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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 SARTAJ SINGH,
12 Petitioner,
13 v.
14 TONYA ANDREWS, ET AL,
15 Respondents.

CASE NO. 1:25-CV-01669-KES-EPG
RESPONDENTS'S OPPOSITION TO
MOTION FOR TEMPORARY RESTRAINING
ORDER
COURT: Hon. Kirk E. Sherriff

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17 **OPPOSITION TO MOTION FOR TEMPORARY RESTRAINING ORDER**

18 On November 28, 2025, Petitioner Sartaj Singh ("the petitioner") filed an *ex parte*
19 motion for temporary restraining order and preliminary injunction. ECF 2 ("Mot."). The
20 Court should deny the motion for a TRO because the petitioner is an unadmitted alien
21 and is not entitled to a bond hearing under 8 U.S.C. § 1226(a).

22 In its Minute Order dated November 29, 2025, the Court instructed the parties to
23 indicate their position as to whether the motion for TRO should be converted into a
24 motion for a Preliminary Injunction, and whether they request a hearing on the matter.
25 Respondents to not request a hearing on the matter. However, Respondents oppose the
26 conversion of this matter to a PI and request that any briefing on the PI be held in
27 abeyance until the resolution of *Rodriguez v. Bostock*, 779 F.Supp.3d 1239 (W.D. Wash.
28 2025), which has been appealed to the Ninth Circuit on an expedited basis, and appears

1 to be set for argument on the February 2026 calendar. Ninth Circuit docket no. 25-
2 6842. The issues in *Rodriguez* are likely to be dispositive of the issues in this case.

3 ARGUMENT

4 Petitioner is an alien who is present in the United States. This is undisputed.
5 Similarly, it is undisputed that the petitioner has not been admitted to the United
6 States. Accordingly, the petitioner is an applicant for admission. Any alien who “is
7 present” in the United States but “has not been admitted” to the United States is “an
8 applicant for admission.” 8 U.S.C. § 1225(a)(1); *see also Jennings v. Rodriguez*, 583 U.S.
9 281, 287 (2018) (“an alien who ‘arrives in the United States,’ or ‘is present’ in this country
10 but ‘has not been admitted,’ is treated as ‘an applicant for admission.’ § 1225(a)(1).”).

11 The fact that the petitioner is an applicant for admission resolves the dispute in
12 this case because applicants for admission must be detained and they are not entitled to
13 bond hearings. “Read most naturally, §§ 1225(b)(1) and (b)(2) thus mandate detention of
14 applicants for admission until certain proceedings have concluded.” *Jennings*, 583 U.S.
15 at 297. “And neither § 1225(b)(1) nor § 1225(b)(2) says anything whatsoever about bond
16 hearings.” *Jennings*, 583 U.S. at 297. Therefore, because the petitioner is an applicant
17 for admission, he is subject to detention under 8 U.S.C. § 1225(b)(2)(A), and he is not
18 entitled to a bond hearing.

19 DHS previously treated aliens like the petitioner as subject to § 1226(a) and not
20 § 1225(b)(2)(A), so therefore the petitioner may reply that he (and all other similarly
21 situated aliens) must always be subject to § 1226(a). This argument fails because the
22 fact that Executive Branch exercised discretion in one way in the past, does not
23 transform that discretionary act into an entitlement. Similarly, the fact that Congress
24 granted the Executive Branch discretion to utilize § 1225 and § 1226, does not render
25 § 1226 superfluous. Accordingly, the prior exercise of discretion under § 1226 does not
26 entitle the petitioner to force the Executive Branch’s deployment of discretion. The
27 defendant is covered by § 1225 and therefore detention is mandatory and he is not
28 entitled to a bond hearing.

CONCLUSION

For the above-stated reasons, the Court should deny the motion for a temporary restraining order.

Dated: December 8, 2025

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