

1 Mandeep S. Rupal (CA Bar # 279664)
2 Manish Soni (CA Bar # 356054)
3 La Firma INMIGRANTES PRIMERO
4 4740 Green River Rd., Ste. 208
5 Corona, CA 92878
6 Telephone: (951) 381 -6500
7 Facsimile: (951) 523-0950
8 mandeepsr@inmigrantesprimero.com

9 Attorney for Petitioner-Plaintiff,
10 Inderjeet Singh

11
12 UNITED STATES DISTRICT COURT
13 SOUTHERN DISTRICT OF CALIFORNIA
14

15 Inderjeet Singh, an individual,
16
17 Petitioner-Plaintiff,

18 v.

19 Patrick DIVVERS, Field Office
20 Director of San Diego Office of U.S.
21 Immigrations and Customs
22 Enforcement; U.S. Department of
23 Homeland Security; Ryan HICKS,
24 Assistant Field Office Director of ICE;
25 Todd M. LYONS, Acting Director,
26 Immigration and Customs
27 Enforcement, U.S. Department of
28 Homeland Security; Kristi NOEM, in
them Official Capacity, Secretary,
U.S. Department of Homeland
Security; Pam BONDI, in them
Official Capacity, Attorney General of
the United States; and Jeremy
CASEY, Warden, Imperial Regional
Detention Facility; and
ALL PERSONS HAVING CUSTODY
OF THE PETITIONER,

Respondents-Defendants.

Case No.: '25CV3671 JES BLM

**PETITION FOR WRIT OF HABEAS
CORPUS AND COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

Challenge to Unlawful Incarceration
Under Color of Immigration Detention
Statutes; Request for Declaratory and
Injunctive Relief

1 **I. INTRODUCTION**

2
3 1. Petitioner-Plaintiff, Inderjeet Singh (“Petitioner”), by and through his
4 undersigned counsel, hereby files this petition for writ of habeas corpus and
5 complaint for declaratory and injunctive relief to compel the U.S. Department of
6 Homeland Security (“DHS”), U.S. Immigration and Customs Enforcement
7 (“ICE”) to release them from unlawful immigration custody. Petitioner is an asylum
8 seeker who lawfully entered the United States in 2016 and has no criminal history
9 anywhere in the world.

10 2. This is an extraordinary case requiring extraordinary relief. Petitioner seeks
11 a Writ of Mandamus to compel federal immigration officials to comply with clear,
12 mandatory, nondiscretionary duties imposed by statute and the Constitution. In the
13 alternative, Petitioner seeks immediate release through a writ of habeas corpus.

14 3. Petitioner is a long-time New York resident and commercial truck driver
15 who was seized without a warrant, without probable cause, and without statutory
16 authority while lawfully present in California solely for work. He was arrested during
17 a routine commercial delivery, despite having no criminal history, no final order of
18 removal, and an active immigration case pending before the New York Immigration
19 Court.

20 4. Respondents’ actions represent a cascading series of unlawful acts: a
21 warrantless seizure in violation of the Fourth Amendment; an arrest exceeding the
22 statutory limits of 8 U.S.C. § 1357(a)(2); an ultra vires attempt by CBP to issue Form
23 I-275 despite EOIR’s long-standing jurisdiction; and the arbitrary re-detention of
24 Petitioner without revoking his existing bond or providing any pre-deprivation
25 hearing.

26 5. These violations are ongoing. Petitioner remains detained today solely
27 because Respondents have refused to correct their unlawful conduct. No
28 administrative mechanism exists to remedy these violations. Mandamus is therefore

1 warranted to compel Respondents to act within the law.

2 II. **CUSTODY**

3 6. Petitioner is currently detained at the **Imperial Regional Detention**
4 **Facility** in Calexico, California, under the authority of ICE.

5 7. ICE asserts detention authority under **INA § 236(a), 8 U.S.C. § 1226(a)**.
6 Petitioner is not subject to mandatory detention under § 1226(c), has no disqualifying
7 criminal convictions, and is not subject to a final order of removal.

8 8. Petitioner's detention is therefore purely civil, non-punitive, and
9 permissible only if it complies strictly with statutory and constitutional limits.

10 III. **JURISDICTION AND VENUE**

11 9. This Court has jurisdiction under 28 U.S.C. § 1361, which grants district
12 courts authority to compel officers of the United States to perform duties owed to a
13 petitioner. Mandamus jurisdiction is proper because Petitioner seeks to enforce
14 ministerial, nondiscretionary legal duties, not to direct discretionary enforcement
15 choices.

16 10. The Court also has jurisdiction under 28 U.S.C. § 2241 because Petitioner
17 is in federal custody within this District and challenges the legality of that custody.
18 Habeas relief is sought in the alternative and in aid of the Court's mandamus
19 authority.

20 11. Additional jurisdiction exists under 28 U.S.C. § 1331, 28 U.S.C. §§ 2201–
21 2202, and the All Writs Act, 28 U.S.C. § 1651, because this case presents substantial
22 federal questions arising under the Constitution and laws of the United States.

23 12. Petitioner is detained under color of the authority of the United States, and
24 such custody is in violation of the Constitution, laws, regulations, and, or treaties of
25 the United States.

26 13. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory
27 Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651 to
28 protect Petitioner's rights under the Due Process Clause of the Fifth Amendment to

1 the United States Constitution, the Excessive Bail Clause of the Eighth Amendment,
2 and under applicable Federal law, and to issue a writ of habeas corpus for his
3 immediate release. *See generally INS v. St. Cyr*, 533 U.S. 289 (2001); *Zadvydas*
4 *v. Davis*, 533 U.S. 678 (2001).

5 14. Venue is proper in the Southern District of California because Petitioner is
6 confined here and because the immediate custodian responsible for his detention is
7 located within this District. *See Doe v. Garland*, No. 23-15361 (9th Cir. July 29,
8 2024).

9 **IV. REQUIREMENTS OF 28 U.S.C. § 2243**

10 15. The Court must grant the petition for writ of habeas corpus or issue an order
11 to show cause (“OSC”) to Respondents “forthwith,” unless the petitioner is not
12 entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require
13 Respondents to file a return “within *three days* unless for good cause additional time,
14 *not exceeding twenty days*, is allowed.” *Id.* (emphasis added).

15 16. Courts have long recognized the significance of the habeas statute in
16 protecting individuals from unlawful detention. The Great Writ has been referred to
17 as “perhaps the most important writ known to the constitutional law of England,
18 affording as it does a *swift* and imperative remedy in all cases of illegal restraint or
19 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

20 17. Habeas corpus must remain a swift remedy. Importantly, “the statute itself
21 directs courts to give petitions for habeas corpus ‘special, preferential consideration
22 to insure expeditious hearing and determination.’” *Yong v. INS*, 208 F.3d 1116, 1120
23 (9th Cir. 2000) (internal citations omitted). The Ninth Circuit warned against any
24 action creating the perception “that courts are more concerned with efficient trial
25 management than with the vindication of constitutional rights.” *Id.*

26 **V. EXHAUSTION OF ADMINISTRATIVE REMEDIES**

27 18. For habeas claims, exhaustion of administrative remedies is prudential, not
28 jurisdictional. *Hernandez*, 872 F.3d at 988. A court may waive the prudential

1 exhaustion requirement if “administrative remedies are inadequate or not
2 efficacious, pursuit of administrative remedies would be a futile gesture, irreparable
3 injury will result, or the administrative proceedings would be void.” *Id.* (quoting
4 *Laing v. Ashcroft*, 370 F.3d 994, 1000 (9th Cir. 2004) (citation and quotation marks
5 omitted)). Requiring Petitioner to exhaust administrative remedies is futile and will
6 result in irreparable injury, as every day that he remains detained causes irreparable
7 harm.

8 19. No statutory exhaustion requirements apply to Petitioner’s claim of
9 unlawful custody in violation of their due process rights, and there are no
10 administrative remedies that they needs to exhaust. See *Am.-Arab Anti-*
11 *Discrimination Comm. v. Reno*, 70 F.3d 1045, 1058 (9th Cir. 1995) (finding
12 exhaustion to be a “futile exercise because the agency does not have jurisdiction to
13 review” constitutional claims); *In re Indefinite Det. Cases*, 82 F. Supp. 2d 1098, 1099
14 (C.D. Cal. 2000) (same).

15 20. Even assuming ICE’s new custody determination were subject to review by
16 the IJ, the actual arrest and revocation of Petitioner’s release would evade any review
17 by the IJ or any other neutral arbiter. Under the current procedures, by the time
18 Petitioner appears in front of an IJ seeking redetermination of their custody status,
19 the IJ would only be considering whether they have carried the burden to show that
20 a bond must be granted. *Matter of Guerra*, 24 I&N Dec. 37, 40 (BIA 2006). The IJ
21 would not be considering whether ICE’s arrest was, in fact, lawful. See 8 C.F.R. §
22 236.1(c)(9). If, on the other hand, Petitioner is ordered released until they receive a
23 pre-deprivation hearing before a neutral adjudicator, it would allow a neutral
24 adjudicator to either affirm their release or set a bond without any revocation of their
25 existing release.

26 VI. PARTIES

27 21. Petitioner is an asylum seeker from India, and Petitioner does not have any
28 criminal history anywhere in the world. Petitioner is currently in ICE custody and at

1 the Imperial Detention Center in Calexico, CA.

2 22. Respondent Patrick DIVVERS is the Acting Field Office Director of ICE
3 in San Diego, California, and is named in his official capacity. ICE is the component
4 of the DHS that is responsible for detaining and removing noncitizens according to
5 immigration law and oversees custody determinations. In his official capacity, he is
6 the legal custodian of Petitioners.

7 23. Respondent Ryan HICKS is the Assistant Field Office Director of ICE and
8 is named in his official capacity. Among other things, ICE is responsible for
9 administering and enforcing immigration laws, including the removal of noncitizens.
10 In his official capacity, he is the legal custodian of Petitioners.

11 24. Respondent Todd M. LYONS is the Acting Director of ICE and is named
12 in his official capacity. Among other things, ICE is responsible for administering and
13 enforcing immigration laws, including the removal of noncitizens. In his official
14 capacity as head of ICE, he is the legal custodian of Petitioners.

15 25. Respondent Kristi NOEM is the Secretary of the DHS and is named in her
16 official capacity. DHS is the federal agency that encompasses ICE, which is
17 responsible for administering and enforcing the INA and all other laws relating to the
18 immigration of noncitizens. In her capacity as Secretary, Respondent Noem has
19 responsibility for the administration and enforcement of the immigration and
20 naturalization laws pursuant to section 402 of the Homeland Security Act of 2002,
21 107 Pub. L. No. 296, 116 Stat. 2135 (Nov. 25, 2002); see also 8 U.S.C. § 1103(a).
22 Respondent Noem is the ultimate legal custodian of Petitioners.

23 26. Respondent Pam BONDI is the Attorney General of the United States and
24 the most senior official in the U.S. Department of Justice (DOJ) and is named in that
25 official capacity. She has the authority to interpret immigration laws and adjudicate
26 removal cases. The Attorney General delegates this responsibility to the EOIR, which
27 administers the immigration courts and the BIA.

28 27. Respondent, Jeremy CASEY, is the warden of Imperial Regional Detention

1 Center, where Petitioner is detained. He oversees the day-to-day operations at the
2 detention and acts at the Direction of Respondents Lyons, Noem, and Hicks. He is a
3 custodian of Petitioners and is named in their official capacity.

4 **VII. FACTUAL BACKGROUND**

5 28. Petitioner has lived in New York since 2016, where he works as a licensed
6 commercial truck driver. His employment requires interstate travel, which he has
7 conducted lawfully and transparently for years.

8 29. Petitioner entered the United States without inspection on or about April 8,
9 2016, fleeing persecution in his own country of origin. Upon entry, he was placed in
10 immigration custody and detained for approximately 1 month.

11 30. In 2016, an Immigration Judge ordered Petitioner released on an
12 immigration bond of \$25,000, which was paid, and Petitioner was released.

13 31. In 2016, DHS placed Petitioner into § 240 removal proceedings before
14 EOIR in the New York Immigration Court.

15 32. That bond has never been revoked, modified, or rescinded.

16 33. Petitioner has fully complied with all immigration obligations. He has
17 appeared at required hearings, maintained a stable address, worked lawfully, and
18 always remained available to immigration authorities.

19 34. On December 11, 2025, Petitioner was lawfully operating a commercial
20 vehicle in Fontana, California.

21 35. He stopped at a travel plaza to refuel his truck and get something to eat.

22 36. While at the travel plaza, Petitioner was approached by two individual in
23 plain clothes.

24 37. These individuals identified themselves as ICE officers.

25 38. They demanded Petitioner's identification and valid employment
26 authorization.

27 39. Petitioner presented the requested documents.

28 40. The ICE Officer took pictures of Petitioner's documents and began

1 communicating with someone on the phone.

2 41. After finishing their phone conversation, the ICE Officers seized Petitioner.

3 42. Petitioner was not presented with any judicial or administrative warrant.

4 43. The ICE Officers did not allege any criminal conduct, nor did they identify
5 any exigent circumstances justifying Petitioner's detention.

6 44. There was no probable cause.

7 45. Without identifying any lawful basis, without a warrant, and without
8 articulating any reasonable suspicion or probable cause, ICE agents opened the truck
9 door, asserted authority, and seized Petitioner.

10 46. ICE did not possess a warrant. ICE did not have probable cause. ICE did
11 not have reason to believe Petitioner would flee before a warrant could be obtained.
12 The arrest, therefore, failed to satisfy the strict prerequisites of 8 U.S.C. § 1357(a)(2).

13 47. Following the arrest, CBP, not ICE, issued a Form I-275, purporting to
14 withdraw Petitioner's application for admission. At that time, Petitioner had been in
15 EOIR proceedings for nearly a decade.

16 48. CBP had no jurisdiction to issue Form I-275 to Petitioner. EOIR alone had
17 authority over his case. CBP's action directly interfered with the Immigration Court's
18 jurisdiction.

19 49. Petitioner did not understand the document he was asked to sign. He was
20 in custody, isolated, without an interpreter, and under coercive circumstances. Any
21 purported "waiver" was not knowing, voluntary, or intelligent.

22 50. ICE then detained Petitioner without revoking his bond, without issuing
23 notice, and without providing any hearing. Petitioner remains detained solely because
24 of Respondents' unlawful actions.

25 51. Only after his seizure was Petitioner presented with documents titled
26 "Notice of Violation and Order Under the Immigration and Nationality Act" and
27 Notice of Fee Assessment under 8 U.S.C §1815.

28 52. These notices were issued without prior notice, without hearing, without

1 any opportunity to contest their factual or legal basis.

2 53. Petitioner was then transferred to the Imperial Regional Detention Facility
3 in Calexico, California, where he remains detained.

4 54. ICE has not identified any “changed circumstances” justifying re-detention.

5 **VIII. LEGAL STANDARD FOR MANDAMUS**

6 55. Mandamus is appropriate where: (1) the petitioner has a clear right to
7 relief; (2) the respondent has a clear duty to act; and (3) no other adequate remedy
8 exists. *Heckler v. Ringer*, 466 U.S. 602, 616 (1984).

9 56. Mandamus does not require a showing of bad faith or malice. It requires
10 only a showing that federal officers are refusing to comply with the law.

11 57. Courts routinely grant mandamus where executive officials exceed
12 statutory authority, violate constitutional limits, or fail to perform mandatory legal
13 duties.

14 **IX. RESPONDENTS VIOLATED CLEAR, NONDISCRETIONARY**
15 **DUTIES**

16 **a. Duty to Comply with 8 U.S.C. § 1357(a)(2)**

17 58. Congress strictly limited ICE’s authority to conduct warrantless arrests.
18 ICE may arrest without a warrant only where probable cause exists and where the
19 officer reasonably believes the individual is likely to escape before a warrant can be
20 obtained.

21 59. These requirements are mandatory, not discretionary. ICE cannot bypass
22 them for convenience or efficiency.

23 60. ICE arrested Petitioner without satisfying either requirement. This failure
24 renders the arrest unlawful under the INA and unconstitutional under the Fourth
25 Amendment. *Gonzalez v. ICE*, 975 F.3d 788 (9th Cir. 2020).

26 **b. Duty to Respect Fourth Amendment Limits**

27 61. The Fourth Amendment applies fully to civil immigration enforcement.

28 62. Immigration officers may not seize individuals without reasonable

1 suspicion. *United States v. Brignoni-Ponce*, 422 U.S. 873 (1975).

2 63. A seizure occurs when officers restrain liberty through physical force or a
3 show of authority. *INS v. Delgado*, 466 U.S. 210 (1984).

4 64. ICE violated both principles when agents opened Petitioner's truck door
5 and restrained him without lawful justification.

6 **c. Duty to Respect EOIR Jurisdiction**

7 65. DHS agencies may not act outside the authority Congress has granted.
8 *Nadarajah v. Gonzales*, 443 F.3d 1069 (9th Cir. 2006).

9 66. Once EOIR assumes jurisdiction in § 240 proceedings, CBP lacks
10 authority to treat the individual as an arriving alien or issue Form I-275.

11 67. CBP's action here was ultra vires, void, and unlawful.

12 **d. Duty to Ensure Waivers Are Knowing and Voluntary**

13 68. Due process prohibits the government from relying on signatures obtained
14 through coercion, misunderstanding, or lack of interpretation. *Singh v. INS*, 213 F.3d
15 1050 (9th Cir. 2000).

16 69. Petitioner's signature on Form I-275 obtained while detained, confused,
17 and without advisal is constitutionally invalid.

18 **e. Duty to Revoke Bond Before Re-Detention**

19 70. ICE may not re-detain a person released on bond without formally
20 revoking that bond through required procedures. *Costa v. Sessions*, 857 F.3d 1229
21 (11th Cir. 2017).

22 71. ICE never revoked Petitioner's bond. The re-detention is therefore
23 unlawful.

24 **f. Duty to Provide a Hearing Prior to Incarceration**

25 72. ICE's authority to re-arrest a person previously released is legally
26 constrained; absent a material change, ICE may not simply re-detain. Civil detention
27 in the United States is the exception, not the rule. Even when civil detention is
28 permitted by statute or regulation, it must comply with fundamental constitutional

1 limits. Although the INA and regulations include language that can be read broadly
2 authorizing ICE to revoke release and re-arrest a noncitizen “at any time,” 8 U.S.C.
3 § 1226(b); 8 C.F.R. § 236.1(c)(9); that language does not grant unreviewable or
4 standardless power to re-imprison people who have already been released into the
5 community.

6 73. The Board of Immigration Appeals has long recognized an implicit
7 limitation on ICE’s authority: where a person has been released, ICE may not re-
8 arrest absent a change in circumstances. *Matter of Sugay*, 17 I&N Dec. 637, 640 (BIA
9 1981). Consistent with that principle, courts have treated any change as requiring a
10 material change in circumstances. See, e.g., *Saravia v. Sessions*, 280 F. Supp. 3d
11 1168, 1197 (N.D. Cal. 2017). The Ninth Circuit has likewise assumed that under
12 *Sugay*, ICE lacks authority to re-detain absent changed circumstances. *Panosyan v.*
13 *Barr*, 854 F. App’x 788, 788 (9th Cir. 2021) (“Thus, absent changed circumstances
14 ... ICE cannot redetain [petitioner].”).

15 74. These constraints apply squarely here. Mr. Singh has been in removal
16 proceedings in New York since 2016 and was released on bond. He has lived openly
17 in New York, worked as a commercial truck driver, maintained a stable residence,
18 and remained available to EOIR and DHS. Respondents cannot identify any material
19 change that would justify abruptly incarcerating him while he was temporarily
20 present in California solely to perform lawful employment. The record instead
21 reflects a sudden, unilateral incarceration decision without the predicate legal
22 showing required by *Sugay* and its progeny.

23 75. Since Mr. Singh had a protected liberty interest in remaining free, Due
24 Process required notice and a hearing before ICE re-incarcerated him. The
25 Government’s authority to unilaterally arrest and incarcerate a previously released
26 noncitizen is proscribed by the Due Process Clause. The Supreme Court has long
27 held that noncitizens are entitled to due process in immigration proceedings. *Reno v.*
28 *Flores*, 507 U.S. 292, 306 (1993). And it is equally settled that “[f]reedom from

1 imprisonment—from government custody, detention, or other forms of physical
2 restraint lies at the heart of the liberty that [the Due Process] Clause protects.”
3 *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

4 76. Once Mr. Singh was released on bond and lived in the community for years,
5 he possessed a protected liberty interest in remaining out of custody. That liberty
6 interest is not theoretical: it is the real-world ability to live at home, work, support
7 family, and comply with immigration proceedings from liberty rather than
8 incarceration. *Zadvydas*, 533 U.S. at 690. Terminating that liberty by re-incarceration
9 inflicts a grave loss on the detainee and those who depend on him particularly where,
10 as here, Mr. Singh’s detention strips him of his livelihood as a professional truck
11 driver and separates him from his home, community, and counsel in New York.

12 77. Where pre-deprivation process is feasible (as it was here), the Constitution
13 ordinarily requires a hearing before incarceration. The Supreme Court has
14 emphasized that it “usually has held that the Constitution requires some kind of a
15 hearing before the State deprives a person of liberty or property.” *Zinerman v. Burch*,
16 494 U.S. 113, 127 (1990) (emphasis in original). Only in narrow “special case”
17 circumstances where pre-deprivation safeguards are impossible or of negligible value
18 may post-deprivation process suffice. *Id.* at 129. That exception does not apply here.

19 78. A pre-deprivation hearing was plainly feasible in Mr. Singh’s case. He was
20 not apprehended in exigent circumstances, was not charged with any crime, and there
21 was no emergency requiring immediate imprisonment without process. He is a stable
22 New York resident with longstanding immigration proceedings already pending.
23 Respondents could have provided notice and an opportunity to be heard before a
24 neutral decisionmaker prior to incarceration. Instead, Respondents chose the most
25 constitutionally suspect path: immediate imprisonment first, process later (if ever).

26 79. Under the balancing test of *Mathews v. Eldridge*, due process required pre-
27 deprivation safeguards here. 424 U.S. 319, 335 (1976). Mr. Singh’s private interest
28 in freedom from physical restraint is profound. The risk of erroneous deprivation is

1 high where ICE acts unilaterally without neutral review. And the Government's
2 administrative burden to provide a prompt hearing is minimal particularly where the
3 Government already operates custody redetermination processes and bond
4 procedures as a matter of routine.

5 80. Ninth Circuit authority recognizes that the more important the liberty
6 interest and the greater the harm from deprivation, the more robust the procedural
7 safeguards must be. *Haygood v. Younger*, 769 F.2d 1350, 1355–56 (9th Cir. 1985)
8 (en banc). The question here is not whether the Government can ever detain a
9 noncitizen; it is whether it may re-imprison a person previously released without first
10 providing constitutionally adequate process. On these facts, it may not.

11 81. Courts repeatedly recognize that due process requires a pre-deprivation
12 hearing before ICE re-detains someone who has been living on bond or conditional
13 release. Federal courts, including courts throughout California, have repeatedly
14 recognized that when ICE seeks to revoke a noncitizen's release and re-detain them,
15 due process requires notice and a pre-deprivation hearing before re-incarceration
16 especially where the Government cannot show a material change in circumstances.
17 See, e.g., *Meza v. Bonnar*, 2018 WL 2554572 (N.D. Cal. June 4, 2018); *Ortega v.*
18 *Bonnar*, 415 F. Supp. 3d 963 (N.D. Cal. 2019); *Vargas v. Jennings*, 2020 WL
19 5074312, at *3 (N.D. Cal. Aug. 23, 2020); *Jorge M. F. v. Wilkinson*, 2021 WL
20 783561, at *2 (N.D. Cal. Mar. 1, 2021); *Romero v. Kaiser*, 2022 WL 1443250, at *3–
21 4 (N.D. Cal. May 6, 2022); and the more recent line of 2025 decisions recognizing
22 the same constitutional requirement.

23 82. The principle underlying those decisions applies with particular force here.
24 Mr. Singh was not arrested after committing a crime, violating bond conditions,
25 missing court, or presenting any individualized evidence of danger or flight risk. He
26 was instead arrested while working temporarily in California, despite having
27 longstanding immigration proceedings in New York and established ties. That
28 context underscores the risk of arbitrary detention and highlights why pre-deprivation

1 process is constitutionally required.

2 83. Respondents provided Mr. Singh no notice, no statement of changed
3 circumstances, and no opportunity to contest his re-incarceration before a neutral
4 adjudicator. They did not first pursue any process to revoke bond or modify custody
5 conditions, despite having ample ability to do so. Instead, they imposed the most
6 severe restraint incarceration without the constitutionally required procedural
7 protections.

8 84. Because Respondents failed to identify any material change in
9 circumstances, failed to provide a pre-deprivation hearing, and failed to justify
10 detention as reasonably related to preventing danger or ensuring appearance, Mr.
11 Singh's detention violates the Due Process Clause. See *Zadvydas*, 533 U.S. at 690–
12 91 (civil detention must be tied to permissible purposes and cannot be punitive or
13 arbitrary).

14 85. Relief is warranted ordering Mr. Singh's immediate release and prohibiting
15 any future re-detention absent (i) a showing of a material change in circumstances,
16 and (ii) a constitutionally adequate hearing before a neutral decisionmaker.

17 **X. NO ADEQUATE ALTERNATIVE REMEDY EXISTS**

18 86. There is no administrative process to undo an unlawful warrantless arrest,
19 void an ultra vires CBP action, or compel ICE to reinstate bond.

20 87. Immigration court lacks jurisdiction to address these constitutional and
21 statutory violations.

22 88. Each day of detention inflicts irreparable harm. Mandamus is the only
23 adequate remedy.

24 **XI. CONSTITUTIONAL VIOLATIONS**

25 89. Respondents' conduct violates the Fourth Amendment, Fifth Amendment,
26 and the INA.

27 90. Civil detention that is not authorized by statute or reasonably related to
28 lawful purposes is unconstitutional. *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Clark*

1 v. *Martinez*, 543 U.S. 371 (2005).

2 **XII. CLAIMS FOR RELIEF**

3 **Count I – Writ of Mandamus (28 U.S.C. § 1361)**

4 91. Mandamus relief is appropriate where a petitioner demonstrates (1) a clear
5 and indisputable right to relief, (2) a clear, ministerial, and nondiscretionary duty
6 owed by the respondent, and (3) the absence of any other adequate remedy. *Heckler*
7 v. *Ringer*, 466 U.S. 602, 616 (1984).

8 92. Each of these elements is satisfied here. Petitioner does not seek to direct
9 discretionary enforcement priorities or prosecutorial judgment. Rather, Petitioner
10 seeks to compel Respondents to comply with mandatory statutory and constitutional
11 constraints that leave no room for discretion.

12 93. First, Respondents had a nondiscretionary duty to comply with 8 U.S.C. §
13 1357(a)(2), which strictly limits ICE’s authority to conduct warrantless arrests. That
14 statute requires both probable cause and a reasonable belief that the individual is
15 likely to escape before a warrant can be obtained. Respondents failed to satisfy either
16 requirement.

17 94. Second, Respondents had a nondiscretionary duty to comply with the
18 Fourth Amendment, which prohibits suspicionless seizures and requires
19 individualized justification for any restraint on liberty. Supreme Court and Ninth
20 Circuit precedent make clear that immigration officers are not exempt from these
21 constitutional limits.

22 95. Third, Respondents had a nondiscretionary duty to respect the jurisdiction
23 of the Immigration Court once Petitioner was placed into § 240 removal proceedings
24 in 2016. CBP’s issuance of Form I-275—purporting to withdraw an application for
25 admission—was ultra vires and directly interfered with EOIR’s exclusive
26 jurisdiction.

27 96. Fourth, Respondents had a nondiscretionary duty to follow bond revocation
28 procedures before re-detaining Petitioner. ICE cannot lawfully re-incarcerate a

1 person previously released on bond without first revoking that bond through
2 prescribed procedures and providing notice.

3 97. Petitioner has a clear right to be free from unlawful detention and to have
4 these mandatory legal constraints enforced. Respondents' refusal to correct these
5 violations is ongoing.

6 98. No other adequate remedy exists. Immigration court lacks jurisdiction to
7 adjudicate Fourth Amendment violations, ultra vires agency action, or to compel ICE
8 to reinstate bond or vacate an unlawful arrest. Administrative remedies are
9 nonexistent or futile.

10 99. Because Respondents continue to violate mandatory duties and because
11 Petitioner remains unlawfully detained, mandamus is necessary and appropriate to
12 compel compliance with the law.

13 **Count II – Habeas Corpus (28 U.S.C. § 2241)**

14 100. In the alternative, Petitioner seeks relief through a writ of habeas corpus
15 because he is “in custody in violation of the Constitution or laws or treaties of the
16 United States.” 28 U.S.C. § 2241(c)(3).

17 101. Habeas corpus is the traditional and primary mechanism by which federal
18 courts review the lawfulness of executive detention. *INS v. St. Cyr*, 533 U.S. 289,
19 301 (2001).

20 102. Petitioner's detention is unlawful for multiple independent reasons. ICE
21 lacked statutory authority to arrest Petitioner without a warrant. ICE lacked authority
22 to detain Petitioner without revoking his bond. CBP lacked authority to issue Form
23 I-275. And Petitioner was denied the procedural due process required before
24 incarceration.

25 103. Civil immigration detention is constitutional only where it is authorized by
26 statute and reasonably related to legitimate regulatory purposes such as preventing
27 flight or danger. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Petitioner's detention
28 satisfies neither requirement.

1 104. Because Petitioner is not subject to mandatory detention, has no final order
2 of removal, and is actively litigating his immigration case, there is no statutory basis
3 for continued confinement.

4 105. Habeas relief is therefore warranted to order Petitioner's immediate release
5 from custody.

6 **Count III – Declaratory Relief**

7 106. Declaratory relief is appropriate where there is an actual, ongoing
8 controversy regarding the legality of government action and where a declaration will
9 clarify the parties' legal rights and obligations.

10 107. An actual controversy exists here because Respondents continue to assert
11 authority to detain Petitioner based on an unlawful arrest, an invalid Form I-275, and
12 a nonexistent bond revocation.

13 108. A declaratory judgment is necessary to establish that:

- 14 • ICE's warrantless arrest violated 8 U.S.C. § 1357(a)(2) and the Fourth
15 Amendment;
- 16 • CBP lacked jurisdiction to issue Form I-275;
- 17 • Any purported waiver obtained from Petitioner was constitutionally
18 invalid;
- 19 • ICE may not detain Petitioner absent lawful bond revocation and due
20 process.

21 109. Declaratory relief will have immediate practical effect by preventing
22 Respondents from relying on unlawful actions as justification for continued or future
23 detention.

24 **Count III – Declaratory Relief**

25 110. Injunctive relief is appropriate where a petitioner demonstrates (1)
26 irreparable harm, (2) inadequacy of legal remedies, (3) a balance of equities in his
27 favor, and (4) that an injunction serves the public interest.

28 111. Petitioner suffers irreparable harm each day he remains detained, including

1 deprivation of liberty, loss of employment, separation from family, and emotional
2 distress. These harms cannot be remedied through monetary damages.

3 112. Legal remedies are inadequate because Respondents' violations are
4 ongoing and because no administrative process exists to halt unlawful detention or
5 prevent future re-detention.

6 113. The balance of equities strongly favors Petitioner. Respondents have no
7 legitimate interest in detaining a non-criminal individual where detention is
8 unauthorized by statute and constitutionally defective.

9 114. The public interest is served by ensuring that federal officers act within the
10 bounds of the law and that civil immigration enforcement respects constitutional
11 limits.

12 115. Injunctive relief is therefore necessary to:

- 13 • prohibit Respondents from continuing to detain Petitioner;
- 14 • prevent any future re-detention absent lawful process;
- 15 • require compliance with statutory and constitutional requirements before
16 any deprivation of liberty.

17 **XIII. PRAYER FOR RELIEF**

18 Petitioner respectfully requests that this Court:

- 19 1. Issue a Writ of Mandamus compelling Respondents to comply with federal
20 law;
- 21 2. Order Petitioner's immediate release;
- 22 3. Declare Respondents' actions unlawful and unconstitutional;
- 23 4. Enjoin future detention absent lawful process;
- 24 5. Grant any further relief the Court deems just.

25 Dated: December 18, 2025

Respectfully submitted,

26
27 /s/ Mandeep S. Rupal
Mandeep S. Rupal
28 Attorney for Petitioner

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

VERIFICATION PURSUANT TO 28 U.S.C. 2242

I am submitting this verification on behalf of the Petitioners because I am one of Petitioners’ attorneys. I have discussed with the Petitioner the events described in the Petition. Based on those discussions, I hereby verify that the factual statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Executed on this December 18, 2025, in Corona, California

/s/ Mandeep S. Rupal
Mandeep S. Rupal
Attorney for Petitioner

1 Mandeep S. Rupal (CA Bar # 279664)
2 Manish Soni (CA Bar # 356054)
3 La Firma INMIGRANTES PRIMERO
4 4740 Green River Rd., Ste. 208
5 Corona, CA 92878
6 Telephone: (951) 381 -6500
7 Facsimile: (951) 523-0950
8 mandeepsr@inmigrantesprimero.com

9 Attorney for Petitioner-Plaintiff,
10 Inderjeet Singh

11
12
13 **UNITED STATES DISTRICT COURT**
14
15 **SOUTHERN DISTRICT OF CALIFORNIA**
16

17 Inderjeet Singh, an individual,
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900
901
902
903
904
905
906
907
908
909
910
911
912
913
914
915
916
917
918
919
920
921
922
923
924
925
926
927
928
929
930
931
932
933
934
935
936
937
938
939
940
941
942
943
944
945
946
947
948
949
950
951
952
953
954
955
956
957
958
959
960
961
962
963
964
965
966
967
968
969
970
971
972
973
974
975
976
977
978
979
980
981
982
983
984
985
986
987
988
989
990
991
992
993
994
995
996
997
998
999
1000

Case No.: '25CV3671 JES BLM

**DECLARATION OF MANISH SONI
IN SUPPORT OF PETITION FOR
WRIT OF HABEAS CORPUS,
EMERGENCY EX-PARTE MOTION
FOR TEMPORARY RESTRAINING
ORDER**

Challenge to Unlawful Incarceration
Under Color of Immigration Detention
Statutes; Request for Declaratory and
Injunctive Relief

Patrick DIVVERS, Field Office
Director of San Diego Office of U.S.
Immigrations and Customs
Enforcement; U.S. Department of
Homeland Security; Ryan HICKS,
Assistant Field Office Director of ICE;
Todd M. LYONS, Acting Director,
Immigration and Customs
Enforcement, U.S. Department of
Homeland Security; Kristi NOEM, in
them Official Capacity, Secretary,
U.S. Department of Homeland
Security; Pam BONDI, in them
Official Capacity, Attorney General of
the United States; and Jeremy
CASEY, Warden, Imperial Regional
Detention Facility; and
ALL PERSONS HAVING CUSTODY
OF THE PETITIONER,

Respondents-Defendants.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I, Manish Soni, Esq., declare as follows:

1. I am an attorney licensed to practice law in the State of California. I am an associated attorney of the practitioner of record, Mandeep S. Rupal, for Petitioner Inderjeet Singh in this matter. I have personal knowledge of the facts stated herein based on my representation of Petitioner, my in-person visit with Petitioner on December 14, 2025, while he was in ICE custody, communications with Petitioner, and my review of documents and records submitted with this filing. If called as a witness, I could and would testify competently thereto.
2. Petitioner Inderjeet Singh is a citizen of India. He entered the United States in April 2016 and was initially detained at a facility in San Antonio, Texas.
3. Following his initial detention, Petitioner was released upon payment of a bond of approximately \$25,000 or \$30,000. After his release, Petitioner applied for asylum, withholding of removal, and Convention against Torture, and subsequently received employment authorization.
4. After obtaining work authorization, Petitioner worked at a store in New Jersey and later obtained a driver's license in or about 2019. Since that time, he has continued to work as a driver and has lived openly and safely in the United States.
5. I personally visited Petitioner on December 14, 2025, while he was detained in ICE custody. The information outlined in paragraphs 6 through 13 is based on statements Petitioner made to me during that visit, as corroborated by the documents submitted with this packet.
6. On the day of Petitioner's most recent arrest, Petitioner informed me that he was sleeping in his company's parking lot in Fontana, California. In the morning, between approximately 9:00 a.m. and 9:30 a.m., he traveled to the Flying Truck Stop on Slover Avenue to shower and freshen up.

- 1 7. After showering, Petitioner purchased food from Wendy's, including a
2 sandwich and orange juice, and returned to his truck while waiting. While
3 Petitioner was in his truck preparing to eat, a man wearing civilian clothing
4 arrived in a Honda Civic and knocked on the truck door.
- 5 8. According to Petitioner, the man engaged him in casual conversation and
6 then asked to see his identification. Petitioner provided his driver's license
7 and work permit. The man photographed the documents and transmitted
8 them to another person.
- 9 9. Shortly thereafter, three to four additional individuals arrived. Petitioner was
10 ordered out of his truck and arrested without being informed of his status or
11 given any opportunity to respond or clarify it.
- 12 10. Petitioner was placed in handcuffs, and officers confiscated his belongings,
13 including his cell phone and wallet. He was kept seated in a vehicle for
14 approximately two to three hours.
- 15 11. Petitioner was then transported approximately 10 to 15 minutes away from
16 the Flying Truck Stop to an unidentified location, where he was transferred
17 into a Border Patrol vehicle.
- 18 12. Petitioner was taken to a Border Patrol facility, where he was held for
19 approximately one day. He was then transported to another office, where he
20 was kept overnight while Border Patrol officers completed paperwork.
- 21 13. Over the following days, Petitioner was repeatedly moved between multiple
22 locations in closed vehicles. During this period, Petitioner was not informed
23 of where he was being taken or the basis for his continued detention, and he
24 was unable to ascertain the passage of time.
- 25 14. After being transferred between two to three locations, Petitioner was
26 ultimately placed at the Imperial Regional Detention Facility, where he
27 remains detained.
- 28 15. Based on my review of ICE records, documents submitted with this filing,

1 and my communications with Petitioner, ICE did not revoke Petitioner's
2 prior bond, did not issue a bond breach notice, and did not provide Petitioner
3 with a custody or bond hearing prior to or following his re-detention.

4 16. The facts set forth above are true and correct to the best of my knowledge
5 and form the factual basis for the Petition for Writ of Habeas Corpus and the
6 accompanying Ex Parte Application for Temporary Restraining Order.

7 17. Please see the attached exhibits for reference.

8 I declare under penalty of perjury that the foregoing statement is true and correct to
9 the best of my own personal knowledge. Executed this 18th day of December 2025
10 at Corona, California.

11
12 /s/ Manish Soni
13 Manish Soni
14 Declarant
15
16
17
18
19
20
21
22
23
24
25
26
27
28