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13 UNITED STATES DISTRICT COURT
14 SOUTHERN DISTRICT OF CALIFORNIA
15

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

19 v.

20 Patrick DIVVERS, Field Office
21 Director of San Diego Office of U.S.
22 Immigrations and Customs
23 Enforcement; U.S. Department of
24 Homeland Security; Ryan HICKS,
25 Assistant Field Office Director of ICE;
26 Todd M. LYONS, Acting Director,
27 Immigration and Customs
28 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.

Case No.: '25CV3671 JES BLM

**MOTION FOR IMMEDIATE
RELEASE OR, IN THE
ALTERNATIVE, TEMPORARY
RESTRAINING ORDER AND
PRELIMINARY INJUCTION**

1 Petitioner respectfully moves this Court for an order immediately releasing him from
2 ICE custody, or alternatively issuing a temporary restraining order and preliminary
3 injunction, pending adjudication of the Petition. Petitioner is a New York-based
4 commercial truck driver with ongoing immigration proceedings who was
5 warrantlessly arrested while lawfully performing employment duties, without
6 probable cause, without bond revocation, and without a hearing. Each day of
7 continued detention constitutes an ongoing violation of the Fourth and Fifth
8 Amendments.
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12 **MEMORANDUM OF POINTS AND AUTHORITIES**

13 (In Support of Immediate Release / TRO / PI)

14 **I. INTRODUCTION**

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16 This case concerns the unlawful civil incarceration of a noncitizen who was
17 not removable, not dangerous, not a flight risk, and not subject to mandatory
18 detention. ICE arrested Petitioner without a warrant while he was delivering freight,
19 despite his long-standing compliance with immigration proceedings in New York.
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21 **II. JURISDICTION AND AUTHORITY**

22 The petitioner has filed a petition that addresses these applicable relief and is
23 hereby incorporated into this motion. This Court has authority under:
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- 25 • 28 U.S.C. § 2241 (Habeas Corpus)
- 26 • 28 U.S.C. § 1361 (Mandamus)
- 27 • 28 U.S.C. § 1651 (All Writs Act)
- 28

- 1 • U.S. Const. amend. IV & V

2 **III. LIKELIHOOD OF SUCCESS ON THE MERITS**

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4 ICE violated 8 U.S.C. § 1357(a)(2) and the Fourth Amendment by arresting
5 Petitioner without a warrant, probable cause, or likelihood of escape.
6 *Gonzalez v. ICE*, 975 F.3d 788 (9th Cir. 2020). ICE also violated due process by re-
7 detaining Petitioner without revoking his bond or providing a hearing.
8 *Zadvydas v. Davis*, 533 U.S. 678 (2001).

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10 **IV. IRREPARABLE HARM**

11 Loss of physical liberty is irreparable harm as a matter of law.
12 *Rodriguez v. Robbins*, 715 F.3d 1127 (9th Cir. 2013).

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14 **V. BALANCE OF EQUITIES AND PUBLIC INTEREST**

15 The Government has no legitimate interest in unconstitutional detention. The
16 public interest favors compliance with statutory and constitutional limits.

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18 **V. RELIEF REQUESTED**

19 Immediate release or, alternatively, a TRO enjoining continued detention
20 absent a constitutionally compliant hearing.
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