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8 Attorney for Petitioner
9 PAWAN KUMAR SINGH

10 UNITED STATES DISTRICT COURT
11 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
12 SAN DIEGO DIVISION

13 PAWAN KUMAR SINGH

14 Petitioner

15 Case No. '25CV3720 JLS DDL

16 v.

17 PETITION FOR WRIT OF HABEAS
18 CORPUS (28 U.S.C. § 2241)
19 AND COMPLAINT FOR DECLARATORY
20 AND INJUNCTIVE RELIEF

21 Gregory J. ARCHAMBEAULT,
22 Field Office Director of Enforcement and
23 Removal Operations, San Diego Field
24 Office, Immigration and Customs
25 Enforcement; Kristi NOEM, Secretary,
26 U.S. Department of Homeland Security;
27 U.S. DEPARTMENT OF HOMELAND
28 SECURITY; Pamela BONDI, U.S.
Attorney General; EXECUTIVE OFFICE
FOR IMMIGRATION REVIEW;
Christopher J. LAROSE Warden of Otay
Mesa Detention Center,

Respondents

PETITION FOR WRIT OF HABEAS CORPUS (28 U.S.C. § 2241)
AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

I. INTRODUCTION

Petitioner seeks a writ of habeas corpus to remedy his ongoing, unlawful detention and to prevent Respondents from executing an expedited-removal order that was issued without lawful authority and without providing the process that the Constitution and immigration statutes require.

The core problem is statutory and constitutional: Petitioner was placed into expedited removal proceedings under INA § 235(b)(1) even though he had long-standing ties to the United States and a valid, employment-based nonimmigrant status history, including an approved immigrant petition

1 (I-140) and a pending path to lawful permanent residence. Petitioner contends that, at minimum, he
2 should have been placed into INA § 240 removal proceedings where an Immigration Judge could
3 adjudicate removability and where Petitioner could seek bond and release.

4 Because removal is imminent and would inflict severe, irreparable harm—separating Petitioner
5 from his U.S. citizen child and family and triggering multi-year bars—Petitioner also seeks declaratory
6 and injunctive relief preserving the status quo while this Court adjudicates the legality of the custody
7 and process used against him.

9 II. PARTIES

10 Petitioner PAWAN KUMAR SINGH (“Petitioner”) is a citizen of India currently detained at
11 the Otay Mesa Detention Center in San Diego, California, under the authority of the United States
12 Department of Homeland Security (“DHS”).

13 Respondent Gregory J. Archambeault is the Field Office Director of Enforcement and
14 Removal Operations (“ERO”) for the San Diego Field Office of U.S. Immigration and Customs
15 Enforcement (“ICE”), sued in his official capacity. He is responsible for the custody, detention, and
16 removal operations affecting Petitioner within the San Diego Field Office’s area of responsibility.

17 Respondent Kristi Noem is the Secretary of the U.S. Department of Homeland Security, sued
18 in her official capacity. As Secretary, she has ultimate authority over DHS components, including ICE
19 and CBP, and over the detention and removal of noncitizens.

20 Respondent U.S. Department of Homeland Security (“DHS”) is the federal agency responsible
21 for immigration enforcement, detention, and removal, including the actions challenged in this petition.

22 Respondent Pamela Bondi is sued in her official capacity as United States Attorney General, the
23 head of the Department of Justice, which oversees immigration adjudication functions and defends
24 immigration enforcement actions in federal court.
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26
27
28

1 Respondent Executive Office for Immigration Review (“EOIR”) is a component of the
2 Department of Justice responsible for immigration court proceedings and custody redetermination
3 hearings related to Petitioner’s detention.

4 Respondent Christopher J. LaRose is the Warden of the Otay Mesa Detention Center, sued in
5 his official capacity. He is Petitioner’s immediate physical custodian for purposes of habeas corpus and
6 has day-to-day control over Petitioner’s detention.
7

8
9 III. JURISDICTION AND VENUE

10 This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in custody under color
11 of the authority of the United States, and he challenges the legality of that custody and the legality of
12 the process used to impose it.

13 This Court also has jurisdiction under 28 U.S.C. §§ 1331 and 2201–2202 to adjudicate federal
14 questions and to issue declaratory relief, and it has inherent equitable authority to preserve its
15 jurisdiction and prevent irreparable harm.

16 Venue is proper in this District because Petitioner is detained within this District and his
17 immediate custodian is within the reach of this Court’s process.
18

19
20 IV. EXHAUSTION AND PROCEDURAL POSTURE

21 Petitioner seeks habeas relief from unlawful custody. Where custody is ongoing and removal is
22 imminent, prudential exhaustion is not required or, alternatively, should be excused because available
23 administrative process is inadequate to prevent irreparable harm and cannot provide timely relief.

24 Petitioner has nevertheless attempted to pursue all reasonably available administrative avenues,
25 including requests for review and reconsideration with DHS components and/or requests for parole or
26 release as appropriate.

27 V. STATEMENT OF FACTS

28 A. Petitioner’s Long-Term Residence and Family Ties

1 Petitioner has lived continuously in the United States for approximately fifteen (15) years. During
2 that time, he has established deep and durable ties to this country. Petitioner and his family own a home
3 in Arizona, where they have resided for several years and where their daily life is centered.
4

5 Petitioner is the father of a twelve-year-old U.S. citizen daughter. His spouse resides with him in
6 the United States and relies on derivative immigration status and employment authorization.
7 Petitioner's son is currently enrolled in college in the United States. These family ties reflect a stable
8 household rooted in the United States.
9

10
11 Petitioner has no known criminal history. His longstanding residence, family responsibilities,
12 and record of compliance with U.S. law underscore the severity of the harm posed by his continued
13 detention and threatened removal.
14

15 B. Immigration History, Employment-Based Status, and Approved Immigrant Petition

16 Since approximately 2011, Petitioner has maintained H-1B nonimmigrant status through multiple
17 U.S. employers and projects. Over the years, he has obtained numerous approved H-1B petitions,
18 reflecting sustained demand for his specialized skills and consistent participation in the lawful
19 employment-based immigration system.

20 Petitioner is also the beneficiary of an approved Form I-140 immigrant petition, with a priority
21 date of approximately July 2015. That approval reflects Petitioner's long-term eligibility for
22 employment-based permanent residence and his continued integration into the U.S. workforce.
23

24 Taken together, Petitioner's immigration history demonstrates prolonged lawful presence,
25 ongoing eligibility for immigration benefits, and a credible, established path within the employment-
26 based immigration framework.

27 C. Job Termination, Loss of Communication Devices, and Lack of Notice
28

1 In approximately August 2025, Petitioner traveled to Mexico for a short vacation. During that
2 trip, his phone and passport were stolen. As a result, Petitioner temporarily lost access to email and
3 other communication channels necessary to receive time-sensitive employment and immigration-
4 related notices.

5 Around the same period, Petitioner's contract employment—reportedly connected to a Starbucks
6 project through a contracting arrangement—ended abruptly. Petitioner contends that he did not
7 receive timely notice of the termination because relevant communications were sent electronically to
8 devices that had been stolen or were otherwise inaccessible.

9 Petitioner further contends that, in prior instances, employers have revoked or withdrawn
10 immigration petitions following contract termination without timely informing him. These practices
11 contributed to confusion regarding his status at specific moments, particularly while he was abroad and
12 attempting to manage the consequences of the theft.

13 D. Border Encounters, Detention, and Expedited Removal

14 After the theft of his passport, Petitioner attempted to re-enter the United States at or near the
15 Otay Mesa Port of Entry using the identity documents available to him at the time, including an older
16 passport and a driver's license. He simultaneously sought to obtain a replacement passport through the
17 Indian consulate in Mexico, but encountered repeated delays, including reported printing and
18 processing limitations.

19 During this period, Petitioner reports that he was subjected to multiple hours of questioning over
20 several days and was asked to sign various documents, including one that referenced a potential
21 monetary fine of approximately \$600. He contends that he attempted to explain his circumstances and
22 his longstanding residence and employment in the United States.

23 Ultimately, the Department of Homeland Security issued Petitioner an expedited removal order
24 under INA § 235(b)(1) and detained him pending removal. As a result, Petitioner now faces imminent
25

1 deportation and the severe collateral consequences of an expedited removal order, including multi-year
2 statutory bars to reentry.

3 E. Harm to Petitioner and His Family

4 Petitioner’s continued detention has caused severe emotional distress and has significantly
5 undermined the stability of his family. The uncertainty surrounding his detention and possible removal
6 has placed extraordinary strain on his household.

7
8 If removed, Petitioner would be separated from his U.S. citizen child and spouse, jeopardizing his
9 family’s financial stability and their ability to remain in their home. Removal would also disrupt
10 Petitioner’s long-standing employment-based immigration process, including his ability to pursue new
11 qualifying employment and related filings.

12 Petitioner therefore seeks a limited, court-ordered window to stabilize his immigration and
13 employment situation. Such relief would allow him to pursue new employment opportunities and
14 associated immigration filings within the regulatory grace-period framework and would prevent
15 irreparable harm to his family while the legality of his detention and removal is reviewed.

16
17 VI. LEGAL BACKGROUND

18 A. The 60-day grace period for certain nonimmigrant workers.

19 Federal regulations provide that certain nonimmigrants—including workers in H-1B
20 classification—“shall not be considered to have failed to maintain nonimmigrant status solely on the
21 basis of a cessation of the employment” for up to 60 consecutive days (or until the end of the
22 authorized validity period, whichever is shorter), once during each authorized validity period, subject to
23 DHS discretion to shorten or eliminate the period. See 8 C.F.R. § 214.1(l)(2).

24 B. Collateral consequences of expedited removal orders.

25 An expedited removal order can trigger statutory inadmissibility bars (commonly five years) and
26 can therefore impose lasting, irreparable harm even apart from the immediate removal. [Cite INA §
27 212(a)(9)(A).]
28

1 C. Habeas review and relief.

2 Petitioner seeks de novo judicial review of the Government's authority to detain him and to impose
3 expedited removal in his circumstances, and he seeks the traditional habeas remedy of release pending
4 lawful process.

6 VII. CLAIMS FOR RELIEF

7 Claim One: Unlawful Detention and Ultra Vires Use of Expedited Removal

8 Respondents are detaining Petitioner without lawful authority because the expedited removal
9 process was applied in circumstances where, as a matter of law and fact, Petitioner should not have
10 been subject to INA § 235(b)(1) expedited removal or, at minimum, should have been placed into INA
11 § 240 removal proceedings with access to an Immigration Judge, bond procedures, and a meaningful
12 opportunity to present evidence of his status and eligibility for relief.

13 Petitioner's detention is unlawful for at least the following reasons (to be supported by the record and
14 declarations):

15
16 Petitioner had an extensive history of lawful admission and maintenance of employment-based
17 nonimmigrant status.

18 At the time of the relevant events, Petitioner asserts he remained within an authorized period of
19 stay and/or within a regulatory grace period following cessation of employment. See 8 C.F.R. §
20 214.1(1)(2).

21
22 DHS failed to adequately consider or allow presentation of evidence relevant to lawful status
23 and admissibility.

24 By routing Petitioner into expedited removal and detaining him without access to bond, DHS
25 exceeded statutory authority and violated the Constitution.

26 Claim Two: Fifth Amendment Due Process

1 Even where Congress provides streamlined procedures, the Due Process Clause requires
2 fundamentally fair process when the Government deprives a person of liberty through detention and
3 removal. Petitioner was denied a meaningful opportunity to understand the allegations, consult counsel,
4 and present evidence.

5 Petitioner's ability to communicate and access key records was compromised by theft of his
6 phone and passport.

7 Petitioner was questioned over hours and multiple days and asked to sign documents without
8 meaningful access to counsel or sufficient explanation.

9 The expedited removal process used here, as applied, failed to provide a fair procedure to
10 evaluate Petitioner's lawful status history and eligibility for placement into § 240 proceedings.

11 Claim Three: Suspension Clause / Constitutional Habeas Minimum (As Applied)

12 To the extent Respondents contend that jurisdiction-stripping provisions foreclose meaningful
13 habeas review of the Government's authority to detain Petitioner and remove him through expedited
14 procedures, those provisions would operate as an unconstitutional suspension of the writ as applied to
15 Petitioner's case. Petitioner therefore invokes the Court's constitutional duty to provide meaningful
16 habeas review of unlawful custody.

17 VIII. PRAYER FOR RELIEF

18 Petitioner respectfully requests that this Court:

19 Issue a writ of habeas corpus ordering Respondents to immediately release Petitioner from
20 custody; or, in the alternative,

21 Order Respondents to place Petitioner in INA § 240 removal proceedings and provide a
22 prompt bond hearing before an Immigration Judge;

23 Enjoin Respondents from removing Petitioner while this Court adjudicates the legality of
24 custody and the requested relief, including through an immediate TRO and preliminary injunction;

25 Declare that Respondents' use of expedited removal and related detention against Petitioner in
26 the circumstances of this case is unlawful;

27 Grant such other and further relief as the Court deems just and proper.

28 Respectfully Submitted,

/s/ Mario Tafur

Bulldog Law, P.C.

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23 U.S. Department of Homeland Security;
24 U.S. DEPARTMENT OF HOMELAND
25 SECURITY; Pamela BONDI, U.S.
26 Attorney General; EXECUTIVE OFFICE
27 FOR IMMIGRATION REVIEW;
28 Christopher J. LAROSE Warden of Otay
Mesa Detention Center,
Respondents

Case No. '25CV3720 JLS DDL

PETITIONER'S DECLARATION IN
SUPPORT OF PETITION FOR HABEAS
CORPUS AND TEMPORARY
RESTRAINING ORDER (TRO)

20 PETITIONER'S DECLARATION IN SUPPORT OF PETITION FOR WRIT OF HABEAS
21 CORPUS AND TEMPORARY RESTRAINING ORDER

22 Comes Now, Petitioner PAWAN KUMAR SINGH, and provides the following declaration
23 to his attorney telephonically in support of his Petition for Writ of Habeas Corpus.

24
25 Respectfully Submitted,
26 /s/ Mario Tafur
27 Bulldog Law, P.C.
28 500 N. Central Avenue, Ste. 610
Glendale, CA 91203

DECLARATION

I, Pawan Kumar Singh, declare as follows:

I am over 18 and if called to testify could and would competently testify to the following:

I am a citizen of India. My date of birth is [REDACTED] My A-Number is [REDACTED] I

make this declaration based on my personal knowledge.

I have lived in the United States continuously since approximately 2011 (about 14 years).

My primary residence has been in Arizona, and I have owned or maintained a home in Avondale, Arizona for approximately 5 years.

My immediate family resides in the United States. My wife, Payal Singh, lives in Arizona. She is in H-4 dependent status and has work authorization through an H-4 Employment Authorization Document (EAD). We have two children: (a) my daughter, [REDACTED], is a United States citizen and is currently 12 years old; and (b) my son, Ikshit, is currently enrolled in college in the United States.

Since approximately 2011, I have worked in specialty-occupation employment in the United States. Over the last 14 years, I have had numerous H-1B petitions approved through different employers (more than ten, to the best of my recollection) as my consulting assignments changed. I have consistently worked lawfully and paid taxes while authorized.

I am the beneficiary of an approved immigrant petition (Form I-140) with a priority date of July 17, 2015. My understanding is that the approved I-140 preserves my eligibility for permanent residence and allows a qualifying employer to continue the green card process without losing my priority date.

In or around October 2025, I was employed and was staffed on a consulting assignment connected to Starbucks. That assignment ended abruptly while I was outside the United States on a short vacation. I did not receive any phone call or clear notice at that time that my employment had ended or that any petition would be withdrawn.

1 In or around August 2025, while I was traveling in Mexico, my passport and my phone were
2 stolen. I immediately began the process of obtaining replacement travel documents through the
3 Indian consulate. I was informed that issuance of a replacement passport could take multiple weeks
4 because of printing delays.

5
6 Because I needed to return to my family and my life in Arizona, I attempted to return to the
7 United States through the Otay Mesa Port of Entry while I was still waiting for a replacement
8 passport. I presented the identification documents available to me at the time, including an older
9 passport copy and an Arizona driver's license, and I explained that my passport had been stolen.

10 I was not permitted to enter and was instructed to return after obtaining a passport. I returned
11 to the Port of Entry multiple times while trying to obtain replacement documents. During these
12 attempts, I spent hours being questioned and was asked to sign papers. At one point I was told I
13 could be fined (I recall an amount of approximately \$600).

14
15 On or about November 6th, 2025, U.S. immigration authorities took me into custody. I was
16 served with paperwork indicating that I was being placed in expedited removal proceedings and that
17 I could be barred from returning to the United States for a period of years. I was shocked because I
18 believed I had lawful status in the United States and/or was eligible for a grace period to secure new
19 qualifying employment.

20 I believed I remained eligible to continue my lawful employment-based immigration path. I
21 had strong prospects for immediate re-employment. I had leads from U.S. employers, and I
22 understood that a new employer could file the necessary petition promptly so I could resume
23 authorized work and continue supporting my family.

24
25 After I was processed by immigration authorities, I was transferred into ICE custody. I am
26 currently detained at Otay Mesa Detention Facility in San Diego, California. Since I was detained, I
27 have been extremely concerned that I could be removed from the United States on very short notice,
28 before a court can review my case.

1 I have no criminal history (to the best of my knowledge). Over the last decade, my travel
2 outside the United States has been limited to short trips, primarily to visit family in India or for brief
3 vacations. To the best of my recollection, none of these trips exceeded about three weeks, and my
4 total time outside the United States over the last ten years is less than approximately four months.
5

6 If I am removed from the United States now, I will suffer immediate and irreparable harm. I
7 will be separated from my wife and children, including my U.S. citizen daughter. My family
8 depends on my presence and support. Removal would also disrupt my ability to continue my
9 employment-based immigration process based on my approved I-140 and would cause severe
10 financial and emotional hardship to my family.

11 Detention has been extremely difficult. The conditions, uncertainty, and separation from my
12 family have caused me significant distress. I respectfully ask the Court to prevent my removal while
13 my legal claims are reviewed and to ensure I have a meaningful opportunity to present my evidence
14 through appropriate immigration proceedings, including the chance to request bond and release.
15

16 Attached or to be attached as exhibits are true and correct copies of documents supporting
17 this declaration, as available, including: (a) proof of approved H-1B petitions (Form I-797 approval
18 notices); (b) proof of approved I-140 and priority date; (c) proof of my Arizona residence and home
19 ownership/lease; (d) records regarding my children, including proof of my daughter's U.S.
20 citizenship; (e) my wife's H-4 EAD; (f) documents reflecting the theft of my passport and phone
21 and my efforts to obtain replacement travel documents; and (g) any paperwork provided to me by
22 CBP or ICE at the Port of Entry and during detention (including any notices or orders of expedited
23 removal);
24

25
26 I declare under penalty of perjury under the laws of the United States of America that the foregoing
27 is true and correct.
28

1 Executed on 12/19/2025

2 Pawan Kumar Singh

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