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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 ROBANPREET SINGH,
11
Petitioner,
12
v.
13 WARDEN OF THE GOLDEN STATE
14 ANNEX DETENTION FACILITY, et al.,¹
15 Respondents.

CASE NO. 1:25-CV-01752-JLT-SKO
OPPOSITION TO PETITIONER’S HABEAS
CORPUS PETITION

16
17 **I. INTRODUCTION**

18 Petitioner Robanpreet Singh (“Petitioner”) is a citizen and national of India who entered the
19 United States illegally. He was found by immigration authorities after being charged with attempted
20 murder and pleading guilty to preventing/dissuading a witness. He is subject to mandatory detention as
21 an aggravated felon under 8 U.S.C. § 1226(c), and as an “applicant for admission” under 8 U.S.C. §
22 1225(b)(2)(A), *see generally Cortes Alonzo v. Noem et al.*, 1:25-cv-01519-WBS-SCR at Dkt. 14 (E.D.
23 Cal. Nov. 17, 2025). Petitioner has conceded removability and has an order of removal. The Court
24 should therefore deny Petitioner’s petition for writ of habeas corpus.
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26 ¹ Respondent moves to strike and to dismiss all unlawfully named officials under § 2241. A
27 petitioner seeking habeas corpus relief is limited to name only the officer having custody of him as the
28 respondent to the petition. 28 U.S.C. § 2242; *Rumsfeld v. Padilla*, 542 U.S. 426, 430 (2004); *Doe v. Garland*, 109 F.4th 1188, 1197 (9th Cir. 2024) (holding, that the warden of the private detention facility at which a non-citizen alien was held was the proper § 2241 respondent).

1 **II. FACTUAL AND PROCEDURAL BACKGROUND**

2 The essential facts in this matter are undisputed. Petitioner is a native and citizen of India who
3 entered the United States without inspection on October 30, 2022. Declaration of Deportation Office
4 Armando Meneses (“Meneses Decl.”) ¶ 5. Petitioner admitted to being unlawfully present in the United
5 States, was served a Notice to Appear, was placed in removal proceedings, and was released from
6 custody. Meneses Decl., ¶¶ 5-6 and Exhibit 1. In 2024, Petitioner was charged in San Bernardino
7 County with multiple counts of attempted murder and assault with a firearm. *See* Meneses Decl. ¶ 8 and
8 Exhibit 3 (Felony Abstract of Judgment and Amended Information). On December 12, 2024, Petitioner
9 pled guilty to Preventing/Dissuading a Witness, in violation of California Penal Code § 136.1(b)(2) (*i.e.*,
10 witness intimidation) and was sentenced to two years in prison. *See* Meneses Decl. ¶ 8 and Exhibit 3.

11 Following his release from state prison, immigration authorities took Petitioner into custody.
12 Petitioner is subject to mandatory detention as an aggravated felon, pursuant to 8 U.S.C. § 1226(c), and
13 as an applicant for admission, pursuant to 8 U.S.C. § 1225(b)(2). Meneses Decl. ¶ 9, 14.

14 In his immigration proceedings, Petitioner admitted the factual allegations contained in his
15 Notice to Appear and in written pleadings, and he conceded the charge of removability. Meneses Decl.
16 ¶ 7 and Exhibit 2. Petitioner’s proceedings were delayed on numerous occasions—at Petitioner’s
17 request—so that Petitioner could provide additional documentation and prepare his case. *See* Meneses
18 Decl. ¶¶ 10-12.

19 On December 17, 2025, an Immigration Judge ordered Petitioner removed to India. Meneses
20 Decl. ¶ 13. While Petitioner reserved appeal, as of the date of this filing, he has not filed a notice of
21 appeal (the deadline for which is January 16, 2026). Meneses Decl. ¶ 13.

22 Petitioner filed this § 2241 petition on December 5, 2025. ECF 1. In that petition, Petitioner
23 challenges his detention as violating due process and argues he is entitled to a bond hearing. *See*
24 *generally*, ECF 1. Petitioner requests an order that he be released on his own recognizance or a
25 reasonable bond, or in the alternative, an order that Petitioner receive a bond hearing before an
26 immigration judge. ECF 1, p. 17.

27 On December 10, 2025, the Court ordered Respondents to show cause why the § 2241 petition
28

1 should not be granted within 30 days of the Court’s order, i.e., January 9, 2026. ECF 5.²

2 As discussed above, Petitioner is subject to mandatory detention as an aggravated felon, pursuant
3 to 8 U.S.C. § 1226(c), and as an applicant for admission, pursuant to 8 U.S.C. § 1225(b)(2).

4 **III. LEGAL STANDARDS**

5 **A. Mandatory Detention Pursuant to 8 U.S.C. § 1226(c).**

6 Under 8 U.S.C. § 1226(a), the “Attorney General may issue a warrant for the arrest and detention
7 of an alien ‘pending a decision on whether the alien is to be removed from the United States.’” *Jennings*
8 *v. Rodriguez*, 583 U.S. 281, 288 (2018) (citation omitted). In general, “the Attorney General ‘may
9 release’ an alien detained under section 1226(a) ‘on . . . bond’ or ‘conditional parole.’” *Id.* (citation
10 omitted). However, “[s]ection 1226(c) . . . carves out a statutory category of aliens who may *not* be
11 released.” *Id.* at 289 (emphasis in original). This includes those aliens convicted of “aggravated
12 felonies.” Under this subsection, “the ‘Attorney General shall take into custody any alien’ who falls into
13 one of several enumerated categories involving criminal offenses. . . . The Attorney General may release
14 aliens in those categories ‘only if the Attorney General decides . . . that release of the alien from custody
15 is necessary’ for witness-protection purposes and ‘the alien satisfies the Attorney General that the alien
16 will not pose a danger to the safety of other persons or of property and is likely to appear for any
17 scheduled proceeding.’” *Id.* (citations omitted).

18 Relevant here, section 1226(c) provides for mandatory detention of any alien who is “deportable
19 by reason of having committed any offense covered in section 1227(a)(2)(A)(ii), (A)(iii), (B), (C), or
20 (D) of this title.” 8 U.S.C. § 1226(c)(1)(B). In turn, section 1227(a)(2)(A)(iii) provides that “[a]ny alien
21 who is convicted of an aggravated felony at any time after admission is deportable.” 8 U.S.C.

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23 ² Respondents acknowledge the minute order requirement that the government provide
24 Petitioner’s entire A-file; however, in this particular case, where the facts of the case are undisputed, the
25 relevant issues are questions of law, and the petition does not request the production of any documents,
26 Respondents submit that the entire A-file is unnecessary. Respondents have attached to the
27 accompanying Meneses Declaration certain documents from the A-file relevant to this Petition,
28 including documents related to Petitioner’s prior aggravated felony conviction and his immigration
proceedings (including his Notice to Appear and deportation order. *See* Meneses Decl. & Exhibits 1-4.
Respondents respectfully request submission on this record. Respondents request that if, after review of
the pleadings and attached documents, the Court still finds the submission of additional A-file
documents to be necessary, that Respondents be given three additional court days to comply with the
document production order.

1 1227(a)(2)(A)(iii). The term “aggravated felony” is a term of art, defined at 8 U.S.C. § 1101(a)(43). 8
2 U.S.C. § 1101(a)(43).

3 Consequently, the detention of noncitizens “within [the] scope of section 1226(c) “*must* continue
4 ‘pending a decision on whether the [noncitizen] is to be removed from the United States.’” *Id.* (citation
5 omitted) (emphasis in original); *see also Avilez v. Garland*, 69 F.4th 525, 535 (9th Cir. 2023)
6 (concluding that section 1226(c) “applies throughout the administrative and judicial phases of removal
7 proceedings”). The subsection does not “limit the length of the detention it authorizes.” *Jennings*, 583
8 U.S. at 303. In fact, “in *Demore v. Kim*, the Supreme Court rejected a due process challenge to
9 mandatory detention under Subsection C on the ground that the detention authorized by Subsection C is
10 relatively short-lived.” *Avilez*, 69 F.4th at 536 (citing *Demore v. Kim*, 538 U.S. 510, 529 (2003)). The
11 Court distinguished section 1226(c) from section 1231(a)(6) (which governs detention following the
12 entry of a final order of removal) “by pointing out that detention under [the former] has ‘a definite
13 termination point’: the conclusion of removal proceedings.” *Jennings*, 583 U.S. at 304 (quoting
14 *Demore*, 538 U.S. at 529).

15 **B. Mandatory Detention Pursuant to 8 U.S.C. § 1225(a).**

16 “[A]n alien who ‘arrives in the United States,’ or ‘is present’ in this country but ‘has not been
17 admitted,’ is treated as ‘an applicant for admission.’” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018)
18 (quoting 8 U.S.C. § 1225(a)(1)). This definition applies to “all immigrants who have not been lawfully
19 admitted, regardless of their physical presence in the country.” *Torres v. Barr*, 976 F.3d 918, 928 (9th
20 Cir. 2020).

21 If an “examining immigration officer determines that an alien seeking admission is not clearly
22 and beyond a doubt entitled to be admitted, the alien shall be detained for a [removal] proceeding.” 8
23 U.S.C. § 1225(b)(2)(A). Section 1225(b)(2)(A) “applies to an alien who is physically present in the
24 United States but not lawfully admitted, regardless of how long they have been physically present here.”
25 *Altamirano Ramos v. Lyons*, No. 2:25-CV-09785-SVW-AJR, 2025 WL 3199872, at *8 (C.D. Cal. Nov.
26 12, 2025) (collecting cases). Pursuant to this statutory scheme, detention pending removal proceedings is
27 mandatory. *See Jennings*, 583 U.S. at 299 (holding that “§ 1225(b)(2) requires detention ‘for a [removal]
28 proceeding’” (alteration in original)); *In re Li*, 29 I. & N. Dec. 66, 68 (B.I.A. 2025) (noting that for

1 applicants for admission “who are placed directly in full removal proceedings, section 235(b)(2)(A) of
2 the INA, 8 U.S.C. § 1225(b)(2)(A), mandates detention ‘until removal proceedings have concluded’”
3 (quoting *Jennings*, 583 U.S. at 299)). The only relevant statutory exception to such mandatory detention
4 is that “the Attorney General may ‘for urgent humanitarian reasons or significant public benefit’
5 temporarily parole aliens detained under §§ 1225(b)(1) and (b)(2).” *Jennings*, 583 U.S. at 300.

6 IV. ARGUMENT

7 The Court should deny Petitioner’s § 2241 petition. First, Petitioner’s prior criminal conviction
8 for witness intimidation, in violation of California Penal Code § 136.1, for which he received a sentence
9 of two years imprisonment, qualifies as an aggravated felony. *See Godoy-Aguilar v. Garland*, 125 F.4th
10 985, 989-91 (9th Cir. 2025) (Witness intimidation under Penal Code section 136.1(b)(2) is an
11 aggravated felony under 8 U.S.C. § 1101(a)(43)(S) as an offense relating to obstruction of justice for
12 which the term of imprisonment is at least one year.).³ Thus, Petitioner is subject to mandatory
13 detention—throughout his removal proceedings—as an aggravated felon pursuant to 8 U.S.C. § 1226(c).

14 Second, as an “applicant for admission,” petitioner is also subject to mandatory detention. As
15 discussed above, “an alien who ‘arrives in the United States,’ or ‘is present’ in this country but ‘has not
16 been admitted,’ is treated as ‘an applicant for admission.’” *Jennings*, 583 U.S. at 287. Petitioner came
17 to the United States illegally, and was never formally “Admitted” under the law. Accordingly,
18 Petitioner is subject to mandatory detention under statutory immigration law. *See id.*; *but see generally*
19 *Dominguez v. Noem*, No. 1:25-CV-1577-JDP, 2025 WL 3268507 (E.D. Cal. Nov. 24, 2025) (finding §
20 1226 to be applicable statutory section in case of petitioners detained pending removal proceedings);
21 *Ortiz Donis v. Chestnut*, No. 1:25-CV-01228-JLT-SAB, 2025 WL 2879514, at *6–*11 (E.D. Cal. Oct. 9,
22 2025) (holding § 1225(b)(2)(A) inapplicable to aliens living in United States for years). To the extent
23 Petitioner was previously released at the discretion of DHS, even if the release document cited 8 U.S.C.
24 § 1226, this does not have the effect of having converted petitioner’s presence in the United States into

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26 ³ “[T]he conduct prohibited by CPC § 136.1(a)(1)-(2) and (b)(1)-(3), which makes up the
27 avenues for conviction under CPC § 136.1(c)(1), does not sweep more broadly than does the generic
28 federal offense of an aggravated felony relating to obstruction of justice.” *Godoy-Aguilar*, 125 F.4th at
991.

1 an "admission."

2 For the foregoing reasons, Petitioner is subject to mandatory detention and is not entitled to a
3 bond hearing. His due process claims fail. Petitioner's petition for writ of habeas corpus should be
4 denied.

5 V. CONCLUSION

6 For the foregoing reasons, Petitioner's Habeas Corpus Petition should be denied.

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8 Dated: January 8, 2026

ERIC GRANT
United States Attorney

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10 By: /s/ SHEA J. KENNY
11 SHEA J. KENNY
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