

1 SAADIA SIDDIQUE (Atty No. IL 6275921)*
2 SIDDIQUE LAW GROUP, LLC
3 200 West Monroe St, Suite 1625
4 Chicago, Illinois 60606
5 (312) 726-9800
6 saadia@sidlawgroup.com

7 Curtis Lee Morrison (CSBN #321106)
8 RED EAGLE LAW, L.C.
9 5256 S. Mission Road, Suite 135
10 Bonsall, CA 92003
11 Phone: 714-661-3446
12 curtis@redeaglelaw.com

13 *Attorneys for Petitioner*

14 **Application for Pro Hac Vice Forthcoming*

15 UNITED STATES DISTRICT COURT
16 EASTERN DISTRICT OF CALIFORNIA

17 JASPREET S. [REDACTED]

18 Alien #: [REDACTED]

19 Petitioner,

20 v.

21 Warden, MESA VERDE DETENTION CENTER;
22 Orestes Cruz, IMMIGRATION and CUSTOMS
23 ENFORCEMENT AND REMOVAL
24 OPERATIONS SAN FRANCISCO FIELD OFFICE
25 DIRECTOR; Todd M. Lyons, ACTING
26 DIRECTOR, IMMIGRATION and CUSTOMS
27 ENFORCEMENT; Kristi Noem,
28 SECRETARY OF THE DEPARTMENT OF
HOMELAND SECURITY; Pam Bondi,
ATTORNEY GENERAL OF THE UNITED
STATES

Respondents.

Case No.

VERIFIED PETITION

EMERGENCY PETITION FOR WRIT of HABEAS CORPUS

Petitioner, JASPREET S. [REDACTED]¹, by and through his own and proper person, and through his attorney, SAADIA SIDDIQUE, of SIDDIQUE LAW GROUP, LLC, petitions this Honorable Court to

¹ On his affirmative asylum application filing, Form I-589, Petitioner lists his complete name as Jaspreet [REDACTED]. However, his name as listed by Respondents and for the purpose of this Petition

1 issue a writ of habeas corpus under 28 U.S.C. § 2241. Petitioner is challenging his unlawful arrest and
2 detention and inability to request bond contrary to 8 U.S.C. § 1226, which under certain conditions,
3 allows for release on bond during the pendency of immigration court proceedings.

4
5 Jaspreet S [REDACTED] is a citizen of India who initially entered the United States without inspection on
6 or about September 2021. He was apprehended at the border and issued a Notice and Order of Expedited
7 Removal on September 27, 2021. He was then released pursuant to an order of supervision and has
8 resided in California since this date. He filed an affirmative application for asylum with USCIS, who on
9 June 13, 2025, dismissed his application indicating that due to his expedite removal order, only an ICE
10 ERO officer could adjudicate his claim via a credible fear interview. On September 2, 2025, he appeared
11 before the San Francisco, USCIS office for his credible fear interview and was detained by ICE. On
12 September 10, 2025, he was given a positive credible fear decision and then referred to an Immigration
13 Court for removal proceedings. Mr. S [REDACTED] has no immediate family members in the United States and
14 has been working as a truck driver and filing US income tax returns in 2023 and 2024. He has no
15 criminal record or any other history of arrests in the United States.
16

17
18 Mr. S [REDACTED] was not provided any notice of his revocation of his prior order of supervision or
19 advised how he violated his order of supervision. His Notice to Appear (NTA) indicates he is “an alien
20 present in the United States who has not been admitted or paroled”. He is presently located at the Mesa
21 Verde detention center in Bakersfield, California and has been scheduled for a final removal hearing
22 date for April 6, 2026, at the Immigration court located in Bakersfield, California. Since the date of
23 filing this Petition, it is believed that Respondents have not transferred Mr. S [REDACTED] outside the jurisdiction
24 of this Court.
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is Jaspreet S [REDACTED]

1 Respondents have unlawfully arrested and detained numerous individuals throughout the United
2 States and within California, jailing them without any possibility of release and without any due process
3 protections based upon an erroneous misclassification of detention provisions as being subject to 8
4 U.S.C. § 1225, which does not allow for release on bond. Singh falls into this category of individuals
5 and is subject to continued detention during the pendency of his immigration court hearings.
6

7 Introduction

8 It is believed that S  remains detained by Immigration and Customs Enforcement (“ICE”) at the
9 ERO Mesa Verde Detention Center in Bakersfield, California. Prior to his ICE apprehension, Petitioner
10 was pursuing his application for asylum with USCIS. Since his apprehension, he has been placed in
11 removal proceedings and was initially scheduled for a detained hearing date on September 25, 2025, and
12 then continued for him to obtain an attorney. Following several subsequent hearing dates before an
13 immigration judge, he has been scheduled for a merits hearing date with the Immigration Court in
14 Bakersfield, California for April 6, 2026. He is requesting relief from removal by way of his timely-filed
15 Form I-589 application for asylum.
16

17
18 Petitioner is entitled to contest his removal hearing before an Immigration Judge, who will determine
19 his ultimate removability and his applications for relief. However, until approximately the last six
20 months, Respondents have abruptly and unlawfully reversed decades of settled immigration practice and
21 procedure where individuals in Petitioner’s situation would otherwise be entitled to release upon posting
22 an immigration bond while removal proceedings remain pending. Respondents’ continued detention of
23 Petitioner without a hearing on an immigration bond is in violation of law. *See* 8 U.S.C. § 1229a *cf.*
24 *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018) (under section 1225 proceedings individuals are
25 subject to detention without a bond hearing when encountered at “borders and ports of entry”).
26

27 As this Court is aware, numerous individuals in Petitioner’s position have challenged the
28 Respondents’ new interpretation that individuals detained in the United States and not at the border are

1 subject to mandatory detention without a bond hearing and its application to all civil immigration
2 detainees and in all Immigration Courts, including people arrested and detained in immigration
3 proceedings in California and then sent to ICE contracted facilities around the country. *See Guerrero*
4 *Lepe v. Andrews*, 2025 WL 2716910 (E.D. Cal. Sept. 23, 2025); *Ortiz Donis v. Chestnut*, 2025 WL
5 2879514 (E.D. Cal. Oct. 9, 2025); *Espinoza Andres v. Noem*, 2025 WL 3458893 (S.D. Tex. Dec. 2,
6 2025); *Lopez-Arevalo v. Ripa*, 2025 WL 2691828 (W.D. Tex. Sept. 22, 2025); *Singh v. Lewis*, 2025 WL
7 2699219 (W.D. Ky. Sept. 22, 2025); *Jimenez v. FCI Berlin, Warden*, 2025 WL 2639390 (D.N.H. Sept.
8 8, 2025); *Choglllo Chafila v. Scott*, 2025 WL 2688541 (D. Me. Sept. 2, 2025); *Ayala Casun v. Hyde*, 2025
9 WL 280679 (D.R.I. Oct. 2, 2025); *Lopez Benitez v. Francis*, 2025 WL 2371588 (S.D.N.Y Aug. 13,
10 2025); *Hasan v. Crawford*, 2025 WL 2682255 (E.D. Va. Sept. 19, 2025); *Beltran Barrera v. Tindall*,
11 2025 WL 2690565 (W.D. Ky. Sept. 19, 2025); *Pizarro Reyes v. Raycraft*, 2025 WL 2609425 (E.D.
12 Mich. Sept. 9, 2025); *B.D.V.S. v. Forestal*, 2025 WL 2855743 (S.D. Ind. Oct. 8, 2025); and *Zaragoza*
13 *Mosqueda et al. v. Noem*, 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025).
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16 Jurisdiction

17 The action arises under the Constitution of the United States, the Immigration and Nationality Act of
18 1952, as amended (“INA”), 8 U.S.C. section 1101 *et seq.*, and the Administrative Procedure Act
19 (“APA”), 5 U.S.C. section 701 *et seq.* This Court has habeas corpus jurisdiction pursuant to 28 U.S.C §
20 2241, and Article I, section 9, clause 2 of the United States Constitution (the “Suspension Clause”), as
21 Petitioner is presently subject to immediate detention and custody under color of authority of the United
22 States government, and said custody is in violation of the Constitution, law or treaties of the United
23 States.
24

25 This action is brought to compel the Respondents’ officers of the United States, to accord Petitioner
26 the due process of law to which he is entitled under the Fifth and Fourteenth Amendments of the United
27 States Constitution. Specifically, “the Due Process Clause applies to all ‘persons’ within the United
28

1 States, including aliens, whether their presence is lawful, unlawful, temporary, or permanent.” *Zadvydas*
2 *v. Davis*, 533 U.S. 678, 693 (2001); *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 212
3 (1953) (“Aliens who have once passed through our gates, even illegally, may be expelled only after
4 proceedings conforming to traditional standards of fairness encompassed in due process of law”).

5 This Court may grant relief pursuant to 28 USC § 2241, the Declaratory Judgments Act, 28 USC §
6 2201 *et seq.*, 28 U.S.C. § 1331 (federal question jurisdiction), and the All Writs Act, 28 USC §1651.

8 Venue

9 Venue lies in this Court pursuant to 28 U.S.C. § 1391(e). The Petitioner is detained by ICE, under
10 the jurisdiction of the San Francisco Field Office and the sub-office at Bakersfield, California. The Mesa
11 Verde Detention Center in Bakersfield, California, is a facility located in the Eastern District of
12 California. He is subject, at any time, to being moved to another ICE facility. Undersigned counsel is not
13 aware if he will be moved again and thus requests, he remain in the jurisdiction of this court.

15 Parties

16 Petitioner is citizen and national of India and presently in the custody of ICE. He is a resident of the
17 State of California and maintains residence in California.

18 Respondent WARDEN² is being sued in his or her official capacity only, as the Warden of the Mesa
19 Verde ICE Processing Center and is the custodian of the jail and all individuals detained therein.
20 Petitioner is presently being detained there, and the Warden is, therefore, Petitioner’s immediate
21 custodian.
22

23 Respondent ORESTES CRUZ is being sued in his official capacity only, as the Field Office Director
24 of the San Francisco Field Office of Immigration and Customs Enforcement. As such, he is charged with
25 the detention and removal of aliens which fall under the jurisdiction of the San Francisco Field Office.
26

27
28 ² As held by the Ninth Circuit, in § 2241 cases, the proper Respondent is the warden of the private detention facility where the immigration detainee is held. *Doe v. Garland*, 109 F.4th 1188, 1197 (9th Cir. 2024).

1 The San Francisco Field Office has direct control over Petitioner's detention and removal as it was the
2 office which detained him.

3 Respondent TODD M. LYONS is being sued in his official capacity only, as the Acting Director of
4 Immigration and Customs Enforcement. As such, he is charged with the detention and removal of all
5 aliens.

6 Respondent KRISTI NOEM is being sued in her official capacity only, as the Secretary of the
7 Department of Homeland Security ("DHS").

9 Respondent PAMELA BONDI is being sued in her official capacity only, as the Attorney General of
10 the United States and administers the Department of Justice, including EOIR, the BIA, and the
11 Immigration Courts.

12
13 **Factual and Procedural Background**

14 Petitioner, JASPREET S  is present in the United States without inspection and based on
15 information and belief, was previously apprehended when he crossed the U.S border at or near Calexico,
16 California in September 2021. He was issued a Form I-860, Notice and Order of Expedited Removal at
17 the border based upon his illegal entry without inspection on September 27, 2021. (Pet. Ex. A: I-860
18 Notice). He indicated a fear of political persecution and was detained pending a credible fear interview.
19 After approximately three weeks in detention, ICE issued him a Form I-220B authorizing his release on
20 supervision and did not conduct his credible fear determination at that time. (Pet. Ex. B: Order of
21 Supervision) (O/S). He was then released. Petitioner complied with the terms of his O/S and at some
22 point, ICE no longer required his continued reporting. Sometime thereafter, he filed an affirmative I-589
23 application for asylum with USCIS. The application remained pending until June 13, 2025, when he
24 received a notice of dismissal of Form I-589. (Pet. Ex. C: Notice of Dismissal). The Notice indicated
25 that the asylum office did not have jurisdiction over his case since he had been issued a Form I-860,
26 Notice and Order of Expedited Removal. However, that he could request a credible fear interview with
27
28

1 an ICE ERO officer “to request a credible fear interview with an asylum officer”. Shortly thereafter, he
2 received a notice for his credible fear interview with the San Francisco asylum office to appear on or
3 about September 2, 2025. Petitioner appeared as required, and on that same date, he was detained by
4 ICE. Upon ICE apprehension, the USCIS Asylum Office issued him a Notice to Appear (NTA) dated
5 September 14, 2025, which places him in removal proceedings pursuant to 8 U.S.C. § 1229a and
6 charges him with being present in the United States without admission and without valid documentation
7 and therefore removable pursuant to *inter alia* 8 U.S.C. §§ 1182(a)(6)(A)(i) and (a)(7)(A)(i)(I). (Pet. Ex.
8 D: NTA).

10 Petitioner has no criminal record, and his removal proceedings remain pending before an
11 Immigration Court in Bakersfield, California. Having a positive credible fear interview, he is entitled to
12 a review of his asylum claim before the Immigration Court. He has since filed on December 3, 2025, his
13 I-589 application for asylum with the immigration court. When he was detained by ICE, no notice was
14 provided on why his prior release on an order of supervision was no longer valid or had been terminated.
15 No warrant was shown or evidence provided he fell under a class of aliens not entitled to continued
16 release pending resolution of his removal proceedings. Petitioner holds a valid commercial driver’s
17 license from the state of California and has been supporting himself as a truck driver and living in
18 Oakley, California where he rents a home and has been paying US Income taxes for the past two years.

20 Respondents have commenced removal proceedings against Petitioner with issuance of a NTA and
21 is being held, without bond, at an ICE facility. He requested bond with an immigration judge on or about
22 October 23, 2025, but denied bond based on the government’s new interpretation of section
23 1225(b)(2)(A) as subject to mandatory detention without the possibility of release. As a person arrested
24 inside the United States and held in civil immigration detention for his pending removal proceedings, he
25 is subject to detention pursuant to 8 U.S.C. § 1226. *See cases cited on page 4.* As a person detained
26 under 8 U.S.C. § 1226(a), Petitioner must, upon his request, receive a bond hearing and Petitioner
27 requests such a bond hearing consistent with established precedent. Under *Matter of Yajure Hurtado*, 29

1 I&N Dec. 216 (BIA 2025), the responsible administrative agency has predetermined Petitioner will be
2 denied a bond hearing, and the government is holding Petitioner under the purported authority of 8
3 U.S.C. § 1225(b)(2), under which he will not receive a bond hearing. Requiring any exhaustion of
4 administrative remedies before an Immigration Judge would be futile. An Immigration Judge is bound
5 by the *Yajure Hurtado* decision and requesting bond and or appealing the same should not be counted as
6 an impermissible failure to exhaust administrative remedies.

7
8 Since *Matter of Yajure Hurtado* has been decided dozens of individual habeas corpus petitions
9 challenging its misclassification of bond-eligible detainees have been filed in District Courts.

10
11 The INA prescribes three basic forms of detention for most noncitizens in removal proceedings
12 conducted pursuant to 8 U.S.C. § 1229a. First, 8 U.S.C. § 1226 authorizes detention for individuals in
13 removal proceedings under 8 U.S.C. § 1229a. These individuals are generally entitled to a bond hearing
14 unless they have been convicted or arrested of certain crimes which are subject to mandatory detention.
15 See 8 U.S.C. § 1226(c). Second, the INA provides for mandatory detention for those subject to
16 expedited removal pursuant to 8 U.S.C. § 1225(b)(1) and other noncitizen applicants for admission at
17 the border who are deemed not clearly entitled to be admitted. See 8 U.S.C. § 1225(b)(2). Final, the INA
18 provides for detention of noncitizens who have been *ordered* removed, including individuals in
19 withholding-only proceedings under 8 U.S.C. § 1231(a),(b) (emphasis added).

20
21
22 This case concerns the detention provisions at 8 U.S.C. §§ 1226(a) and 1225(b)(2), which were
23 enacted as part of the Illegal Immigration and Reform and Immigrant Responsibility Act (IIRIRA) of
24 1996 and most recently section 1226(a) was amended in early 2025 by the Laken Riley Act, Pub. L. No.
25 119-1, 139 Stat. 3 (2025). Following the enactment of IIRIRA in 1996, EOIR drafted regulations
26 indicating that individuals present in the country without inspection, were not considered detained under
27 § 1225 but rather detained under § 1226(a) and thus entitled to a bond hearing. See Inspection and
28

1 Expedited Removal of Aliens; Detention and Removal of Aliens; conduct of Removal Proceedings;
2 Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

3 Thus, as in Petitioner's case, absent ineligibility due to a criminal history or flight risk, individuals in
4 § 1229a removal proceedings are entitled to a bond hearing consistent with almost 30 years of practice
5 where individuals arrested inside the United States, even after initially entering without inspection, fall
6 within § 1226 detention proceedings and entitled to request and receive bond. *See Guerrero Lepe v.*
7 *Andrews*, 2025 WL 2716910 at *1; *Singh v. Lewis*, 2025 WL 2699219, at *5 (W.D. KY Sept. 22, 2025)
8 (Petitioner who was "present in the United States for more than 12 years is not seeking admission into
9 the United States.") (internal quotations omitted); and *Martinez v. Hyde*, 2025 WL 2084238, at *4 n. 9
10 (D. Mass. July 25, 2025) (citing the United States Solicitor General's representation to the Supreme
11 Court at oral argument that "DHS's long-standing interpretation has been that 1226(a) applies to those
12 who have crossed the border between ports of entry and are shortly thereafter apprehended"); *cf*
13 *Montoya Cabanas v. Bondi*, 2025 WL 3171131 at * 8 (S.D. Tex. Nov. 13, 2025) (finding the statutory
14 text of § 1225(b)(2)(A) governs and an amendment by the Laken Riley Act to section 1226 isn't
15 superfluous). When Petitioner was initially detained at the border, he would not have been eligible for
16 release on bond.
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20 On July 8, 2025, ICE, "in coordination with" the Department of Justice, announced a new policy that
21 rejected the well-established understanding of the statutory framework and reversed decades of practice.
22 A series of Board of immigration Appeals (BIA) decisions under authority of the EOIR, sought to apply
23 § 1225 (b) bond ineligibility to individuals apprehended inside the United States. Petitioner
24 acknowledges the Supreme Court has held that noncitizens "seeking *initial* admission to the United
25 States" have limited access to constitutional protections. *Landon v. Plasencia*, 459 U.S. 21, 32 (1982).
26 This provision does not apply to Petitioner's situation since he was released on an O/S following his
27 detention at the border and then after a length of time inside the United States, he was issued a Notice to
28

1 Appear placing him in removal proceedings. The issuance of an NTA no longer subjects him to § 1225
2 custody requirements.

3
4 **Causes of Action**

5 Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

- 6 1. FIRST, the mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to Petitioner
7 as he has been placed in removal proceedings under 8 U.S.C. § 1229a and thus entitled to a bond
8 hearing. Section 1225(b) does not apply to those who previously entered the country and have
9 been present and residing in the United States. Petitioner has been present and residing in the
10 United States now for four years since his initial entry in September 2021.
11
12 2. The application of 8 U.S.C. § 1225(b)(2) to Petitioner's continued detention and the basis to
13 deny him a bond violates 8 U.S.C. § 1226(a), which governs his case. There is nothing to
14 indicate the Immigration Judge denied him bond on the basis he was a flight risk or danger to the
15 community.
16
17 3. SECOND, under the Administrative Procedure Act, a court must "hold unlawful and set aside
18 agency action" that is "arbitrary, capricious, an abuse of discretion, or otherwise not in
19 accordance with the law" ... or that is "in excess of statutory jurisdiction authority, or limitations
20 or short of statutory right." 5 U.S.C. § 706(2)(A) – (C). This authority is given to the Courts and
21 "courts, not agencies, will decide all relevant question of laws arising on review of agency action
22 . . . and set aside any such action inconsistent with the law as they interpret it." *Loper Bright*
23 *Enters. v. Raimondo*, 603 U.S. 369, 392 (2024) (quoting 5 U.S.C. § 706) (emphasis in original)
24 (internal quotations omitted).

- 1 4. Petitioner's continued detention is arbitrary, capricious, an abuse of discretion, and without
2 statutory authority in violation of 5 U.S.C. § 706(2).³
- 3 5. THIRD, Petitioner has a fundamental interest in liberty and being free from official restraint.
4 Respondents' denial of bond is a violation of his due process rights which "lies at the heart of the
5 liberty that the Clause protects." *Zadvydas*, at 690 (2001). Respondents' interpretation of the
6 Immigration and Nationality Act (INA) is in error and is a violation of his due process rights.
7 The BIA has no authority to adjudicate constitutional claims and thus this action is proper before
8 this Court. *See generally Falek v. Gonzales*, 475 F.3d 285, 291 n 4 (5th Cir. 2007).
- 9 6. FOURTH, if necessary by way of separate petition, Petitioner requests a temporary restraining
10 order enjoining Respondents from relocating him outside the jurisdiction of this court pending
11 final resolution of his case. He is likely to succeed on the merits, there is a threat of irreparable
12 harm absent an injunction, the balance between threatened harm to him versus the Government
13 weighs in his favor and Respondents will not suffer by granting him a bond hearing, and public
14 interest dictates that those detained pursuant to 8 U.S.C. § 1226 be given a bond hearing as
15 Congress intended.
- 16 7. FIFTH, If Petitioner prevails, he requests attorney's fees and costs pursuant to the Equal Access
17 to Justice Act, as amended 28 U.S.C. § 2412.

18 **Relief Requested:**

19 WHEREFORE, Petitioner  respectfully request this Honorable Court:
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24 ³ Petitioner also asserts a recent class action decision places Petitioner as a member of bond eligible
25 class of individuals in *Lazaro Maldonado Bautista v. Ernesto Santacruz Jr et al.*, 5:25-cv-01873 (C.D.
26 Cal., Nov. 20, 2025) (Pet. Exhibit E: Court Final Judgment) classified as:

27 "All noncitizens in the United States without lawful status who (1) have entered or will enter the United
28 States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will
not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department
of Homeland Security makes an initial custody determination."

Pursuant to 28 U.S.C. § 2243 Issuance of Decision, Petitioner is a class member with the District Court
of California issuing a declaratory judgment finding that his current detention is unlawful.

- 1 A. Accept jurisdiction over this action;
- 2 B. Order Respondents not to remove Petitioner outside the jurisdiction of this Court;
- 3 C. Grant the writ of habeas corpus;
- 4 D. Order the Department of Homeland Security to release Petitioner pursuant to the individualized
- 5 bond hearing already conducted and pursuant to 8 U.S.C. § 1226(a) within seven days;
- 6 E. Make a finding that Respondents have acted contrary to law and have abused Petitioner's due
- 7 process rights, and
- 8
- 9 F. Grant any other relief that is equitable and just.

10

11 Respectfully Submitted,

12 

13 By: s/ Saadia Siddique

14 SAADIA SIDDIQUE
15 SIDDIQUE LAW GROUP, LLC
200 West Monroe St, Suite 1625
Chicago, Illinois 60606
(312) 726-9800
16 saadia@sidlawgroup.com

17 By: /s Curtis Lee Morrison
18 Curtis Lee Morrison (CSBN #321106)
Local Counsel
curtis@redeaglelaw.com
19 RED EAGLE LAW, L.C.
5256 S. Mission Road, Suite 135
20 Bonsall, CA 92003
21 Phone: 714-661-3446

22 *Attorneys for Petitioner*
23 **Application for Pro Hac Vice Forthcoming*

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VERIFICATION

I, Saadia Siddique, declare as follows:

I am an attorney admitted to practice law in the State of Illinois.

Because many of the allegations of this Petition require a legal knowledge not possessed by
Petitioner, I am making this verification on his behalf.

I have read the foregoing Petition for Writ of Habeas Corpus and know the contents thereof to be
true to my knowledge, information, or belief.

I certify under penalty of perjury that the foregoing is true and correct and that this declaration
was executed on December 19, 2025

s/Saadia Siddique
SAADIA SIDDIQUE
Siddique Law Group LLC
Attorney for Petitioner