why his physical detention was necessary, and no such  
14 process was provided.

15  
16  
17 Although Petitioner's arrest occurred at home, his detention reflects the same pattern identified by  
18 courts across the country: ICE has increasingly relied on quota-driven enforcement tactics that  
19 prioritize arrest numbers over individualized assessment or statutory criteria. This broader  
20 enforcement strategy further underscores the arbitrary nature of Petitioner's detention and the  
21 absence of any legitimate governmental purpose served by keeping him confined.

22  
23         Petitioner has been detained for nineteen days and has suffered irreparable harm, as  
24 detailed in his declaration. Petitioner has been deprived of the ability to support his wife, who is  
25 struggling to navigate life in this country without him. This detention has left Petitioner's wife  
26 and two daughters in an extremely vulnerable position, particularly his two-year-old daughter,  
27 who is a United States Citizen.

1 This is the earliest date on which Petitioner could reasonably bring this action because: (1)  
2 Petitioner's wife required time to locate counsel and gather the necessary funds to retain  
3 undersigned counsel, as the arrest was unexpected and the family lacked immediate financial  
4 resources to hire an attorney; and (2) the detention facility, Golden State Annex, has been on  
5 lockdown, which severely restricted access to Petitioner and caused further delay in initiating this  
6 action.

7  
8 In light of this irreparable harm, and because he is likely to succeed on the merits of his  
9 due process claims, Petitioner respectfully requests that this Court issue a temporary restraining  
10 order ("TRO") immediately releasing from him custody and enjoining the government from re-  
11 arresting him absent the opportunity to contest that arrest at a hearing before a neutral decision  
12 maker. Confronted with substantially identical facts and legal issues, courts in this circuit have  
13 repeatedly granted the exact relief Petitioner seeks. *See, e.g., Salazar v. Kaiser*, 2025 WL  
14 2456232, at \*2 (E.D. Cal. Aug. 26, 2025) (converting request for TRO to request for preliminary  
15 injunction and granting relief); *Garcia Barrera v. Andrews*, 2025 WL 2420068, at \*3 (E.D. Cal.  
16 Aug. 21, 2025); *Jimenez Garcia v. Kaiser*, 2025 WL 2453970, at \*3 (N.D. Cal. Aug. 17, 2025)  
17 (granting TRO); *Garro Pinchi v. Noem*, 2025 WL 1853763, \*4 (N.D. Cal. July 4, 2025),  
18 converted to preliminary injunction at \_\_ F. Supp. 3d \_\_, 2025 WL 2084921 (N.D. Cal. July 24,  
19 2025); *Singh v. Andrews*, 2025 WL 1918679, \*10 (E.D. Cal. July 11, 2025) (granting preliminary  
20 injunction). To maintain this Court's jurisdiction, the Court should also prohibit the government  
21 from transferring Petitioner out of this District and removing him from the country until these  
22 proceedings have concluded.  
23  
24  
25

#### 26 BACKGROUND

27 Petitioner, Sartaj Singh, is a 33-year-old male who is an asylum seeker. Petitioner entered  
28 the United States on April 16, 2022. After briefly being processed by federal agents at the border,

1 and determining that he was not a flight risk or a danger to the community, agents released  
2 Petitioner on his own recognizance with a notice to appear for removal proceedings in  
3 Immigration Court.

4  
5 Petitioner has established strong ties to the United States through his family, community  
6 involvement, faith, and steady employment. He resides with his wife and two daughters, one of  
7 whom is a United States citizen. The family regularly [REDACTED] where he  
8 actively participates [REDACTED] Petitioner received  
9 employment authorization in 2023 and worked as a truck driver with A1 Trucking until his recent  
10 detention. He has been the primary financial provider for his household, covering all household  
11 expenses. In addition to supporting his family financially, he is also deeply involved in caring for  
12 his children, as the family has no other relatives in the United States to assist them. Petitioner  
13 timely filed his asylum application on August 25, 2022, and has diligently pursued his  
14 applications for immigration relief.  
15

16  
17 Petitioner has complied with every single ICE requirement since 2022. His check-in  
18 history includes reporting to the San Francisco ICE office on April 22, 2022; again in June 2022;  
19 reporting to the Tukwila, Washington ICE office on June 13, 2022; reporting to the Stockton ICE  
20 office in July 2022; reporting to the Seattle ICE office later that year; and reporting to Stockton  
21 again in August 2022. Petitioner has also attended all his scheduled Immigration Court  
22 proceedings, including his first and only Master Hearing in San Francisco in September. He has  
23 never missed any court date or any ICE check-in.  
24

25  
26 On October 29, 2025, Petitioner notified ICE that he would be unable to attend his  
27 October 30 check-in because he would be out of town to attend a family wedding. ICE expressly  
28

1 agreed and instructed him to upload his check-in photograph on November 3, 2025 when he  
2 returned. Petitioner followed these instructions exactly.

3  
4 On November 3, 2025, Petitioner uploaded the required check-in photo between 7:15 and  
5 7:20 PM, only minutes after the expected upload window. Nevertheless, soon after receiving the  
6 uploaded photograph, ICE contacted Petitioner, claimed he had "missed" the check-in time, and  
7 informed him that officers would be sent to his home.

8  
9 On November 8, 2025, ICE officers arrived at Petitioner's home at approximately 7:30  
10 a.m. and arrested him. Petitioner was not shown a warrant, was not permitted to contact his  
11 attorney, and ICE did not provide any notice or explanation regarding the basis for his detention.  
12 He was transported in handcuffs from San Francisco and booked into Golden State Annex later  
13 that evening. Petitioner's arrest had nothing to do with any failure to comply with ICE or the  
14 court. Instead, his detention was based solely on a minor and non-willful delay of approximately  
15 fifteen minutes in uploading a photograph that ICE itself directed him to submit on November 3.  
16  
17 Petitioner informed ICE of his compliance history, his lack of any violations, and the fact that he  
18 had followed ICE's instructions regarding the updated check-in date. Despite this, ICE detained  
19 him based on a baseless and arbitrary allegation. Petitioner has never violated any ICE directive  
20 or court order intentionally. His detention serves no legitimate government purpose and  
21 constitutes an unlawful deprivation of his liberty.

22  
23  
24 Petitioner suffers serious and ongoing harm each day he remains detained. Prior to this arrest,  
25 Petitioner was working, supporting his wife and caring for his young daughter, and actively  
26 participating in his religious community. He continues to experience significant emotional  
27 distress, anxiety, loss of sleep, and spiritual harm due to the isolation of detention. He is unable to  
28

1 throughout his life. His detention has also disrupted his ability to prepare for his immigration case  
2 and to maintain the stability he has built since arriving in the United States.

### 4 ARGUMENT

5 To warrant a TRO, a movant must show (1) they are “likely to succeed on the merits,” (2)  
6 they are “likely to suffer irreparable harm in the absence of preliminary relief,” (3) “the balance  
7 of equities tips in [their] favor,” and that (4) “an injunction is in the public interest.” *All. for the*  
8 *Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011) (quoting *Winter v. Nat. Res. Def.*  
9 *Council, Inc.*, 555 U.S. 7, 20 (2008)); see *Stuhlberg Int’l Sales Co. v. John D. Brush & Co.*, 240  
10 F.3d 832, 839 n.7 (9th Cir. 2001) (noting the analysis for issuing a temporary restraining order  
11 and a preliminary injunction is substantially the same). Even if the movant raises only “serious  
12 questions” as to the merits of their claims, the court can grant relief if the balance of hardships  
13 tips “sharply” in their favor. *All. for the Wild Rockies*, 632 F.3d at 1135. All factors here weigh  
14 decisively in Petitioner’s favor.

#### 15 I. PETITIONER IS LIKELY TO SUCCEED ON THE MERITS.

##### 16 A. Petitioner’s detention violates substantive due process because he is neither a 17 flight risk nor a danger to the community.

18 The Due Process Clause applies to “all ‘persons’ within the United States, including  
19 [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas*,  
20 533 U.S. at 693. “The touchstone of due process is protection of the individual against arbitrary  
21 action of government,” *Wolff v. McDonnell*, 418 U.S. 539, 558 (1974), including “the exercise of  
22 power without any reasonable justification in the service of a legitimate government objective,”  
23 *Cnty. of Sacramento v. Lewis*, 523 U.S. 833, 846 (1998). “Freedom from imprisonment—from  
24 government custody, detention, or other forms of physical restraint—lies at the heart of the liberty  
25 that Clause protects.” *Zadvydas*, 533 U.S. at 690.

26 To comply with substantive due process, the government’s deprivation of an individual’s  
27 liberty must be justified by a sufficient purpose. Therefore, immigration detention, which is “civil,  
28 not criminal,” and “nonpunitive in purpose and effect,” must be justified by either

1 (1) dangerousness or (2) flight risk. *Zadvydas*, 533 U.S. at 690; see *Hernandez*, 872 F.3d at 994  
2 (“[T]he government has no legitimate interest in detaining individuals who have been determined  
3 not to be a danger to the community and whose appearance at future immigration proceedings can  
4 be reasonably ensured by a lesser bond or alternative conditions.”). When these rationales are  
5 absent, immigration detention serves no legitimate government purpose and becomes  
6 impermissibly punitive, violating a person’s substantive due process rights. See *Jackson v. Indiana*,  
7 406 U.S. 715, 738 (1972) (detention must have a “reasonable relation” to the government’s interests  
8 in preventing flight and danger); see also *Mahdawi v. Trump*, No. 2:25-CV-389, 2025 WL  
9 1243135, at \*11 (D. Vt. Apr. 30, 2025) (ordering release from custody after finding petitioner may  
10 “succeed on his Fifth Amendment claim if he demonstrates *either* that the government acted with  
11 a punitive purpose *or* that it lacks any legitimate reason to detain him”).

12 The Supreme Court has recognized that noncitizens may bring as-applied challenges to  
13 detention, including so-called “mandatory” detention. *Demore v. Kim*, 538 U.S. 510, 532-33 (2003)  
14 (Kennedy, J., concurring) (“Were there to be an unreasonable delay by the INS in pursuing and  
15 completing deportation proceedings, it could become necessary then to inquire whether the  
16 detention is not to facilitate deportation, or to protect against risk of flight or dangerousness, but to  
17 incarcerate for other reasons.”); *Nielsen v. Preap*, 586 U.S. 392, 420 (2019) (“Our decision today  
18 on the meaning of [§ 1226(c)] does not foreclose as-applied challenges—that is, constitutional  
19 challenges to applications of the statute as we have now read it.”).

20 Petitioner, who has no criminal record and who is diligently pursuing his immigration case  
21 with the assistance of an attorney, is neither a danger nor a flight risk. Therefore, his detention is  
22 both punitive and not justified by a legitimate purpose, violating his substantive due process rights.  
23 Indeed, when Respondents chose to release Petitioner from custody in 2022, that decision  
24 represented their finding that he was neither dangerous nor a flight risk. See *Saravia v. Sessions*,  
25 280 F. Supp. 3d 1168, 1176 (N.D. Cal. 2017), *aff’d sub nom. Saravia for A.H. v. Sessions*, 905 F.3d  
26 1137 (9th Cir. 2018) (“Release reflects a determination by the government that the noncitizen is  
27 not a danger to the community or a flight risk.”). Nothing has transpired since to disturb that finding.

28 These facts are materially indistinguishable from *Y.S.G. v. Andrews*, No. 2:25-cv-01884-

1 SCR (E.D. Cal. Oct. 22, 2025), where the Court granted a writ of habeas corpus after finding that  
2 ICE violated due process by re-detaining a previously released individual without advance notice  
3 or a pre-deprivation hearing. In *Y.S.G.*, as here, DHS claimed a technical violation of supervision  
4 conditions but offered no proof that the individual posed a danger or flight risk. The court held that  
5 any re-detention requires a pre-deprivation hearing before a neutral adjudicator, at which the  
6 government bears the burden to establish danger or flight risk by clear and convincing evidence.  
7 Petitioner, who has fully complied with ICE and court requirements and poses no danger, was  
8 similarly re-detained in violation of his constitutional rights.

9  
10 *First*, because Petitioner had no criminal history, and has had no intervening criminal  
11 history or arrests since his release, there is no credible argument that he is a danger to the  
12 community.

13 *Second*, as to flight risk, the question is whether custody is reasonably necessary to secure  
14 a person's appearance at immigration court hearings and related check-ins. See *Hernandez*, 872  
15 F.3d at 990–91. There is no credible basis to argue that Petitioner is a flight risk. Petitioner was  
16 arrested at his home, not attempting to evade supervision, and he has fully complied with every  
17 ICE check-in since 2022, including reporting to ICE offices in San Francisco, Stockton, Seattle,  
18 and Tukwila as required. Petitioner has never missed an Immigration Court hearing, has  
19 consistently maintained his address with ICE, and promptly updated his location whenever  
20 instructed.  
21  
22

23 Petitioner also has extensive family and community ties that firmly anchor him in the  
24 United States, including his wife and minor daughter, with whom he resides. These close family  
25 ties significantly mitigate any risk of flight. Moreover, Petitioner has a bona fide asylum  
26 application pending and a viable path toward immigration relief, further reducing any incentive to  
27 flee. See *Padilla v. U.S. Immigr. & Customs EnFt*, 704 F. Supp. 3d 1163, 1173 (W.D. Wash.  
28

1 2023) (holding there is no legitimate concern of flight risk where plaintiffs have bona fide asylum  
2 claims and a strong desire to remain in the United States).

3  
4 At the time of his arrest, Petitioner had a valid Employment Authorization Document  
5 issued in 2023 and had been working steadily as a truck driver for A1 Trucking before his  
6 detention. With the assistance of counsel, he has every intention of continuing to pursue his  
7 asylum case and remaining in full compliance with all immigration requirements. Nothing in  
8 Petitioner's history suggests that physical detention is necessary to secure his appearance at future  
9 proceedings.  
10

11 In sum, Petitioner's actions since Respondents first released him confirm that he is neither  
12 a danger nor flight risk. Indeed, his ongoing compliance and community ties compel the  
13 conclusion that he is even *less* of a danger or flight risk than when he was originally released.  
14 Accordingly, Petitioner's ongoing detention is unconstitutional, and substantive due process  
15 principles require his immediate release.  
16

17  
18 **B. The government violated procedural due process by depriving Petitioner of the**  
19 **opportunity to contest his arrest and detention before a neutral decisionmaker.**

20 Noncitizens living in the United States like Petitioner have a protected liberty interest in  
21 their ongoing freedom from confinement. See *Zadydas*, 533 U.S. at 690. The Supreme Court  
22 "usually has held that the Constitution requires some kind of a hearing *before* the State deprives  
23 a person of liberty or property." *Zinerman v. Burch*, 494 U.S. 113, 127 (1990). This is so even in  
24 cases where that freedom is lawfully revocable. See *Hurd v. D.C., Gov't*, 864 F.3d 671, 683 (D.C.  
25 Cir. 2017) (citing *Young v. Harper*, 520 U.S. 143, 152 (1997) (holding that re-detention after pre-  
26 parole conditional supervision requires pre-deprivation hearing)); *Gagnon v. Scarpelli*, 411 U.S.  
27 778, 782 (1973) (holding the same, in probation context); *Morrissey v. Brewer*, 408 U.S. 471, 482  
28 (1972) (same, in parole context).

1           Accordingly, the Supreme Court has repeatedly held that individuals released from  
2 custody on bond, parole, or other forms of conditional release have a protected interest in their  
3 ongoing liberty, because “[t]he parolee has relied on at least an implicit promise that parole will  
4 be revoked only if he fails to live up to the parole conditions.” *Morrissey*, 408 U.S. at 482. “By  
5 whatever name, the[ir] liberty is valuable and must be seen within the protection of the [Due  
6 Process Clause].” *Id.* This liberty interest also applies to noncitizens, including those who have  
7 been conditionally released from immigration custody. *See Ortega v. Bonnar*, 415 F. Supp. 3d  
8 963, 970 (N.D. Cal. 2019). Petitioner thus has a protected liberty interest in his freedom from  
9 physical custody.

10           Once a petitioner has established a protected liberty interest, as Petitioner has done here,  
11 courts in this circuit apply the *Mathews* test to determine what procedural protections are due. *See*  
12 *Johnson v. Ryan*, 55 F.4th 1167, 1179-80 (9th Cir. 2022) (citing *Mathews v. Eldridge*, 424 U.S.  
13 319, 335 (1976)). Under that test, the court weighs: (1) the private interest affected; (2) the risk  
14 of erroneous deprivation and probable value of procedural safeguards; and (3) the government’s  
15 interest. *Id.* In this case, the factors weigh heavily in favor of releasing Petitioner and prohibiting  
16 his re-detention without a custody hearing at which the government bears the burden of proof.

17           First, the private interest affected in this case is profound. When considering this factor,  
18 courts look to “the degree of potential deprivation.” *Nozzi v. Hous. Auth. of City of Los Angeles*,  
19 806 F.3d 1178, 1193 (9th Cir. 2015) (citing *Mathews*, 424 U.S. at 341). The degree of deprivation  
20 here is high. Petitioner, a 33-year-old father who built his life in the United States with his wife  
21 and minor daughter, has been completely deprived of his physical liberty and confined in a private,  
22 for-profit detention facility, despite having fled persecution in India and fully complied with all  
23 ICE and court requirements for more than three years.<sup>1</sup> Petitioner’s detention has ripped from  
24

25 <sup>1</sup> *See, e.g., In re Geo Group, Inc., Cal. Occupational Safety and Health Appeals Bd., Inspection*  
26 *No. 1609228, Decision After Reconsideration*, Jan. 10, 2025,  
<https://www.dir.ca.gov/oshab/Decisions/DAR/1609228-Geo-Group.pdf> (upholding levy of fines  
27 on GEO Group for imposing unsafe working conditions on detained laborers at Golden State  
Annex); U.S. Dep’t of Homeland Sec. Off. of Inspector Gen., OIG 24-23, *Final Report: Results*  
28 *of an Unannounced Inspection of ICE’s Golden State Annex in McFarland, California* (Apr. 18,  
2024), <https://www.oig.dhs.gov/sites/default/files/assets/2024-04/OIG-24-23-Apr24.pdf> (finding  
that ICE failed to meet certain minimum detention standards at Golden State Annex).

1 him the “free[dom] to be with family and friends and to form the . . . enduring attachments of  
2 normal life.” *Morrissey*, 408 U.S. at 482. Cutting someone off from the “core values of  
3 unqualified liberty”—for Petitioner, Since being detained, Petitioner has struggled with anxiety,  
4 sleeplessness, and emotional distress. The environment is custody is isolating, noisy, and mentally  
5 exhausting. He is unable to practice his Sikh faith and cannot perform his daily prayers or attend  
6 Gurudwara—creates a “grievous loss.” *Id.* Moreover, because Petitioner faces *civil detention*, “his  
7 liberty interest is arguably greater than the interest of the parolees in *Morrissey*.” *See Ortega*, 415  
8 F. Supp. 3d at 970. As someone in civil detention, therefore, “it stands to reason that [Petitioner]  
9 is entitled to protections at least as great as those afforded to a[n] . . . individual . . . accused but  
10 not convicted of a crime.” *See Jones v. Blanas*, 393 F.3d 918, 932 (9th Cir. 2004).

11 *Second*, “the risk of an erroneous deprivation [of liberty] is high” where, as here, “[the  
12 petitioner] has not received any bond or custody redetermination hearing.” *A.E. v. Andrews*, No.  
13 1:25-cv-00107, 2025 WL 1424382, at \*5 (E.D. Cal. May 16, 2025) (quoting *Jimenez v. Wolf*, No.  
14 19-cv-07996-NC, 2020 WL 510347, at \*3 (N.D. Cal. Jan. 30, 2020)); *see also Diep v. Wofford*,  
15 No. 1:24-cv-01238, 2025 WL 6047444, at \*5 (E.D. Cal. Feb. 25, 2025). Respondents seized  
16 Petitioner at his home without notice, after previously instructing him to upload his check-in  
17 photograph on November 3, 2025, and after he complied with that instruction. In such  
18 circumstances, where the government has provided no procedural safeguards before depriving an  
19 individual of liberty, “the probable value of additional procedural safeguards, i.e., a bond hearing,  
20 is high.” *A.E.*, 2025 WL 1424382, at \*5. This is especially true here, because there has been no  
21 change in Petitioner’s circumstances suggesting that he now poses a flight risk or danger to the  
22 community. His re-detention instead appears to be driven by ICE’s increasingly quota-based  
23 enforcement practices, which emphasize arrest numbers over individualized assessments. Such  
24 motivations cannot lawfully justify re-detaining a person who has complied with every ICE  
25 requirement, has no criminal history, has maintained a stable address, and presents neither danger  
26 nor flight risk.

27 Because the private interest in freedom from immigration detention is substantial, due  
28 process also requires that in cases like this one, the government bears the burden of proving “by

1 clear and convincing evidence that the [noncitizen] is a flight risk or danger to the community.”  
2 *Singh v. Holder*, 638 F.3d 1196, 1203-04 (9th Cir. 2011); see *Martinez v. Clark*, 124 F.4th 775,  
3 785-86 (9th Cir. 2024) (holding that government properly bore burden by clear and convincing  
4 evidence in court-ordered bond hearing); *Doe v. Becerra*, No. 2:25-CV-00647-DJC-DMC, 2025  
5 WL 691664, at \*8 (E.D. Cal. Mar. 3, 2025) (ordering pre-deprivation bond hearing in which  
6 government bears burden by clear and convincing evidence).

7 *Third*, the government’s interest in detaining Petitioner without first providing notice and  
8 submitting to a custody hearing is minimal. Immigration courts routinely conduct custody  
9 hearings, which impose a “minimal” cost to the government. See *Doe*, 2025 WL 691664, at \*6;  
10 *A.E.*, 2025 WL 1424382, at \*5. Petitioner is represented by counsel and has an impeccable record  
11 of attending his immigration proceedings; there is no reason to believe that between the date of  
12 his release and his custody hearing, his compliance will change. Indeed, courts regularly hold that  
13 the government’s interest in re-detention without a custody hearing is low when the petitioner  
14 “has long complied with his reporting requirements.” *Diaz v. Kaiser*, No. 3:25-CV-05071, 2025  
15 WL 1676854, at \*3-\*4 (N.D. Cal. June 14, 2025) (granting TRO prohibiting re-detention of  
16 noncitizen without a pre-deprivation bond hearing); *Jorge M. F. v. Wilkinson*, No. 21-CV-01434-  
17 JST, 2021 WL 783561, at \*3-\*4 (N.D. Cal. Mar. 1, 2021) (same); *Ortega*, 415 F. Supp. 3d at 970  
18 (granting habeas petition ordering the same); see also *Valdez v. Joyce*, No. 25 CIV. 4627 (GBD),  
19 2025 WL 1707737, at \*4-\*5 (S.D.N.Y. June 18, 2025) (granting habeas petition and immediately  
20 releasing petitioner who had been detained without process, who had “voluntarily attended his  
21 scheduled immigration court proceedings” and “established ties” through his work and  
22 volunteering with the church).

23 In similar cases, courts in this Circuit regularly hold that re-detaining noncitizens without  
24 a pre-deprivation hearing in which the government bears the burden of proof violates due process,  
25 and grant the emergency relief Petitioner seeks here. See *Garro Pinchi v. Noem*, \_\_\_ F. Supp. 3d  
26 \_\_\_, 2025 WL 2084921, at \*7 (converting TRO requiring release of asylum seeker arrested at her  
27 immigration court hearing into preliminary injunction prohibiting the government from re-  
28 detaining her without a hearing); *Singh v. Andrews*, 2025 WL 1918679, \*8-10 (E.D. Cal. July 11,

1 2025) (granting PI under similar circumstances); *Doe*, 2025 WL 691664, at \*8 (granting TRO  
2 over one month after petitioner’s initial detention); *see also, e.g., Diaz*, 2025 WL 1676854, at \*3-  
3 \*4; *Garcia v. Bondi*, No. 3:25-CV-05070, 2025 WL 1676855, at \*3 (N.D. Cal. June 14, 2025);  
4 *Jorge M. F.*, 2021 WL 783561, at \*4; *Romero v. Kaiser*, No. 22-CV-02508-TSH, 2022 WL  
5 1443250, at \*4 (N.D. Cal. May 6, 2022); *Vargas v. Jennings*, No. 20-CV-5785-PJH, 2020 WL  
6 5074312, at \*4 (N.D. Cal. Aug. 23, 2020).

7 In short, Respondents violated Petitioner’s due process rights when they detained him  
8 without notice and without a custody hearing before a neutral arbiter. Here, only an order releasing  
9 Petitioner and enjoining re-detention—unless Respondents provide Petitioner with a custody  
10 hearing where the government bears the burden of proof—would return the parties to the “last  
11 uncontested status which preceded the pending controversy.” *Doe v. Noem*, \_\_\_ F. Supp. 3d \_\_\_,  
12 2025 WL 1141279, at \*9 (W.D. Wash. Apr. 17, 2025) (quoting *GoTo.com, Inc. v. Walt Disney*  
13 *Co.*, 202 F.3d 1199, 1210 (9th Cir. 2000)); *see also Valdez*, 2025 WL 1707737, at \*4-\*5 (ordering  
14 petitioner’s immediate release as remedy for procedural due process violation).

15 \* \* \* \* \*

16 For the foregoing reasons, Petitioner is likely to succeed on the merits of his claims. But  
17 even if the Court disagrees, he presents at least “serious question[s] going to the merits,” alongside  
18 a “balance of hardships” tipping decidedly in their favor. *All. for the Wild Rockies*, 632 F.3d at  
19 1135. Indeed, the constitutional concerns delineated above are of the weightiest order and beyond  
20 colorable. This Court should therefore enter the requested TRO.

21 **II. PETITIONER WILL CONTINUE TO SUFFER SERIOUS AND IRREPARABLE**  
22 **INJURY ABSENT A TRO.**

23 Without a temporary restraining order, Petitioner will suffer immense irreparable injury.  
24 Indeed, he faces such injury every day he remains in detention in violation of his Fifth Amendment  
25 rights. “It is well established that the deprivation of constitutional rights ‘unquestionably  
26 constitutes irreparable injury.’” *Hernandez*, 872 F.3d at 994-95 (citing *Melendres v. Arpaio*, 695  
27 F.3d 990, 1002 (9th Cir. 2012)). “When an alleged deprivation of a constitutional right is involved,  
28 most courts hold that no further showing of irreparable injury is necessary.” *Warsoldier v.*

1 *Woodford*, 418 F.3d 989, 1001-02 (9th Cir. 2005) (internal quotation marks omitted). And the  
2 unlawful deprivation of physical liberty is the quintessential irreparable harm. *See Hernandez*,  
3 872 F.3d at 994 (holding that plaintiffs were irreparably harmed “by virtue of the fact that they  
4 [we]re likely to be unconstitutionally detained for an indeterminate period of time”); *see also*,  
5 *e.g., Rosales-Mireles v. United States*, 585 U.S. 129, 139 (2018) (recognizing that “[a]ny amount  
6 of actual jail time is significant, and has exceptionally severe consequences for the incarcerated  
7 individual” (cleaned up)).

8 As a result of his arrest and detention, Petitioner is also suffering additional ongoing  
9 irreparable harms. Since being detained, Petitioner has struggled with anxiety, sleeplessness, and  
10 emotional distress. The environment in custody is isolating, noisy, and mentally exhausting. He is  
11 unable to practice his Sikh faith and cannot perform his daily prayers or attend Gurudwara

12 **III. THE BALANCE OF THE EQUITIES AND THE PUBLIC INTEREST WEIGH**  
13 **STRONGLY IN PETITIONER'S FAVOR.**

14 When the government is the party opposing the request for emergency relief, the balance  
15 of the equities and the public interest merge. *Env't Prot. Info. Ctr. v. Carlson*, 968 F.3d 985, 991  
16 (9th Cir. 2020) (citing *California v. Azar*, 911 F.3d 558, 581 (9th Cir. 2018)). Here, the balance  
17 of equities overwhelmingly favors Petitioner, who faces irreparable injury in the form of ongoing  
18 constitutional violations and continued additional suffering if the TRO is not granted. *See Section*  
19 *II, supra; Hernandez*, 872 F.3d at 996 (when “[f]aced with ... preventable human suffering, ...  
20 the balance of hardships tips decidedly in plaintiffs’ favor”) (internal citation omitted).

21 The public interest likewise weighs strongly in Petitioner’s favor. As another California  
22 district court recently concluded, “[t]he public has a strong interest in upholding procedural  
23 protections against unlawful detention, and the Ninth Circuit has recognized that the costs to the  
24 public of immigration detention are staggering.” *Diaz*, 2025 WL 1676854, at \*3 (citing *Jorge M.*  
25 *F.*, 2021 WL 783561, at \*3). More fundamentally, “[i]t is always in the public interest to prevent  
26 the violation of a party’s constitutional rights.” *Index Newspapers LLC v. U.S. Marshals Serv.*,  
27 977 F.3d 817, 838 (9th Cir. 2020) (citing *Padilla v. Immigr. & Customs Enf’t*, 953 F.3d 1134,  
28 1147-48 (9th Cir. 2020) (internal quotation marks omitted)).

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**SECURITY**

No security is necessary here. Courts “may dispense with the filing of a bond when,” as here, “there is no realistic likelihood of harm to the defendant from enjoining his or her conduct.” *Jorgensen v. Cassidy*, 320 F.3d 906, 919 (9th Cir. 2003). It is also proper to waive the bond requirement in cases raising constitutional claims, because “to require a bond would have a negative impact on plaintiff’s constitutional rights, as well as the constitutional rights of other members of the public.” *Baca v. Moreno Valley Unified Sch. Dist.*, 936 F. Supp. 719, 738 (C.D. Cal. 1996). Finally, Plaintiff’s showing of a high likelihood of success on the merits supports the court’s waiving of bond in this case. *See, e.g., People of State of Cal. ex rel. Van De Kamp v. Tahoe Reg’l Plan. Agency*, 766 F.2d 1319, 1326 (9th Cir.), *amended*, 775 F.2d 998 (9th Cir. 1985).

**CONCLUSION**

For the foregoing reasons, Petitioner respectfully requests the Court grant a TRO to restore the *status quo ante* that (1) immediately releases him from Respondents’ custody and enjoins Respondents from re-detaining him absent further order of this Court; (2) in the alternative, immediately releases him from Respondents’ custody and enjoins Respondents from re-detaining him unless they demonstrate at a pre-deprivation bond hearing, by clear and convincing evidence, that Petitioner is a flight risk or danger to the community such that his physical custody is required; and (3) prohibits the government from transferring him out of this District and/or removing him from the country until these habeas proceedings have concluded.

Respectfully submitted,

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