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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

11 PAWAN KUMAR SINGH,
12
13 Petitioner,
14
15 v.
16 GREGORY J. ARCHAMBEAULT, et.
al,
17 Respondents.

Case No. 25-CV-3720-JLS-DDL

**RETURN TO PETITION FOR WRIT
OF HABEAS CORPUS**

21 **I. INTRODUCTION**

22 Petitioner requests that this Court order his release from Immigration and Customs
23 Enforcement (ICE) custody, or place Petitioner in INA § 240 removal proceedings and
24 order a bond hearing. However, as Petitioner’s claims are direct and indirect challenges
25 to his expedited removal proceedings, jurisdiction over his claims is barred under 8
26 U.S.C. § 1252(a)(2)(A), § 1252(e), and § 1252(g). Moreover, as Petitioner is
27 inadmissible, his claims lack merit. Respondents respectfully request that the Court
28 deny Petitioner’s requests for relief.

1 **II. FACTUAL AND PROCEDURAL BACKGROUND**

2 Petitioner is a native and citizen of India. ECF No. 1; Declaration of Ryan Robert
3 Dale Smith (Smith Decl.) ¶ 4. In 2016, an employer filed Form I-140, Immigrant
4 Petition for Alien Worker, with Petitioner as the beneficiary. The petition was
5 subsequently approved. *See* Smith Decl. at ¶ 5. On November 5, 2025, Petitioner
6 applied for admission into the United States from Mexico at the San Ysidro Port of
7 Entry. *Id.* at ¶ 6; Exhibit 1 (Form I-213). At that time, Petitioner did not have valid status
8 or a valid entry document. Petitioner presented an expired Indian passport. Exhibit 1.
9 Upon further investigation, ICE learned that Petitioner’s previous H1-B status was no
10 longer valid, as the employer that filed the petition for Petitioner had withdrawn the
11 petition on August 4, 2025. Smith Decl. at ¶ 6. Petitioner was determined to be
12 inadmissible under 8 U.S.C. § 1182(a)(7)(i)(I), as an immigrant not in possession of a
13 valid entry document, and was issued a Notice and Order of Expedited Removal under
14 section 235(b)(1) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1225(b)(1).
15 *Id.* at ¶ 7; Exhibit 3.

16 On November 25, 2025, pursuant to 8 U.S.C. § 1225(b)(1)(B), Petitioner was
17 interviewed by a U.S. Citizenship and Immigration Services asylum officer to
18 determine whether he had a credible fear of persecution or torture if removed to India.
19 Smith Decl. at ¶ 8. The interview resulted in a negative determination. *Id.* Pursuant to 8
20 U.S.C. § 1225(b)(1)(B)(III), on December 3, 2025, an immigration judge affirmed the
21 asylum officer’s negative credible fear determination. *Id.*; Exhibit 2. Petitioner is
22 currently detained by ICE at the Otay Mesa Detention Facility under 8 U.S.C. §
23 1225(b)(1)(B)(IV). ECF No. 1.

24 **Argument**

25 **A. Petitioner’s Claims and Requested Relief are Barred by 8 U.S.C. § 1252**

26 The Court lacks jurisdiction to hear Petitioner’s claims. *See Ass’n of Am. Med.*
27 *Coll. v. United States*, 217 F.3d 770, 778-79 (9th Cir. 2000); *Finley v. United States*,
28 490 U.S. 545, 547-48 (1989). Petitioner brings his habeas action under 28 U.S.C.

1 § 2241, but jurisdiction over his claims is barred under 8 U.S.C. § 1252(a)(2)(A),
2 § 1252(e), and § 1252(g).

3 In general, courts lack jurisdiction to review a decision to commence or
4 adjudicate removal proceedings or execute removal orders. *See* 8 U.S.C. § 1252(g)
5 (“[N]o court shall have jurisdiction to hear any cause or claim by or on behalf of any
6 alien arising from the decision or action by the Attorney General to commence
7 proceedings, adjudicate cases, or execute removal orders.”); *Reno v. Am.-Arab Anti-*
8 *Discrimination Comm.*, 525 U.S. 471, 483 (1999) (“There was good reason for
9 Congress to focus special attention upon, and make special provision for, judicial
10 review of the Attorney General’s discrete acts of “commenc[ing] proceedings,
11 adjudicat[ing] cases, [and] execut[ing] removal orders”—which represent the initiation
12 or prosecution of various stages in the deportation process.”); *Limpin v. United States*,
13 828 Fed. App’x 429 (9th Cir. 2020) (holding district court properly dismissed under 8
14 U.S.C. § 1252(g) “because claims stemming from the decision to arrest and detain an
15 alien at the commencement of removal proceedings are not within any court’s
16 jurisdiction”). Petitioner’s request of this Court to have an order directing his placement
17 into removal proceedings under 8 U.S.C. § 1229a, and to invalidate his placement into
18 expedited proceedings under 8 U.S.C. § 1225(b)(1), is directly barred by 8 U.S.C.
19 § 1252(g).

20 Moreover, “[s]ection 1252(a)(2)(A) is a jurisdiction-stripping and channeling
21 provision, which bars review of almost ‘every aspect of the expedited removal
22 process.’” *Azimov v. U.S. Dep’t of Homeland Sec.*, No. 22-56034, 2024 WL 687442, at
23 *1 (9th Cir. Feb. 20, 2024) (quoting *Mendoza-Linares v. Garland*, 51 F.4th 1146, 1154
24 (9th Cir. 2022) (describing the operation of § 1252(a)(2)(A)). These jurisdiction-
25 stripping provisions cover “the ‘procedures and policies’ that have been adopted to
26 ‘implement’ the expedited removal process; the decision to ‘invoke’ that process in a
27 particular case; the ‘application’ of that process to a particular alien; and the
28 ‘implementation’ and ‘operation’ of any expedited removal order.” *Mendoza-Lineras*,

1 51 F.4th at 1155. “Congress chose to strictly cabin this court’s jurisdiction to review
2 expedited removal orders.” *Guerrier v. Garland*, 18 F.4th 304, 313 (9th Cir. 2021)
3 (finding that the Supreme Court abrogated any “colorable constitutional claims”
4 exception to the limits placed by § 1252(a)(2)(A)); *see Dep’t of Homeland Sec. v.*
5 *Thuraissigiam*, 591 U.S. 103 (2020) (holding that limitations within § 1252(a)(2)(A) do
6 not violate the Suspension Clause). “Congress has chosen to explicitly bar nearly all
7 judicial review of expedited removal orders concerning such aliens, including ‘review
8 of constitutional claims or questions of law.’” *Mendoza-Linares*, 51 F.4th at 1148
9 (citing 8 U.S.C. § 1252(a)(2)(A), (D)); *see Dept’ of Homeland Sec. v. Thuraissigiam*,
10 591 U.S. 103, 138-39 (2020) (explicitly rejecting Ninth Circuit’s holding that an
11 arriving alien has a “constitutional right to expedited removal proceedings that conform
12 to the dictates of due process”).

13 “Congress could scarcely have been more comprehensive in its articulation of the
14 general prohibition on judicial review of expedited removal orders.” *Mendoza-Lineras*,
15 51 F.4th at 1155. Specifically, Section 1252(a)(2)(A) states:

16 (2) Matters not subject to judicial review

17 (A) Review relating to section 1225(b)(1)

18 Notwithstanding any other provision of law (statutory or nonstatutory),
19 including section 2241 of Title 28, or any other habeas corpus provision,
20 and sections 1361 and 1651 of such title, no court shall have jurisdiction
21 to review-

22 (i) except as provided in subsection (e), any individual
23 determination or to entertain any other cause or claim arising from or
24 relating to the implementation or operation of an order of removal pursuant
25 to section 1225(b)(1) of this title,

26 (ii) except as provided in subsection (e), a decision by the Attorney
27 General to invoke the provisions of such section,

28 (iii) the application of such section to individual aliens, including
the determination made under section 1225(b)(1)(B) of this title, or

(iv) except as provided in subsection (e), procedures and policies
adopted by the Attorney General to implement the provisions of section
1225(b)(1) of this title.

1 8 U.S.C. § 1252(a)(2)(A). Thus, “Section 1252(a)(2)(A)(i) deprives courts of
2 jurisdiction to hear a ‘cause or claim arising from or relating to the implementation or
3 operation of an order of removal pursuant to section 1225(b)(1),’ which plainly includes
4 [Petitioner’s] collateral attacks on the validity of the expedited removal order.” *Azimov*,
5 2024 WL 687442, at *1 (quoting *Mendoza-Linares*, 51 F.4th at 1155) (citing *J.E.F.M.*
6 *v. Lynch*, 837 F.3d 1026, 1031-35 (9th Cir. 2016) (concluding that the “arising from”
7 language in neighboring § 1252(b)(9) sweeps broadly)). By challenging the standards
8 and process by which the expedited removal order was entered against Petitioner, he
9 necessarily asks the Court “to do what the statute forbids [it] to do, which is to review
10 ‘the application of such section to [him].” *Mendoza-Linares*, 51 F.4th at 1155. Most
11 notably, a determination made concerning inadmissibility “is not subject to judicial
12 review.” *Gomez-Cantillano v. Garland*, No. 19-72682, 2021 WL 5882034 (9th Cir.
13 Dec. 13, 2021) (citing 8 U.S.C § 1252(a)(2)(A)(iii)). “And § 1252(a)(2)(A)(iv) deprives
14 courts of jurisdiction to review ‘procedures and policies adopted by the Attorney
15 General to implement the provisions of section 1225(b)(1) of this title,’ which plainly
16 includes [Petitioner’s] claims regarding how [Respondents] have implemented” §
17 1225(b)(1). *Azimov*, 2024 WL 687442, at *1 (citing *Mendoza-Linares*, 51 F.4th at
18 1154–55).

19 In setting forth provisions for judicial review of § 1225(b)(1) expedited removal
20 orders, Congress expressly limited available relief: “Without regard to the nature of the
21 action or claim and without regard to the identity of the party or parties bringing the
22 action, no court may” “enter declaratory, injunctive, other equitable relief in any action
23 pertaining to an order to exclude an alien in accordance with section § 1225(b)(1) of
24 this title except as specifically authorized in a subsequent paragraph of this subsection.”
25 8 U.S.C. § 1252(e)(1)(A). Congress delineated two limited avenues for judicial review
26 concerning expedited removal orders: (1) narrow habeas corpus proceedings under
27 § 1252(e)(2); and (2) challenges to the validity of the system under § 1252(e)(3). Any
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1 permissible challenge to the validity of the system “is available [only] in an action in
2 the United States District Court for the District of Columbia” 8 U.S.C. § 1252(e)(3).

3 Narrow habeas corpus proceedings are expressly “limited to determinations” of
4 three questions: (1) “whether the petitioner is an alien”; (2) “whether the petitioner was
5 ordered removed under [section 1225(b)(1)]”; and (3) “whether the petitioner can prove
6 by a preponderance of the evidence that the petitioner is an alien” who has been granted
7 status as a lawful permanent resident, refugee, or asylee. 8 U.S.C. § 1252(e)(2)(A)-(C).
8 “In determining whether an alien has been ordered removed under section 235(b)(1) [8
9 U.S.C. § 1225(b)(1)], the court’s inquiry shall be limited *to whether such an order in*
10 *fact was issued and whether it relates to the petitioner.* There shall be no review of
11 whether the alien is actually inadmissible or entitled to any relief from removal.” 8
12 U.S.C. § 1252(e)(5) (emphasis added). Petitioner’s primary request within his petition
13 is to have this Court review DHS’s determination of his inadmissibility. However, “a
14 habeas court lacks jurisdiction to review ‘whether the alien [1] is actually inadmissible
15 or [2] entitled to any relief from removal.’” *Mendoza-Linares*, 51 F.4th at 1158 (quoting
16 8 U.S.C. § 1252(e)(5)).

17 None of the three narrow avenues for habeas relief apply here. Petitioner
18 concedes that he is a noncitizen. *See* ECF No. 1 at 2. Petitioner also does not assert that
19 he has been granted status as a lawful permanent resident, refugee, or asylee. Although
20 Petitioner does point to an approved Form I-140 immigrant petition, the approval of a
21 visa petition does not grant immigration status. Smith Decl. ¶ 5; *see* ECF No. 1, Form
22 I-797 (“The approval of this petition does not guarantee that the beneficiary(ies) will be
23 found to be eligible for a visa, for admission to the United States (if traveling abroad
24 and seeking re-admission), or for a subsequent extension of stay, change of status, or
25 adjustment of status.”). Moreover, “[t]here is no doubt that an order ‘under section
26 235(b)(1)’ was in fact issued here, because (1) the order that is in the record and that
27 [Petitioner] challenges expressly states that it was entered ‘under section 235(b)(1)’ of
28

1 the INA.” *Mendoza-Linares*, 51 F.4th at 1158. Each of Petitioner’s claims fall outside
2 the limited habeas corpus authority provided within § 1252(e)(2).

3 Thus, as Petitioner’s claims are direct and indirect challenges to his § 1225(b)(1)
4 expedited removal order and the application of the expedited removal process to
5 Petitioner, this Court lacks jurisdiction under 8 U.S.C. § 1252.

6 **B. Petitioner’s Statutory Claims Fail on the Merits**

7 Even assuming the Court has jurisdiction over his petition, Petitioner has not
8 stated a statutory violation. Petitioner contends that Respondents lacks statutory
9 authority to detain him under 8 U.S.C. § 1225(b)(1), which provides, in part,

10 If an immigration officer determines that an alien (other than an alien
11 described in subparagraph (F)) who is arriving in the United States or is
12 described in clause (iii) is inadmissible under section 1182(a)(6)(C) or
13 1182(a)(7) of this title, the officer shall order the alien removed from the
14 United States without further hearing or review unless the alien indicates
either an intention to apply for asylum under section 1158 of this title or a
fear of persecution.

15 8 U.S.C. § 1225(b)(1)(A)(i).

16 Petitioner claims that he should not have been subjected to “expedited removal
17 or, at minimum, should have been placed into INA § 240 removal proceedings”
18 ECF No. 1 at 7. Petitioner claims that at the time he applied for entry into the United
19 States, “he remained within an authorized period of stay” *Id.* However, the
20 documentation provided by Petitioner to support this claim expressly states that is not
21 a visa and may not be used in place of a visa, and further that it does not does not
22 guarantee that the beneficiary(ies) will be found to be eligible for a visa, for admission
23 to the United States (if traveling abroad and seeking re-admission), or for a subsequent
24 extension of stay, change of status, or adjustment of status.” ECF No. 1, Form I-797.
25 Petitioner does not dispute that he voluntarily left the United States for Mexico, and
26 subsequently attempted to re-enter the United States. As Petitioner entered the United
27 States less than two years ago without a proper travel document, and without then being
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1 admitted or paroled, he is subject to expedited removal and mandatory detention. *See* 8
2 U.S.C. § 1225(b)(1).

3 Accordingly, Petitioner’s statutory violation claims fail.

4 **C. Petitioner’s Due Process Claims Fail on the Merits**

5 Even assuming the Court has jurisdiction over his petition, Petitioner’s Fifth
6 Amendment due process claims fail. Petitioner contends that his “continued detention
7 without any bond hearing violates his right to due process under the Fifth Amendment.”
8 ECF No. 1 at ¶ 55. But the only due process rights he has are those rights statutorily
9 afforded by Congress. *See Thuraissigiam*, 591 U.S. at 139 (collecting cases); 8 U.S.C.
10 § 1225(b)(1)(B)(iii)(IV); *Landon v. Plasencia*, 459 U.S. 21, 32 (1982) (“This Court has
11 long held that an alien seeking initial admission to the United States requests a privilege
12 and has no constitutional rights regarding his application, for the power to admit or
13 exclude aliens is a sovereign prerogative.”) (citations omitted); *see generally I.N.S. v.*
14 *Lopez-Mendoza*, 468 U.S. 1032, 1038 (1984) (“Consistent with the civil nature of the
15 proceeding, various protections that apply in the context of a criminal trial do not apply
16 in a deportation hearing.”).

17 In *Jennings v. Rodriguez*, 583 U.S. 281, 296–303 (2018), the Supreme Court has
18 evaluated the proper interpretation of 8 U.S.C. § 1225(b) and has stated that “[r]ead
19 most naturally, [8 U.S.C.] §§ 1225(b)(1) and (b)(2) . . . mandate detention of applicants
20 for admission until certain proceedings have concluded.” *Id.* at 297. The Supreme Court
21 noted that neither 8 U.S.C. § 1225(b)(1) nor § 1225(b)(2) “impose[] any limit on the
22 length of detention” and “neither § 1225(b)(1) nor § 1225(b)(2) say[] anything
23 whatsoever about bond hearings.” *Id.* The Supreme Court added that the sole means of
24 release for noncitizens detained pursuant to 8 U.S.C. §§ 1225(b)(1) or (b)(2) prior to
25 removal from the United States is temporary parole at the discretion of the Attorney
26 General under 8 U.S.C. § 1182(d)(5). *Id.* at 300 (“That express exception to detention
27 implies that there are no *other* circumstances under which aliens detained under [8
28 U.S.C.] § 1225(b) may be released.”) (emphasis in original).

1 In *Thuraissigiam*, the Supreme Court once again addressed the due process rights
2 of inadmissible arriving noncitizens and stated that such individuals have no due
3 process rights “other than those afforded by statute.” *Id.* at 107; *id.* at 140 (“[A]n alien
4 in respondent’s position has only those rights regarding admission that Congress has
5 provided by statute.”). The Supreme Court noted that its determination was supported
6 by “more than a century of precedent.” *Id.* at 138 (citing *Nishimura Ekiu v. United*
7 *States*, 142 U.S. 651, 660 (1892); *U.S. ex rel. Knauff v. Shaughnessy*, 338 U.S. 537, 544
8 (1950); *Mezei*, 345 U.S. at 212; *Landon*, 459 U.S. at 32). “[I]n the expedited removal
9 context, a petitioner’s due process rights are coextensive with the statutory rights
10 Congress provides.” *Guerrier*, 18 F.4th at 310; *see also Mendoza-Linares*, 51 F.4th at
11 1149 (“Because Congress has clearly and unambiguously precluded us from asserting
12 jurisdiction over the merits of individual expedited removal orders, even with regard to
13 constitutional challenges to such orders, and because that prohibition on jurisdiction
14 raises no constitutional difficulty, we conclude that we lack jurisdiction over Mendoza-
15 Linares’s petition.”); *Rauda v. Jennings*, 8 F.4th 1050, 1058 (9th Cir. 2021) (“Congress
16 has already balanced the amount of due process available to petitioners with the
17 executive’s prerogative to remove individuals, and we decline to expand judicial review
18 beyond the parameters set by Congress.”); *Mendoza-Linares v. Garland*, No. 21-cv-
19 1169-BEN (AHG), 2024 WL 3316306, at *2 (S.D. Cal. June 10, 2024) (“[T]he Court
20 finds that Petitioner has no Fifth Amendment right to a bond hearing pending his
21 removal proceedings. The only due process due an alien seeking admission to the
22 United States is ‘those rights regarding admission that Congress has provided by
23 statute.’” (quoting *Thuraissigiam*, 591 U.S. at 140); *Zelaya-Gonzalez v. Matuszewski*,
24 No. 23-CV-151 JLS (KSC), 2023 WL 3103811, at *4 (S.D. Cal. Apr. 25, 2023)
25 (“Binding Ninth Circuit and Supreme Court precedents are clear that Petitioner lacks
26 any rights beyond those conferred by statute, and no statute entitles Petitioner to a bond
27 hearing.”).

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1 As Petitioner is detained pursuant to 8 U.S.C. § 1225(b)(1)(B)(iii)(IV), which
2 does not afford a right to a determination by this Court as to whether his release is
3 warranted nor a right to a bond hearing before an immigration judge, the Court should
4 reject his claim that his detention violates the Fifth Amendment’s Due Process Clause
5 and deny his requested relief. *See Thuraissigiam*, 591 U.S. at 107, 140; *Mezei*, 345 U.S.
6 at 212; *Guerrier*, 18 F.4th at 310.

7 **III. CONCLUSION**

8 For the reasons stated herein, Respondents respectfully request that the Court
9 dismiss this petition for lack of jurisdiction or deny it on the merits.

10
11 Dated: January 5, 2026

Respectfully submitted,

12 ADAM GORDON
13 United States Attorney

14 *s/ Laura C. Sambataro*
15 LAURA C. SAMBATARO
Assistant United States Attorney

16 Attorneys for Respondents
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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

PAWAN KUMAR SINGH,
Petitioner,
v.
GREGORY J. ARCHAMBEAULT, et al.,
Respondents.

Case No. 25-cv-3720-JLS-DDL
**DECLARATION OF
RYAN ROBERT DALE SMITH**

I, Ryan Robert Dale Smith, pursuant to 28 U.S.C. § 1746, hereby declare under penalty of perjury that the following statements are true and correct, to the best of my knowledge, information, and belief:

1. I am currently employed by the U.S. Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO), as a Deportation Officer assigned to the Otay Mesa suboffice of the ICE ERO San Diego Field Office.

2. I have been employed by ICE as a law enforcement officer and serving as a Deportation Officer since April 27, 2020. I currently remain serving in this position. As a Deportation Officer, my responsibilities include case management of individuals detained by ICE at the Otay Mesa Detention Center in Otay Mesa, California.

3. This declaration is based upon my personal knowledge and experience as a law enforcement officer and information provided to me in my official capacity as a

1 Deportation Officer in the Otay Mesa suboffice of the ICE ERO San Diego Field Office,
2 as well as my review of government databases and documentation relating to Petitioner
3 Pawan Kumar Singh (Petitioner).

4 4. Petitioner is a native and citizen of India.

5 5. On April 29, 2016, an employer filed Form I-140, Immigrant Petition for
6 Alien Worker, with Petitioner as the beneficiary. On May 10, 2016, USCIS approved
7 the petition. Approval of this visa petition does not in itself grant any immigration
8 status.

9 6. On August 24, 2025, Petitioner applied for admission into the United
10 States at the San Ysidro, California port of entry. He was released after ICE verified
11 that he had H-1B nonimmigrant status.

12 7. After August 24, 2025, Petitioner traveled to Mexico. On November 5,
13 2025, Petitioner applied for admission into the United States at the San Ysidro,
14 California port of entry. He presented an expired Indian passport. Upon further
15 investigation, ICE learned that the employer that filed the petition for Petitioner as a
16 Nonimmigrant Worker had withdrawn its petition on August 4, 2025. As the petition
17 was withdrawn, Petitioner no longer had H1-B nonimmigrant status. He was taken into
18 custody and processed for expedited removal as an immigrant not in possession of a
19 valid entry document at the time of application for admission.

20 8. On November 6, 2025, Petitioner was served with a Notice and Order of
21 Expedited Removal.

22 9. After requesting asylum and/or protection under the Convention Against
23 Torture, Petitioner was provided with a credible fear interview. On November 25, 2025,
24 the asylum officer found that Petitioner did not have a credible fear of persecution or
25 torture. Petitioner requested a review of that determination by an immigration judge.

26 10. On December 3, 2025, an Immigration Judge (IJ) affirmed DHS's credible
27 fear determination. This is a final order and there is no appeal from the IJ's decision.

28 11. ICE is not seeking to remove Petitioner to a third country.

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7 Attorneys for Respondents

8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 PAWAN KUMAR SINGH,
11 Petitioner,
12 v.
13 GREGORY J. ARCHAMBEAULT; et al.,
14 Respondents.
15

Case No.: 25-CV-3720-JLS-DDL

TABLE OF EXHIBITS

16
17 Exhibits:

- 18 1. I-213 Record of Deportable/Inadmissible Alien dated November 5, 2025, with
19 redactions.
20 2. Order of Immigration Judge affirming negative credible fear determination.
21 3. I-860 Notice and Order of Expedited Removal, with redactions
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EXHIBIT 1

SIGMA Event: 
 Subject ID: 

U.S. Department of Homeland Security

Record of Deportable/Inadmissible Alien

Family Name (CAPS) SINGH, PAWAN KUMAR		First	Middle	Sex M	Hair BLK	Eyes BRO	Complexion DRK
Country of Citizenship INDIA	Passport Number and Country of Issue  INDIA	File Number 		Height 	Weight 	Occupation	
U.S. Address 				Scars and Marks NONE INDICATED			
Date, Place, Time, and Manner of Last Entry 11/05/2025, 2504 - SYS, 09:45, Vehicle			Passenger Boarded at Tijuana				
Number, Street, City, Province (State) and Country of Permanent Residence Calle Coahuila 8168 211, Tijuana, MEXICO 22000							
Date of Birth 	Age: 46	Date of Action 11/05/2025	Location Code 2504 - SYS				
City, Province (State) and Country of Birth INDIA		Form: (Type and No.) Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/> NONE					
NIV Issuing Post and NIV Number 		Social Security Account Name None					
Date Visa Issued December 22, 2022		Social Security Number None					
Immigration Record NEGATIVE				Criminal Record None Known			
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate) SINGH, Payal NATIONALITY: INDIA					Number and Nationality of Minor Children 0		
Father's Name, Nationality, and Address, if Known SINGH, Bishwanath Prasad NATIONALITY: INDIA				Mother's Present and Maiden Name, Nationality, and Address, if Known DEVI, Anjula NATIONALITY: INDIA			
Monies Due/Property in U.S. Not in Immediate Possession See Narrative		Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Systems Checks See Narrative	Charge Code Word(s) See Narrative			
Name and Address of (Last/Current) U.S. Employer NONE		Type of Employment NONE	Salary 0.0 USD	Employed from/to 0/0/00 - 0/0/00			
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.) FINS:  Left Index Finger  Right Index Finger 							
STATUS AT ENTRY ----- Other Applicant for Admission None							
ARRESTING AGENT ----- ... (CONTINUED ON I-831)							
Digitally Acquired Signature 				Digitally Acquired Signature 			
Alien has been advised of communication privileges 11/05/2025		(Date/Initials)		GASTELUM, Branden R CBP OFFICER (Signature and Title of Immigration Officer)			
Distribution:				Received: (Subject and Documents) (Report of Interview) GASTELUM, Branden R - CBP OFFICER Officer:  on: November 5, 2025 (time) Digitally Acquired Signature Disposition: EXPEDITED REMOVAL (ER) Examining Officer:  Signed on Behalf of LING, CAQ07061 - SUPERVISORY CBP OFFICER Digitally Acquired Signature			

U.S. Department of Homeland Security

Continuation Page for Form I213

Alien's Name SINGH, PAWAN KUMAR	File Number SIGMA Event: [REDACTED] Event No: [REDACTED]	Date November 6, 2025
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GASTELUM, Branden R CBP OFFICER

CLAIMED DOCUMENTS

 Passport - [REDACTED]
 Passport - [REDACTED]
 Visa - [REDACTED]

RECORDS CHECKED

 EARM Neg
 ATS-P Neg
 TECS Neg
 NCIC Neg
 CIS Neg
 CLAIM Neg
 CCD Neg
 IAFIS Neg

SECTION CODES

 Sec212(a) (7) (A) (i) (I)
 8 USC 1182-ALIEN INADMISSIBILITY UNDER SEC 212(a)

Narrative:

 On November 05th, 2025, at approximately 0934 hours, SINGH, Pawan Kumar (DOB: [REDACTED]) applied for entry into the United States at the San Ysidro Port of Entry via Vehicle lanes, SINGH presented a valid AZ Driver's license [REDACTED] and an expired India Passport ([REDACTED]), bearing his true name and photograph. SINGH told CBPO Torres that he was going to Avondale, Arizona my home. CBPO Torres received 2 negative declarations and a computer-generated alert. CBPO Torres received 2 negative declarations and referred SINGH to secondary inspection.

During Secondary inspection CBPO Gastelum performed an additional interview to determine information relevant to the admissibility and enforcement of the INA. SINGH said he's software engineer and did IT jobs and went to Mexico to buy land and build trailer parks. SINGH was coming to the U.S. to fix his passport and visa situation. He claimed he didn't know his visa was completely revoked. After CBPO Gastelum noticed SINGH story was all over the place. While CBPO Gastelum conducted his queries, he found SINGH H1B VISA was revoked and was not admissible into the United States.

SINGH stated he has no fear or concern to return to his home country of residence.

DISPOSITION SINGH, Pawan Kumar is inadmissible to the United Sates pursuant to Sections 212(a) (7) (A) (i) (I) Immigrant without Documents, of the Immigration and Naturalization Act (INA), ... (CONTINUED ON NEXT PAGE)

Signature  GASTELUM, Branden R	Title CBP OFFICER
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U.S. Department of Homeland Security

Continuation Page for Form 1213

Alien's Name SINGH, PAWAN KUMAR	File Number [REDACTED] SIGMA Event: [REDACTED] Event No: [REDACTED]	Date November 6, 2025
as amended. SINGH was issued Form I-275 Withdrawal of Application for Admission/Consular Notification. Visa was cancelled and SINGH was returned to India in lieu of removal proceedings.		
Signature  GASTELUM, Branden R	Title CBP OFFICER	

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U.S. Department of Homeland Security

Continuation Page for Form 1213

Alien's Name SINGH, PAWAN KUMAR	File Number SIGMA Event: Event No:	Date 11/06/2025
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ADDENDUM

Addendum Reason: DISPO CHANGE TO ER/INDIA
Added by CUEN, Jose
Added on 11/06/2025
SAN YSIDRO, CA - 2504

Addendum Narrative:

Entry/Inadmissibility: On 11/6/2025, at approximately 0934 hours, subject SINGH, Pawan Kumar (DOB: [REDACTED], a citizen of India, arrived at the San Ysidro Port of Entry, in San Ysidro, CA. The subject did not have documents sufficient for lawful entry into the United States. Subject provided an Arizona drivers license ([REDACTED]) and an expired India passport ([REDACTED]), bearing his true name and photograph. The subject stated that they were going to their home in Avondale, Arizona. The subject was referred to secondary inspection and turned over to the Admissibility Enforcement Unit pending further disposition.

During inspection processing, SINGH stated that he left the United States to Mexico in order to purchase property in Mexico to build trailer parks. The subject stated that a Mexican Official issued him a Visa that allowed him to stay in Mexico for six months. When asked, SINGH was not able to recall what type of Visa was issued to him. When crossing back into the United States, SINGH told the Primary Inspection Officer that he was coming back to the U.S. to fix his passport and visa situation. SINGH stated during an interview that he had a Lawful Permanent Resident Application and I-40 application "approved already", but he had not approached any company to specifically petition for him. SINGH stated that he did not want to start the process early or have to "deal with all the paperwork" until closer to the time his Visa was expiring. SINGH stated he originally entered the United States sometime in the year 2011, as a software engineer with an H1B Visa, and lived in St. Louis, Missouri. The subjects visa was found to be revoked during Secondary Inspection. The subject does not have legal documentation to be in the United States and was processed in accordance with the "Securing Our Borders" Executive Order, effective January 21, 2025.

Immigration Violation(s): Negative.

Criminal History/IDENT/IAFIS: Negative.

Consular Notification: Subject was afforded the opportunity to make a consular notification and was accepted.

Subject submitted a DNA sample on DNA Sample Collector number [REDACTED]

Terrorist Links: The subject was queried, and record checks were completed. No links to terrorism or gang affiliation could be established at the time of apprehension.

Health: Subject appeared to be in good health and did not identify any medical concerns during the interview.

Disposition: Subject was processed for Expedited Removal in accordance with the "Securing Our... (CONTINUED ON NEXT PAGE)

Signature  CUEN, Jose	Title CBP OFFICER
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Digitally Acquired Signature

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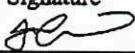
U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name SINGH, PAWAN KUMAR	File Number SIGMA Event: Event No:	Date 11/06/2025
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Borders" Executive Order, effective January 21, 2025. Subject is inadmissible to the United States pursuant to the President's authority to suspend the entry of certain classes of aliens under Section 212(f) of the Immigration and Nationality Act (INA).

Subject was processed for an Expedited Removal pursuant to Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act as amended. Forms I-860 and I-296 were executed and served on the subject. The subject is prohibited from entering, attempting to enter, or being in the United States for a period of 5 years from the date of the subject's departure from the United States as a consequence of having been found inadmissible. Subject was processed for an Expedited Removal pursuant to Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act. Forms I-860 and I-296 were executed and served on the subject. Subject was transferred into ICE Custody for detention.

Signature  CUEN, Jose	Title CBP OFFICER
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U.S. Department of Homeland Security

Continuation Page for Form 1213

Alien's Name SINGH, PAWAN KUMAR	File Number SIGMA Event: [REDACTED] Event No: [REDACTED]	Date 11/06/2025
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ADDENDUM

Addendum Reason: SWB WD Closeout Questions
Added by BLOOMFIELD, CAR27808
Added on 11/06/2025
SAN YSIDRO, CA - 2504

Addendum Narrative:

Has the alien ever been arrested, convicted or engaged in prior criminal activity?
ANSWER: NO

Please select the nonimmigrant class of admission:
ANSWER: H1B - ALIEN WORKERS IN SPECIALTY OCCUPATIONS (PROFESSIONALS)

Does the alien have a waiver of inadmissibility for the crime?
ANSWER: NO, THE ALIEN HAS NO WAIVER

Please choose the category that best fits the crime. If more than one applies, please select the most egregious offense.
ANSWER: ALL OTHER

What did the alien present themselves as?
ANSWER: Non-Immigrant

Signature  BLOOMFIELD, CAR27808	Title CBP OFFICER
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Digitally Acquired Signature

_____ of _____ Pages

EXHIBIT 2



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OTAY MESA IMMIGRATION COURT

Respondent Name:

SINGH, PAWAN KUMAR

To:

SINGH, PAWAN KUMAR
C/O RODNEY RICHMOND
DHS CUSTODY
SAN DIEGO, CA 92154

A-Number:



Riders:

In Credible Fear Review Proceedings
Initiated by the Department of Homeland Security

Date:

12/03/2025

ORDER OF THE IMMIGRATION JUDGE

On 12/03/2025, a review of the Department of Homeland Security's (DHS's) negative credible fear determination was held in this matter. This Court considered testimony and any documentary evidence submitted regarding the Applicant's fear of persecution or torture.

Upon de novo consideration, the Court makes the findings below —

[complete section (1), then complete either section (2) or (3)]

(1) — For all cases

A. The Applicant —

Is covered by the presumption of asylum ineligibility at 8 C.F.R. § 1208.33(a)(1)-(2),
or

Is not covered by the presumption of asylum ineligibility at 8 C.F.R. § 1208.33(a)(1)-(2).

B. If the Applicant is covered by the presumption of asylum ineligibility, the Applicant —

Has rebutted the presumption under 8 C.F.R. § 1208.33(a)(3),
or

Has not rebutted the presumption under 8 C.F.R. § 1208.33(a)(3).

(2) — IF the Applicant *is not covered* by the presumption OR *has rebutted* the presumption

The Applicant *has* established a *significant possibility* of eligibility for asylum under section 208 of the Immigration and Nationality Act (Act), withholding of removal under section 241(b)(3) of the Act, or withholding of removal under the Convention Against Torture (CAT).

The Applicant *has not* established a *significant possibility* of eligibility for asylum under section 208 of the Immigration and Nationality Act (Act), withholding of removal under section 241(b)(3) of

(3) — **IF the Applicant is covered by the presumption AND has not rebutted the presumption**

The Applicant *has* established a *reasonable possibility* of persecution (meaning a reasonable possibility of being persecuted because of their race, religion, nationality, political opinion, or membership in a particular social group) or torture.

The Applicant *has not* established a *reasonable possibility* of persecution (meaning a reasonable possibility of being persecuted because of their race, religion, nationality, political opinion, or membership in a particular social group) or torture.

Based on the findings above, the Court issues the following order -

IT IS HEREBY ORDERED THAT:

- The DHS credible fear determination is **AFFIRMED**, and the case is returned to DHS for removal of the Applicant.
- The DHS credible fear determination is **VACATED**.

This is a final order. There is no appeal from this decision.



Immigration Judge: Grande, Guy 12/03/2025

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [] Alien | [] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS

Respondent Name : SINGH, PAWAN KUMAR | A-Number : 

Riders:

Date: 12/03/2025 By: GONZALEZ, EMELY, Court Staff

EXHIBIT 3

U.S. Department of Homeland Security

Notice and Order of Expedited Removal

DETERMINATION OF INADMISSIBILITY

Event Number : [redacted] File No: [redacted]
SIGMA Event: [redacted] Date: November 6, 2025

In the Matter of: SINGH, PAWAN KUMAR

Pursuant to section 235(b)(1) of the Immigration and Nationality Act (Act), (8 U.S.C. 1225(b)(1)), the Department of Homeland Security has determined that you are inadmissible to the United States under section(s) 212(a) [] (6)(C)(i); [] (6)(C)(ii); [x] (7)(A)(i)(I); [] (7)(A)(i)(II); [] (7)(B)(i)(I); and/or [] (7)(B)(i)(II) of the Act, as amended, and therefore are subject to removal, in that:

- 1. You are not a citizen or national of the United States;
2. You are a native of INDIA and a citizen of INDIA;
3. You applied for admission on 11/05/2025 at SAN YSIDRO, CA, USA;
4. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act;

ON THE BASIS OF THE FOREGOING, IT IS CHARGED THAT YOU ARE SUBJECT TO REMOVAL FROM THE UNITED STATES PURSUANT TO THE FOLLOWING PROVISION(S) OF LAW:
... (CONTINUED ON I-831)

CUEN, Jose
CBP OFFICER
Name and title of immigration officer (Print)

[Signature]
Digitally Acquired Signature Signature of immigration officer

ORDER OF REMOVAL UNDER SECTION 235(b)(1) OF THE ACT

Based upon the determination set forth above and evidence presented during inspection or examination pursuant to section 235 of the Act, and by the authority contained in section 235(b)(1) of the Act, you are found to be inadmissible as charged and ordered removed from the United States.

TANGI, John F
SUPERVISORY CBP OFFICER
Name and title of immigration officer (Print)

[Signature]
Digitally Acquired Signature Signature of immigration officer

RAMPERSAUD, CAP02505
BRANCH CHIEF
Name and title of supervisor (Print)

[Signature]
Digitally Acquired Signature Signature of supervisor, if available

[] Check here if supervisory concurrence was obtained by telephone or other means (no supervisor on duty).

CERTIFICATE OF SERVICE

I personally served the original of this notice upon the above-named person on November 6, 2025
CUEN, Jose
CBP OFFICER
[Signature]
Signature of immigration officer Digitally Acquired Signature (Date)

U.S. Department of Homeland Security

Notice and Order of Expedited Removal

ACKNOWLEDGEMENT

I acknowledge receipt of this notification REFUSED TO SIGN
Digitally Acquired Signature Signature of alien

U.S. Department of Homeland Security

Continuation Page for Form I-860

Alien's Name SINGH, PAWAN KUMAR	File Number SIGMA Event: Event No:	Date November 6, 2025
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Section 212(a) (7) (A) (i) (I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

Signature  CUEN, Jose	Title CBP OFFICER
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Digitally Acquired Signature

3 of 3 Pages