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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

HARJEET SINGH,

Petitioner,

v.

CHRISTOPHER CHESTNUT, et. al.,

Respondents.

CASE NO. 1:25-CV-1932-DAD-EFB

**RESPONSE TO MOTION FOR RESTRAINING
ORDER AND HABEAS PETITION**

I. INTRODUCTION

Petitioner had a bond review hearing four and a half months ago. The immigration judge denied bond, finding Petitioner to be a danger. There is no new evidence that has emerged since then that would warrant reopening the bond proceeding. For these reasons, Petitioner is not entitled to another bond hearing at this time.¹

II. BACKGROUND

Petitioner is a native and citizen of India. ECF 8-3 at ¶ 1. He entered the United States without inspection on or about May 10, 2016. ECF 8 at 4:4. On June 7, 2016, Petitioner was given a Notice to Appear. ECF 9 at 2. He was charged and subject to removal under INA § 212(a)(7)(A)(i)(I), for being an immigrant who entered the United States without a valid immigration visa, reentry permit, border

¹ While Petitioner has been provided due process under Section 1226 with a bond hearing, and thus the matter can be decided under that analysis, Respondent also asserts that Respondent's detention is mandatory under Section 1225(b) because he is an "applicant for admission" within the meaning of 8 U.S.C. § 1225(a).

crossing identification card, or other valid entry document and that he was not admitted or paroled after inspection by an immigration officer. *Id.* On June 27, 2016, Petitioner was released on a \$11,000 bond. *Id.* at 90.

On July 15, 2025, Petitioner was arrested in Kern County, California for the offense of (1) 422 PC-F, Threaten Crime with intent to Terrorize and (2) 182(A)(1) PC-F, Conspiracy: Commit Crime (Case No.: 2025-00087281). *Id.* at 5. On July 22, 2025, Petitioner was taken into custody by an ICE officer. ECF 8 at 5:10-11. The officer Field Case Reports were all prepared on July 15, 2025, and reviewed between July 16, 2025, and July 30, 2025. The arrest record supplied by Petitioner was printed on July 30, 2025. ECF 9 at 8-32.

Petitioner applied for a reconsideration of bond pursuant to 8 C.F.R. § 1236. Subsequently, a bond hearing was conducted on August 21, 2025, before an immigration judge. *Id.* at 42. The sole ground cited by the immigration judge for the denial of Petitioner's request for bond was "Danger. Respondent facing charges of making threats and gave me a wildly implausible version of events." *Id.* The deadline to appeal the order denying bond was September 22, 2025. *Id.* at 43.

Petitioner's next hearing date before an immigration judge is March 5, 2026. *Id.* at 40.

III. ARGUMENT

A. Legal standard for a temporary restraining order

The standard governing the issuing of a temporary restraining order is "substantially identical" to the standard for issuing a preliminary injunction. *Stuhlberg Int'l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001). Preliminary injunctions are extraordinary remedies "never awarded as of right." *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008) (citation omitted). "[P]laintiffs seeking a preliminary injunction face a difficult task in proving that they are entitled to this extraordinary remedy." *Earth Island Inst. v. Carlton*, 626 F.3d 462, 469 (9th Cir. 2010) (internal quotation omitted). Petitioner's burden is aptly described as "heavy." *Id.* A preliminary injunction requires "substantial proof" and a "clear showing." *Mazurek v. Armstrong*, 520 U.S. 968, 972 (1997).

"A plaintiff seeking a preliminary injunction must show that: (1) she is likely to succeed on the merits, (2) she is likely to suffer irreparable harm in the absence of preliminary relief, (3) the balance of equities tips in her favor, and (4) an injunction is in the public interest." *Garcia v. Google, Inc.*, 786 F.3d

733, 740 (9th Cir. 2015). Alternatively, a plaintiff can show “serious questions going to the merits and the balance of hardships tips sharply towards [plaintiff], as long as the second and third ... factors are satisfied.” *Disney Enters., Inc. v. VidAngel, Inc.*, 869 F.3d 848, 856 (9th Cir. 2017).

B. Petitioner is unlikely to succeed on the merits.

Petitioner makes two arguments: first, that Respondent has denied Petitioner a substantive bond hearing because of its position that Petitioner’s detention is mandatory under 8 U.S.C. § 1225(b); and second, that there has been a change in circumstances since the August 21st bond hearing that warrants reopening of the bond proceeding. ECF 8 at 5:23-25, and ECF 8 at 7:16-26. Neither argument is likely to succeed.

1. Petitioner had a substantive bond review hearing on August 21, 2025, and is not entitled to another one.

First, Petitioner was granted a substantive bond review hearing conducted by an immigration judge on August 21, 2025. ECF 9 at 42. While Petitioner asserts that bond was denied for “lack of jurisdiction,” Petitioner has provided no evidence to support this. The order entered by the immigration judge cites only one ground for denial, and it is a substantive one: “Danger. Respondent facing charges of making threats and gave me a wildly implausible version of events.” ECF 9 at 42. Thus, the immigration judge considered the Petitioner’s testimony, found it not credible, and denied the bond request on the grounds that Petitioner poses a danger. The basis for the immigration judge’s ruling was thus substantive and not procedural.

2. Petitioner has presented no new evidence that were not known or available to Petitioner prior to the August 21, 2025, bond hearing.

Petitioner asserts that the arrest report (Petitioner’s Exhibit B) is new evidence that warrants reopening of the bond proceedings. However, the report merely summarizes the facts that occurred on July 15, 2025, of which Petitioner already knew. Further, the report was printed on July 30, 2025, prior to the August 21st hearing date and the September 22nd deadline to appeal the order. Finally, the fact that only one individual has been charged does not mean further charges are not forthcoming. The case is still fresh, the events having occurred less than six months ago. Indeed, the immigration judge specifically noted that Petitioner’s version of the events on that date was not credible.

C. Petitioner has not established irreparable harm.

While the Ninth Circuit has recognized that “[a]n alleged constitutional infringement will often alone constitute irreparable harm,” *Goldie’s Bookstore, Inc. v. Superior Court*, 739 F.2d 466, 472 (9th Cir. 1984), the Court should not apply the presumption where, as here, a plaintiff fails to demonstrate “a sufficient likelihood of success on the merits of its constitutional claims to warrant the grant of a preliminary injunction.” *Assoc’d Gen. Contractors of Cal., Inc. v. Coal for Econ. Equity*, 950 F.2d 1401, 1412 (9th Cir.1991)). The immigration judge’s August 21st order denying Petitioner’s bond request was lawful and was entered after a careful consideration of the facts. Petitioner has not provided sufficient evidence to demonstrate a change in facts or circumstances since then.

D. The balance of equities and the public interest favors the government.

It is well settled that the public interest in enforcement of the United States’s immigration laws is significant. *See, e.g., United States v. Martinez-Fuerte*, 428 U.S. 543, 556–58 (1976); *Blackie’s House of Beef, Inc. v. Castillo*, 659 F.2d 1211, 1221 (D.C. Cir. 1981) (“The Supreme Court has recognized that the public interest in enforcement of the immigration laws is significant.”) (citing cases); *see also Nken v. Holder*, 556 U.S. 418, 435 (2009) (“There is always a public interest in prompt execution of removal orders[.]”). The immigration judge found Petitioner to be a danger. Thus, the public interest outweighs Petitioner’s private interest here.

IV. CONCLUSION

Respondents respectfully request that the Court deny Petitioner’s Motion for Restraining Order and Habeas Petition.

Dated: January 2, 2025

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United States Attorney

By: /s/ Robin Tubesing
ROBIN TUBESING
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