

Bhatnagar Law Office
Nikhil Bhatnagar (*Primary*)
Michael D. Blackburn (*Non-Primary*)
84 W Santa Clara St, Suite 560
San Jose, CA 95113
Ph: 408-564-8051

DETAINED

Attorneys for Respondent

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

HARJEET SINGH

Case No.: 1:25-CV-01932

MOTION FOR RESTRAINING ORDER

Petitioner

Kristi Noem, Secretary of the

Kristi Noem, Secretary of the
Department of Homeland Security.

Department of Homeland Security,
Pamela Bondi, Attorney General of the

United States, Ernesto M. Santacruz Jr.

United States, Ernesto M. Santacruz Jr.,
Acting Director of the ICF Field

Acting Director of the ICE Field
Office Christopher Chestnut

Office, Christopher Chestnut
Warden of the Detention Center

Warden of the Detention Center

MOTION FOR TEMPORARY RESTRAINING ORDER

e. The purpose for detention would presumably be to protect the community from any danger, and to ensure Plaintiff shows up for his asylum hearing. Given that Plaintiff was not even charged with any crime, there is no reason to believe that he would be any danger to the community. As for ensuring Plaintiff attends the asylum hearing, there is no reason to believe that he would not actively participate in said hearing. Plaintiff has long maintained that he has a valid, timely claim for asylum and withholding of removal. Additionally, Plaintiff has strong roots in the community, in addition to a wife and daughter who are both United States Citizens. There is absolutely no

1 reason to believe that Plaintiff would be a flight risk, and so holding him, therefore, does not
2 “bear[] a reasonable relation to [its] purpose.” *Id.*

3 While the Plaintiff meets the stricter Ninth Circuit standard set in *Hernandez*, he also satisfies the
4 final two *Winter* factors for injunctive relief.

5 The balance of hardships and public interest factors of *Winter*—“merge when the Government is
6 the opposing party.” *Nken v. Holder*, 556 U.S. 418, 435 (2009); *Drakes Bay Oyster Co. v. Jewell*,
7 747 F.3d 1073, 1092 (9th Cir. 2014). Here, as previously mentioned, Plaintiff faces unfair
8 incarceration without charges, and is unable to earn an income or be with his family. These all
9 present significant hardships. Defendants, by contrast, face little to no hardship.

10 Even if the Defendants argue that there are costs associated with releasing Plaintiff, Courts have
11 recognized that serious harm to the person incarcerated must outweigh harm to the government in
12 the form of minor administrative costs associated with ensuring individuals’ rights are protected.
13 See, e.g., *Hernandez* at 95-96 ; *Lopez v. Heckler*, 713 F.2d 1432, 1437 (9th Cir. 1983) (“Society’s
14 interest lies on the side of affording fair procedures to all persons, even though the expenditure of
15 governmental funds is required.”)

16 There is minimal to no cost to the Defendants if the court grants relief to the Plaintiff. “[T]he
17 balance of hardships tips decidedly in plaintiffs’ favor” when “[f]aced with such a conflict
18 between financial concerns and preventable human suffering.” *Hernandez v. Sessions*, at 996
19 (quoting *Lopez v. Heckler*, 713 F.2d 1432, 1437 (9th Cir. 1983)).

20 Moreover, Defendants “cannot suffer harm from an injunction that merely ends an
21 unlawful practice” *Rodriguez v. Robbins*, 715 F.3d 1127, 1145 (9th Cir. 2013). The public
22 interest is served by the faithful execution of the immigration laws, and that interest includes
23 respect for protections Congress has enacted and to which the United States has committed itself
24 by treaty. *Tesfamichael v. Gonzales*, 411 F.3d 169, 178 (5th Cir. 2005) (recognizing “the public
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1 interest in having the immigration laws applied correctly and evenhandedly”); *Leiva-Perez v.*
2 *Holder*, 640 F.3d 962, 971 (9th Cir. 2011) (noting “the public’s interest in ensuring that we do not
3 deliver [noncitizens] into the hands of their persecutors”); *Lujan v. Defs. of Wildlife*, 504 U.S.
4 555, 576 (1992) (discussing “the public interest in Government observance of the Constitution
5 and laws”).
6

7 **V. CONCLUSION**
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9 For the foregoing reasons, Plaintiff requests that the Court grant preliminary injunctive relief,
10 enjoining Defendants from incarcerating Plaintiff without criminal charges prior to his asylum
11 hearing, and ordering Defendants to immediately release Plaintiff on a reasonable bond.
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14 Respectfully Submitted,

BHATNAGAR LAW OFFICE
Attorneys for Respondent

/s/ Nikhil Bhatnagar /s/
Nikhil Bhatnagar
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