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9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA

11 SIMRANJIT SINGH,

12 Petitioner,

13 v.

14 WARDEN OF GOLDEN STATE ANNEX
15 DETENTION FACILITY, ET AL,

16 Respondent.

No. 1:25-cv-01739-TLN-CSK

NOTICE AND TARGETED RESPONSE TO

DECLARATION OF DEPORTATION
OFFICER MAYRA GALLENKAMP (ECF
NO. 16)

17 **I. INTRODUCTION AND PROCEDURAL POSTURE**

18 On February 5, 2026—after briefing had closed—Respondents filed a second declaration
19 from Deportation Officer Mayra Gallenkamp (ECF No. 16), asserting new facts concerning the
20 denial of Petitioner’s BIA appeal, an asserted shift in detention authority to INA § 1231(a), and
21 alleged readiness to effectuate removal.

22 Petitioner submits this targeted response solely to address those new factual assertions,
23 which were not part of the record when Petitioner filed his Reply. Petitioner does not seek to
24 reopen general briefing or relitigate issues already presented.

25 **II. RESPONDENTS’ POST-BRIEFING DECLARATION DOES NOT MOOT THE**

26 **HABEAS PETITION**

27 Respondents’ new declaration does not moot Petitioner’s habeas claims. The Petition
28

1 challenges the **lawfulness of continued detention without custody review or bond**, not the
2 existence of a removal order.

3 Even accepting Respondents' assertion that detention is now purportedly governed by
4 INA § 1231(a), **post-final-order detention remains subject to constitutional limits**. Detention
5 must remain reasonably related to removal and cannot become prolonged, arbitrary, or
6 unreviewed.

7 Here, Respondents do not dispute that:

- 8 • **No custody review or bond determination has ever been conducted;**
9 • Petitioner has been continuously detained for an extended period;
10 • Detention continues solely because of executive choice, not judicial review.

11 The belated invocation of § 1231(a) does not cure these defects.

12 **III. THE ASSERTED "READINESS" TO REMOVE DOES NOT JUSTIFY**
13 **CONTINUED DETENTION**

14 Respondents now claim that removal was "scheduled" and canceled only because of this
15 Court's injunction. That assertion underscores—rather than undermines—the necessity of judicial
16 protection.

17 Detention authority cannot hinge on whether DHS wishes to remove immediately once
18 judicial oversight is lifted. The question before this Court is whether DHS may continue to detain
19 Petitioner without any individualized custody review, not whether DHS would prefer to execute
20 removal absent judicial intervention.

21 Moreover, Respondents' declaration confirms that removal has not occurred and remains
22 contingent. Continued detention under these circumstances remains constitutionally suspect.

23 **IV. PETITIONER'S REFUSAL TO SIGN REMOVAL DOCUMENTS IS LAWFUL**
24 **AND IRRELEVANT TO CUSTODY AUTHORITY**

25 Respondents suggest that Petitioner's refusal to sign removal documents bears on
26 detention. It does not.

27 A noncitizen is not required to waive rights or execute removal paperwork, particularly
28 while a federal court has entered an order preserving jurisdiction. Lawful refusal to sign DHS

1 forms cannot justify indefinite detention or substitute for a custody determination.

2 **V. RESPONDENTS' LATE-FILED DECLARATION HIGHLIGHTS THE ABSENCE**
3 **OF PROCESS**

4 The timing of Respondents' new declaration is telling. Until after Petitioner's Reply was
5 filed, Respondents repeatedly represented that:

- 6 • No custody review had occurred;
7 • No CAT or fear-based screening had been conducted;
8 • Removal efforts were uncertain.

9 Respondents now attempt to reframe the case through post-hoc factual supplementation
10 rather than through constitutionally adequate procedures. Declarations cannot replace due
11 process.

12 **VI. THE INJUNCTION REMAINS NECESSARY TO PROTECT THE COURT'S**
13 **JURISDICTION**

14 Respondents' filing reinforces why this Court's existing injunction remains necessary.
15 Absent the injunction, DHS would remove Petitioner before this Court can adjudicate the legality
16 of his detention, thereby stripping the Court of jurisdiction.

17 Maintaining the injunction preserves the status quo while the Court resolves the habeas
18 petition on its merits.

19 **VII. CONCLUSION**

20 Respondents' February 5, 2026 declaration does not resolve—and in fact underscores—
21 the core constitutional problem in this case: prolonged detention without custody review or bond
22 hearing.

23 Petitioner respectfully requests that the Court:

- 24 1. Consider this targeted response solely as to the new matters raised in ECF No. 16;
25 2. Maintain the existing injunction barring removal or transfer; and
26 3. Grant the Petition and order appropriate relief, including a custody hearing or release.
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Date: February 5, 2026

Respectfully submitted,

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