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7 Attorney for Petitioner

8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

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KOMALPREET KAUR

Petitioner

v.

UNITED STATES DEPARTMENT
OF HOMELAND SECURITY ET AL)

Respondents.

Case No.
1:25-cv-01726-TLN-SCR

PETITIONER'S REPLY
TO RESPONDENTS'
OPPOSITION

- 1 1. Petitioner, Komalpreet Kaur, hereby submits this reply to the Respondents'
2 Opposition to the TRO.
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- 4 2. Respondents address virtually none of the arguments in the motion for a TRO.
5 Instead, they simply declare her subject to mandatory detention, claim she
6 violated reporting requirements, and tell her to take her pregnancy-related
7 claims to another court. Petitioner will address each of these in turn.
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- 9 3. First, Respondents simply declare that Petitioner is subject to mandatory
10 detention as an arriving alien. Respondents' own charging document shows that
11 they did not charge her as an arriving alien. (See Notice to Appear in which the
12 "arriving alien" box is not checked and instead she is charged as entering
13 without inspection). Regardless of how she was classified when she entered,
14 Respondents fail to address the fact that Petitioner was released, permitted to
15 live and work in the U.S., marry and otherwise carry on her life here until the
16 re-detention. The U.S. Supreme Court has made it clear that individuals have a
17 liberty interest in not being re-detained and that the constitution requires pre-
18 deprivation process. *Young v. Harper*, 520 U.S. 143 (1997).
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- 20 4. Second, Respondents claim Petitioner failed to comply with ISAP reporting
21 requirements. This is completely inaccurate. Petitioner (through counsel) and
22 her husband have submitted statements detailing her extensive contact with ICE
23 and diligence in reporting. Moreover, everything about the case belies this
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1 claim that she failed to report. Petitioner submitted two applications to
2 Respondents in which she included her address. Respondents granted her a five-
3 year work permit. The asylum remains pending.
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5 5. In addition, none of the paperwork submitted by Respondents contains any of
6 the reporting requirements. In fact, the original release record, Form I-213,
7 states that “ICE/ERO Detention bedspace and Alternative to Detention have
8 been denied for the detainee.” In other words, there was no bedspace and they
9 were not putting her on ATD. Respondents also submit a Form I-220A Order
10 of Release on Recognizance which contains a note that reads, “You must report
11 in person to - As Indicated on the Attached OREC G-56” but Respondents do
12 not submit said attachment, making it impossible to adequately evaluate what
13 the requirements were that she allegedly violated. Lastly, the arrest warrant
14 submitted says nothing about lack of compliance and only addresses
15 removability.
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19 6. The timing of Respondents’ arrest of Petitioner also casts doubt on the
20 supposed violations being the reason for the arrest. Many of the claimed
21 violations took place in January and February. The last claimed violation took
22 place six weeks prior to her detention. The delay in re-detaining Petitioner
23 belies the Respondents’ claim that they considered her any sort of risk.
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- 1 7. At least one other district court has addressed a similar claim of supposed
2 violations and their impact on detention. *See Hernandez Bernal v. Albarran et*
3 *al*, No. 3:2025cv09772 (N.D. Cal 2025) in which the court found that none of
4 the Petitioner's supposed check-violations outlined in a DO's declaration, even
5 if credited, justified detention and granting Petitioner's request for a preliminary
6 injunction.
7
- 8 8. Petitioner is not a danger to the community nor a flight risk. She has submitted
9 affirmative applications and has no criminal record. She has reported repeatedly
10 to ICE, including on the date she was re-detained.
11
- 12 9. Lastly, this Court can consider whether the detention of a pregnant woman
13 violates the Respondents' own policies in violation of the APA. This Court can
14 consider whether detention of a pregnant woman in the California City
15 Detention Facility violates Petitioner's right to substantive due process and
16 whether the health-related issues in this matter warrant expedited treatment of
17 this TRO.
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- 19 10. As a final matter, undersigned counsel was informed today that the
20 Respondents are seeking to remove Petitioner to Uganda, a country to which
21 Petitioner has no connections. Counsel respectfully requests that the Court
22 adjudicate the TRO on an expedited basis so that she can work with her counsel
23 to properly respond to this development.
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1 Date: December 17, 2025

Respectfully submitted,

2 /s/ Cara Jobson

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