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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

RAVINDER SINGH,

Petitioner,

Case No.: 3:25-cv-00630

V.

**PETITION FOR WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241**

MARY DE ANDA-YBARRA

**Ice Field Office Director,
El Paso, Tx**

KRISTI NOEM, SECRETARY,

**Department of Homeland
Security;**

**PAMELA BONDI, Attorney General
of The United States;**

**TODD M. LYONS, Director,
ICE**

**EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW (EOIR),**

Respondents.

INTRODUCTION

Petitioner Ravinder Singh (“petitioner”) respectfully petitions this court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, seeking enforcement of rights guaranteed to

members of the bond eligible nationwide class certified in *Maldonado Bautista v. Santacruz*, no. 5:25-cv-01873-sss-bfm (c.d. cal.).

Petitioner is detained at ERO El Paso Camp East Montana in El Paso, Texas. The nationwide declaratory judgment in *Maldonado Bautista* holds that class members—including petitioner—are detained under 8 U.S.C. § 1226(a) and may not be denied bond consideration under §1225(b)(2)(a).

1. Petitioner also independently challenges his detention under the Fifth Amendment, as ICE detained him without any individualized determination immediately after he passed his credible fear interview (“CFI”). At no given time was Petitioner identified as a danger to the community, a person of ill moral character, or a flight risk. Such determination is mandatory before indefinitely detaining a noncitizen. Furthermore, Respondents have no adduced evidence even remotely relating to a justification of the Petitioner’s arrest.

2. Petitioner has no criminal history, has a pending asylum application (Form I-589) properly filed with USCIS, possesses a valid Employment Authorization Document (EAD), and was arrested while demonstrating compliance to ICE’s direction for his Credible Fear Interview (“CFI”) However, ICE wrongfully scheduled Petitioner for the CFI because: 1. Petitioner has already expressed fear of return to India by affirmatively filing an I-589 application, and 2. Petitioner was never placed into expedited removal proceedings under INA § 235(b), to permit Respondents to conduct a CFI.

3. Nevertheless, Respondents arrested and have indefinitely detained the Petitioner despite a successful CFI finding.

4. This detention is ultra vires, arbitrary, and violates the Due Process Clause of the Fifth Amendment. DHS cannot keep a person incarcerated indefinitely while, refusing to release him, and refusing to justify his detention.

5. Following is detention, Petitioner through counsel filed a Motion for Release under Bond, before the El Paso, TX Immigration Court, where the Immigration Judge denied bond, concluded that the Petitioner continues to be an applicant for admission under the *Matter of Yajure-Hurtado*, and refused to undertake jurisdiction for the purposes of bond issuance. Consequently, Petitioner is now scheduled for a merits hearing for the determination of his asylum claim.

6. In light of the gross fifth amendment, statutory, and procedural violation, Petitioner seeks immediate release, or in the alternative, a Court order issued pursuant to the class certification in *Maldonado*, requiring the Immigration Court to assume jurisdiction for the issuance of Petitioner's bond under INA § 1226(a), and provide a constitutionally adequate custody determination where the burden rests on the Government, not the detainee.

JURISDICTION AND VENUE

7. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in custody at the ERO El Paso East Montana Detention Center, under the authority of the United States and challenges the legality of that custody.

8. Jurisdiction is also proper under 28 U.S.C. § 1331 (federal question), the Suspension Clause, and the Declaratory Judgment Act, 28 U.S.C. §§ 2201–02.

9. Venue lies in the Western District of Texas, Laredo Division because Petitioner is confined at El Paso County, Texas, within this District and Division.

10. This action arises under the Constitution of the United States, and the Immigration and Nationality Act (“INA”).

11. Federal Courts have subject matter jurisdiction under 28 U.S.C. § 2441(c)(1) and (c)(3) (habeas corpus) to determine whether people imprisoned in federal custody are held in violation of law. *INS v. St. Cyr*, 533 U.S. 289, 305 (2001).

12. Jurisdiction is proper pursuant to 28 U.S.C. § 1331 (federal question); 5 U.S.C. § 702 (waiver of sovereign immunity); 28 U.S.C. § 1346 (original jurisdiction); Article I, § 9, clause 2 of the U.S. Constitution (Suspension Clause); the All Writs Act, 28 U.S.C. § 1651; and 28 U.S.C. §§ 2201-2202 (Declaratory Judgment Act).

13. Further, the Court has jurisdiction to grant injunctive relief pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201—02, 1651, 2241, and the All Writs Act, 28 U.S.C. § 1651. Mr. Singh’s detention constitutes a “severe restraint[] on his individual liberty” interest such that Mr. Singh is “subject to restraints not shared by public generally” and “in custody in violation of the . . . laws . . . of the United States.” *Spring v. Caldwell*, 692 F.2d 994 (5th Cir. 1982)

14. The federal district courts have jurisdiction to hear habeas corpus claims by noncitizens challenging the lawfulness of their detention by DHS. *Jennings v. Rodriguez*, 583 U.S. 281, 292—95 (2018); *Denmore v. Kim*, 538 U.S. 510, 516—17 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

PARTIES

15. Petitioner Singh is a citizen and national of India who, prior to his detention, resided at  NY 11419.

16. Respondent Mary De Anda-Ybarra is the Field Office Director of the Enforcement and Removal Operations (“ERO”) office, El Paso, TX. She is responsible for the functioning of, and carrying out ICE’s immigration detention operations across this judicial district. Respondent Anda-Ybarra is a legal custodian of Mr. Singh. She is sued in her official capacity.

17. Respondent Kristi Noem is named in her official capacity as the Secretary of DHS. In this capacity she is responsible for the administration of the immigration laws pursuant to Section 402 of the Homeland Security Act of 2002. 107 Pub. L. 296 (November 25, 2003); *see also* 8 U.S.C. § 1103(a); routinely transacts business in the District of New York, where the Petitioner was arrested, as also El Paso, TX where he is currently detained, and is legally responsible for Mr. Singh's incarceration and removal. She is therefore a custodian of Mr. Singh. Respondent Noem's office is located at DHS headquarters in Washington, DC, 20528.

18. Respondent Todd M. Lyons is the Acting Director of ICE. As the head of ICE, he is responsible for decisions related to detaining and removing certain noncitizens. Director Lyons is a legal custodian of Mr. Singh and is sued in his official capacity.

19. Respondent Pamela Bondi is named in his official capacity as the Attorney General of the United States. She is responsible for the administration of the immigration laws as exercised by EOIR, pursuant to 8 U.S.C. § 1103(g). She routinely transacts business in the Southern District of Texas and is legally responsible for administering Mr. Singh's removal proceedings as well as the procedural standards used in those proceedings. She is therefore a legal custodian of Mr. Singh. Respondent Bondi's office is at DHS of Justice, 950 Pennsylvania Avenue, NW, Washington, DC 20530.

STATEMENT OF FACTS

20. Petitioner Ravinder Singh is a citizen of India.

21. Petitioner entered the United States without inspection on March 9, 2021, near the southern border.

22. Shortly after entry, petitioner was briefly detained and subsequently released on his own recognizance. DHS charged him as inadmissible under 8 U.S.C. § 1182(a)(7)(a)(i)(i), and 8

U.S.C. § 1182(a)(6)(a)(i). At no time during the pending proceedings, did DHS charge him under INA § 235(b) and 8 U.S.C. § 1225.

23. On August 11, 2025, petitioner appeared for his credible fear interview in good faith, at the Bethpage Asylum Office in New York. He passed the interview.

24. Immediately after the interview, ICE detained petitioner without any individualized custody assessment. DHS subsequently issued him an NTA.

25. Petitioner was transferred to Texas and is now detained at ERO El Paso Camp East Montana.

26. On September 9, 2025, an immigration judge denied petitioner's bond request, deeming him an "applicant for admission" and therefore ineligible for bond under *Yajure-Hurtado*.

27. Petitioner has resided continuously in the United States since March 9, 2021.

28. Petitioner qualifies as a bond eligible class member because:

- a. He lacks lawful status and is detained at ERO El Paso Camp East Montana;
- b. He entered more than four and a half years ago and filed ;
- c. He is not detained under § 1226(c), § 1225(b)(1), or § 1231.

The Maldonado Bautista declaratory judgment

29. On November 20, 2025, the district court granted a partial summary judgment holding that class members are detained under 8 U.S.C. § 1226(a).

30. On November 25, 2025, the court certified a nationwide bond eligible class and extended the declaratory judgment to all members.

31. The declaratory judgment explicitly provides that class members may not be denied bond consideration under § 1225(b)(2)(a).

32. Respondents, who were parties to that case, are bound by the declaratory judgment, which has the force of a final judgment pursuant to 28 U.S.C. § 2201(a).

Nevertheless, DHS and EOIR continue to deny bond to class members and immigration judges have acknowledged receiving instructions from “leadership” to disregard the declaratory judgment.

LEGAL STANDARDS

33. A noncitizen’s civil immigration detention is lawful only if expressly authorized by statute. *Zadvydas V. Davis*, 533 U.S. 678, 690 (2001) (“the government’s detention authority is limited to the statute that confers it.”). When DHS detains a noncitizen under the wrong statute—or under no statute at all—detention is ultra vires, violates due process, and must end.

34. Immigration detention statutes are mutually exclusive. 8 U.S.C. § 1226(A) governs detention of noncitizens already present in the United States, including those who entered without inspection and who are in removal proceedings. 8 U.S.C. § 1226(C) governs only narrow criminal categories. 8 U.S.C. § 1225(b) applies solely to applicants for admission, including certain recent entrants treated as arriving aliens under § 1225(b)(1) or (b)(2). 8 U.S.C. § 1231 applies only after a final order of removal. A detainee cannot be placed simultaneously under two detention statutes, and DHS cannot retroactively recharacterize an individual to sidestep judicially recognized rights. *Jennings v. Rodriguez*, 138 s. Ct. 830, 842–47 (2018).

Individuals detained under 8 U.S.C. § 1226(a) are entitled to a custody hearing

35. Section 1226(a) authorizes detention only after an individualized custody determination assessing danger and flight risk. DHS bears the burden to demonstrate, by clear and convincing evidence, that continued detention is warranted. Numerous courts have held that

prolonged or categorical detention without such a determination violates due process. See *Franco v. Holder*, 662 F.3d 393 (5th Cir. 2011); *Olivares v. INS*, 723 F.2d 1442, 1447 (5th Cir. 1984).

36. Where DHS has failed to make a proper statutory designation or has used § 1225(b) in circumstances where it does not apply, the detention is unauthorized and must be corrected through habeas relief. *Zadvydas*, 533 U.S. AT 690.

The Maldonado Bautista declaratory judgment is binding and controls petitioner’s case

37. Under the declaratory judgment act, 28 U.S.C. § 2201(a), a final declaratory judgment has the same force and effect as any final judgment and is binding on the parties and their agencies nationwide.

38. In *Maldonado Bautista v. DHS* (final declaratory judgment entered Nov. 20 & 25, 2025), THE district court held:

1. Class members are detained pursuant to 8 U.S.C. § 1226(a)—not § 1225(b).
2. DHS and EOIR may not deny bond or custody hearings on the ground that class members are “applicants for admission.”
3. The judgment applies nationwide to all class members and binds DHS, ICE, and EOIR officials who were parties to the litigation.

Because declaratory judgments are prospective and controlling, DHS and EOIR lack discretion to disregard the judgment. Continued refusal to apply § 1226(a) to eligible detainees violates the court order and the due process rights of class members.

Immigration judges must exercise bond jurisdiction for individuals detained under § 1226(a)

39. Where an individual falls under § 1226(a), immigration judges have full bond jurisdiction and cannot decline to hear a bond request based on § 1225(b) classifications.

Misclassification constitutes reversible legal error. See *Matter of Adeniji*, 22 I&N Dec. 1102, 1113 (BIA 1999) (explaining limits of bond jurisdiction); *Maldonado Bautista*, supra (restoring bond jurisdiction).

40. Immigration judges may not rely on internal “leadership guidance” or informal instructions contrary to a federal court order. Executive branch agencies cannot override a binding judicial decree. *Hernandez V. Sessions*, 872 F.3D 976, 996 (9th Cir. 2017).

41. A writ of habeas corpus is the proper mechanism to remedy unlawful detention. Habeas relief is available when a detainee challenges the legality of his detention or the statutory basis under which he is held. *Hensley v. Municipal court*, 411 U.S.. 345, 351 (1973). Courts routinely grant habeas where DHS detains individuals under an inapplicable statute or denies access to required custody procedures. *Zadvydass*, 533 U.S. at 690; *Franco v. Holder*, 662 f.3d 393, 404 (5th Cir. 2011).

42. Where DHS detains a person under § 1225(b) despite judicial findings placing them under § 1226(a), continued detention violates both statutory and constitutional law and warrants immediate relief.

ARGUMENT

I. Respondents are violating the binding declaratory judgment in Maldonado Bautista

43. Petitioner is detained under § 1226(a) as a matter of law, and pursuant to the Notice to Appear, that did not charge Petitioner under any provisions allowing DHS to mandatorily detain the Petitioner.

44. Respondents’ refusal to adjudicate § 1226(a) bond hearing violates the declaratory judgment and Petitioner’s statutory rights.

45. Respondents' continued detention of Petitioner under § 1225(b)(2)(a) directly contradicts that judgment.

II. Petitioner's detention violates the Fifth Amendment

46. ICE detained petitioner immediately after his successful Credible Fear Interview with no individualized determination.

47. Indeed, Petitioner should not have been scheduled for a Credible Fear Interview, as statutorily, Respondents can only schedule interviews of such nature for noncitizens immediately apprehended upon arrival into the U.S., and/or noncitizens who are charged under INA § 235(b). None of these apply to the Petitioner as he was apprehended at the border and an interview was not immediately undertaken, Petitioner has already expressed fear of return to India by filing an application for asylum with USCIS, and Respondents have processed the Petitioner under INA § 212(A)(6)(a)(1).

48. Due process requires individualized findings before depriving a noncitizen of liberty. At the time of Petitioner's unlawful arrest, Respondents failed to make an initial determination regarding Petitioner posing any danger to the community or his flight risk. This indicates that Petitioner's arrest was conducted without just cause, and in direct violation of his due process rights.

49. The categorical detention policy applied here violates the *Mathews v. Eldridge* procedural due process framework.

III. Petitioner's continued detention is unreasonable under § 1226(a)

50. Civil detention must be supported by an individualized assessment. Petitioner has received none. As indicated *supra*, Respondents did not assess Petitioner for being a danger to the community or a flight risk. Assuming *arguendo* that an Immigration Judge, and not

ICE is in a position to make such an assessment, the Immigration Judge at the El Paso Immigration Court should have made such finding. However, Petitioner's bond was denied by miscategorizing him as an "applicant for admission", 3 and a half years after his entry into the U.S.

51. His continued detention therefore violates the INA.

Iv. Habeas Corpus is the proper and only available remedy

52. Habeas relief is appropriate where detention violates statutory or constitutional law.

53. Because Respondents are continuing to detain the Petitioner without justified cause, a habeas is an only available remedy.

54. ICE's policy, and the following precedents by the BIA have severely restrained the immigration courts, and stripped them off their power to grant a discretionary bond determination where an Immigration Judge deems appropriate. In practice, two most recent BIA precedents take away the immigration court's discretionary power to grant discretionary bonds to *all* noncitizens but for few exceptions as put in place by *Matter of Q-Li*, 29 I&N Dec. 66 (BIA 2025), and *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025)

CAUSE OF ACTION

COUNT I

PROCEDURAL DUE PROCESS VIOLATION UNDER THE FIFTH AMENDMENT

55. ICE's arrest and detention of Petitioner at a routine check-in, or a disguised Credible Fear Interview appointment without any pre-deprivation hearing or individualized determination, violated the procedural due process protections of the Fifth Amendment.

56. Under the *Mathews v. Eldridge*, 424 U.S. 319 (1976), balancing test—applied repeatedly by the Third Circuit—Petitioner's strong liberty interest, the minimal risk of flight, and

the Government's ability to provide notice and hearing make the absence of process unconstitutional.

57. Courts in this Circuit have found similar abrupt detentions unlawful. See *Ali v. Gonzales*, 440 F.3d 678, 681–82 (5th Cir. 2006) (ordering release or bond hearing after prolonged detention without individualized review).

COUNT II

SUBSTANTIAL DUE PROCESS VIOLATION UNDER THE FIFTH AMENDMENT

58. The Fifth Amendment also prohibits arbitrary or conscience-shocking government conduct. Detaining a fully compliant, non-dangerous asylum seeker without cause after years of cooperation is arbitrary, irrational, and unconstitutional.

COUNT III

UNREASONABLE DETENTION UNDER 8 U.S.C. § 1226(A) AND FIFTH CIRCUIT

PRECEDENT

59. Detention under 8 U.S.C. § 1226(a) becomes unconstitutional when it ceases to be reasonably related to its permissible purposes—ensuring appearance and protecting the community—and instead becomes “unreasonably prolonged.” While the Fifth Circuit has not adopted a rigid time limit, it has recognized that § 1226(a) detention must remain reasonable in duration and individualized, and that prolonged confinement without a meaningful, bond-type hearing raises serious due process problems. See *Hernandez v. Cremer*, 913 F.2d 230, 237 (5th Cir. 1990) (immigration detention must bear a “reasonable relation” to its purpose); *Zadvydas*, 533 U.S. 678, 690 (2001) (civil immigration detention is constitutional only so long as it remains reasonably necessary to fulfill its purposes); *Diaz v. Sec’y of DHS*, 965 F.3d 390, 396–97 (5th Cir. 2020) (recognizing due process limits in immigration custody). Under § 1226(a), prolonged

detention without a constitutionally adequate, individualized determination of flight risk and danger violates the Fifth Amendment.

60. ICE's re-detention of Petitioner—after years of compliance and without a risk determination—exceeds those constitutional limits and violates § 1226(a).

PRAYER FOR RELIEF

WHEREFORE, Mr. Singh, through counsel, prays that this Court grant the following relief:

1. Assume jurisdiction over this matter;
2. Enjoin Respondents from transferring the Petitioner outside of the jurisdiction of this District Court;
3. Issue a writ of habeas corpus compelling and directing the Respondents to effectuate release of the Petitioner from detention within 14 days, or in the alternative;
4. Issue a writ of habeas corpus compelling the El Paso Immigration Court conduct Petitioner's custody determination under the guidelines of *Maldonado- Bautista* wherein Respondents bear the burden of demonstrating Petitioner to be ineligible for bond due to his being a danger to the community or flight risk.
5. Award the Petitioner attorneys' fees and costs under the Equal Access to Justice Act ("EAJA") as amended, 5 U.S.C. § 504 and 28 U.S.C. § 2412, or any other basis such justified under law; and
6. Grant any other further relief that the Court may deem fit and proper.

Dated: December 8, 2025

New York, New York

Via CMF/ECF

Respectfully Submitted,

/s/ Dalbir Singh, Esq.
Dalbir Singh & Associates, P.C.
Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of December 2025, I served a true and correct copy of the foregoing **Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241** on all Respondents by delivering it via CM/ECF and causing a true copy of the document by mail to the U.S. Attorney's Office, El Paso, TX.

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