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8 *Attorney for Petitioner*

9  
10  
11 **IN THE UNITED STATES DISTRICT COURT**  
12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 AMIT AMIT

14 Petitioner,

15 v.

16 JEREMY CASEY, Warden of the Imperial  
17 Regional Detention Center; TODD LYONS,  
18 Acting Director of Immigration and Customs  
19 Enforcement; KRISTI NOEM, Secretary of the  
20 U.S. Department of Homeland Security; PAMELA  
21 BONDI, Attorney General of the United States

22 Respondents.

23 Civil Action No. **'25CV3855 JLS BLM**

24 **VERIFIED PETITION FOR**  
25 **HABEAS CORPUS**

26 **INTRODUCTION**

27 1. Petitioner, Amit is being unlawfully detained by Respondents and deprived of release  
28 on bond. Petitioner was born in India and entered the United States on September 8, 2022. He entered  
the U.S. without inspection and was briefly detained by Department of Homeland Security (“DHS”)  
based on a Form I-200 Warrant for Arrest of Alien. Petitioner was released by DHS on an Order of  
Release on Recognizance (“ROR”). The conditions of release required Petitioner to be placed on  
Alternative to Detention (“ATD”) monitoring and mandated that Petitioner check in with Immigration  
and Customs Enforcement (“ICE”).

1           2.       The conditions of Petitioner’s release required him to comply with all terms and  
2 conditions imposed by DHS, which Petitioner fully and faithfully satisfied. Despite years of full  
3 compliance and without any prior notice, changed circumstances, or alleged violation, ICE suddenly  
4 arrested Petitioner on September 7, 2025, outside his residence, while he was waiting for transportation  
5 to his place of employment.  
6

7           3.       On September 17, 2025, DHS served Petitioner with a Notice to Appear (“NTA”) which  
8 designated him as “an alien present in the United States who has not been admitted or paroled” and  
9 charged him with removability pursuant to section 212(a)(6)(A)(i) of the Immigration and Nationality  
10 Act as an “alien present in the United States without being admitted or paroled, or who arrived in the  
11 United States at any time or place other than as designated by the Attorney General.”  
12

13           4.       Following his release from detention, Petitioner timely filed a Form I-589, Application  
14 for Asylum with the immigration court. Petitioner also obtained gainful employment and complied all  
15 the conditions of his release. Petitioner has no criminal history. Nonetheless, on September 7, 2025, ICE  
16 detained Petitioner without prior notice outside his residence while he was waiting for an Uber to go to work.  
17

18           5.       Petitioner is subject to pre-final order of removal detention under 8 U.S.C. § 1226(a).  
19 Noncitizens detained under section 1226(a) are subject to discretionary detention and can request a  
20 change in custody redetermination (i.e. bond hearing) with an Immigration Judge (“IJ”). However, on  
21 July 8, 2025, DHS issued an internal Interim Guidance (“Policy”) that took the baseless position that—  
22 contrary to statutory principles and governing case law—noncitizens like Petitioner who entered the  
23 United States without permission or parole are subject to mandatory detention under 8 U.S.C. § 1225(b)  
24 instead of discretionary detention under section 1226(a). On September 5, 2025, the Board of  
25 Immigration Appeals (“BIA”) issued a decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA  
26 2025) that sided with DHS’ position.  
27  
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1 6. DHS' contention that Petitioner is subject to mandatory detention under 8 U.S.C. §  
2 1225(b) is without merit. DHS' Policy has upended decades of DHS' own interpretation of bond  
3 eligibility under sections 1226(a) and 1225(b). The vast majority of district courts across the country  
4 that has addressed this issue have rejected DHS' arguments and found that it violates the INA and  
5 noncitizens' due process rights.

6  
7 7. Notwithstanding DHS's July 8, 2025 Interim Guidance and the Board's decision in  
8 *Matter of Yajure Hurtado*, Petitioner is eligible for release on bond under controlling federal court  
9 authority. In *Bautista-Maldonado v. DHS*, (C.D. Cal.), the district court squarely rejected DHS's  
10 attempt to reclassify noncitizens like Petitioner—who are in pre-final-order removal proceedings—as  
11 subject to mandatory detention under 8 U.S.C. § 1225(b). The court held that such individuals are  
12 properly detained, if at all, under 8 U.S.C. § 1226(a) and therefore are entitled to a bond hearing before  
13 an Immigration Judge. Because Petitioner is detained under § 1226(a), continued detention without  
14 access to bond is unlawful, and Petitioner is statutorily eligible for release on bond pending the  
15 resolution of his removal proceedings.

16  
17  
18 8. For the foregoing reasons, the Court should grant habeas relief and direct Respondents  
19 to release Petitioner.

### 20 JURISDICTION

21 9. This action arises under the Constitution of the United States and the INA, 8 U.S.C.  
22 § 1101 *et seq.*

23  
24 10. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28  
25 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension  
26 Clause).

27 11. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*,  
28

1 the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

2 **VENUE**

3 12. Venue is proper because Petitioner is detained in Imperial Regional Detention Facility,  
4 which is within the jurisdiction of this District. Venue is also proper in this District because  
5 Respondents are officers, employees, or agencies of the United States. *See* 28 U.S.C. § 1391(e).  
6

7 **PARTIES**

8 13. Respondent Jeremy Casey is sued in his official capacity as Warden of the Imperial  
9 Regional Detention Center. Respondent Casey is the physical custodian of Petitioner.

10 14. Respondent Todd Lyons is sued in his official capacity as the Acting Director of U.S.  
11 Immigration and Customs Enforcement. Respondent Lyons is a legal custodian of Petitioner and has authority  
12 to release him.  
13

14 15. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S. Department  
15 of Homeland Security. In this capacity, Respondent Noem is responsible for the implementation and enforcement  
16 of the INA, and oversees ICE, the component agency responsible for Petitioner's detention and custody.  
17 Respondent Noem is a legal custodian of Petitioner.

18 16. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the United  
19 States and the senior official of the U.S. Department of Justice. In that capacity, she has the authority to  
20 adjudicate removal cases and to oversee the Executive Office for Immigration Review ("EOIR"), which  
21 administers the immigration courts and the BIA. Respondent Bondi is a legal custodian of Petitioner.  
22

23 **STATEMENT OF FACTS**

24 17. Petitioner was born in India and entered the United States on September 8, 2022. He  
25 entered the U.S. without inspection and was briefly detained by Department of Homeland Security  
26 ("DHS") based on a Form I-200 Warrant for Arrest of Alien. *See* Ex. A, Notice to Appear.  
27

28 18. Petitioner was released by DHS on an Order of Release on Recognizance ("ROR"). *See*

1 Ex. B, Order for ROR. The conditions of release required Petitioner to be placed on Alternative to  
2 Detention (“ATD”) monitoring and mandated that Petitioner check in with Immigration and Customs  
3 Enforcement (“ICE”). *See* Ex. B, ROR.

4 19. The conditions of Petitioner’s release required him to comply with all terms and  
5 conditions imposed by DHS, which Petitioner fully and faithfully satisfied. Despite years of full  
6 compliance and without any prior notice, changed circumstances, or alleged violation, ICE suddenly  
7 arrested Petitioner on September 7, 2025, outside his residence, while he was waiting for transportation  
8 to his place of employment.

9  
10 20. On September 15, 2025, DHS served Petitioner with a Notice to Appear (“NTA”) which  
11 designated him as “an alien present in the United States who has not been admitted or paroled” and  
12 charged him with removability pursuant to section 212(a)(6)(A)(i) of the Immigration and Nationality  
13 Act as an “alien present in the United States without being admitted or paroled, or who arrived in the  
14 United States at any time or place other than as designated by the Attorney General.”

15  
16 21. Following his release from detention, Petitioner timely filed a Form I-589, Application  
17 for Asylum with the immigration court. Petitioner also obtained gainful employment and complied all  
18 the conditions of his ROR. Petitioner has no criminal history.

19  
20 **STATUTORY FRAMEWORK**

21 22. The INA prescribes three basic forms of detention for noncitizens in removal  
22 proceedings. First, 8 U.S.C. § 1226(a) authorizes the detention of noncitizens in standard non-expedited  
23 removal proceedings before an IJ. *See* 8 U.S.C. § 1226(a); 8 U.S.C. § 1229a. Individuals in section  
24 1226(a) detention are entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§  
25 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain  
26 crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).  
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1 23. Second, the INA provides for mandatory detention of noncitizens subject to expedited  
2 removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under  
3 8 U.S.C. § 1225(b)(2).

4 24. Finally, the INA also provides for detention of noncitizens who are subject to final  
5 orders of removal, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).  
6 The detention provisions at section 1226(a) and 1225(b)(2) were enacted as part of the Illegal  
7 Immigration Reform and Immigrant Responsibility Act (“IIRIRA”) of 1996, Pub. L. No. 104-208, Div.  
8 C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Section 1226(c) was most  
9 recently amended earlier this year by the Laken Riley Act (“LRA”), Pub. L. No. 119-1, 139 Stat. 3  
10 (2025).  
11

12 25. Following enactment of the IIRIRA, the EOIR drafted new regulations explaining that,  
13 in general, people who entered the country without inspection were not considered detained under  
14 section 1225 and that they were instead detained under section 1226(a). *See* Inspection and Expedited  
15 Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum  
16 Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997). In the decades that followed, most noncitizens  
17 who entered without inspection—unless they were subject to some other detention authority—received  
18 bond hearings. This practice was also consistent with the practice prior to the enactment of the IIRIRA,  
19 in which noncitizens who were not deemed “arriving” were entitled to a custody hearing before an IJ  
20 or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229  
21 (1996) (noting that section 1226(a) simply “restates” the detention authority previously found at section  
22 1252(a)).  
23  
24

25 26. On July 8, 2025, DHS issued a memo to all employees of ICE stating that “[t]his  
26 message serves as notice that DHS, in coordination with the Department of Justice (DOJ), has revisited  
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28

1 its legal position on detention and release authorities. DHS has determined that section 235 of the  
2 Immigration and Nationality Act (INA) [8 U.S.C. § 1225], rather than section 236 [8 U.S.C. § 1226],  
3 is the applicable immigration detention authority for all applicants for admission. The following interim  
4 guidance is intended to ensure immediate and consistent application of the Department's legal  
5 interpretation while additional operational guidance is developed." The memo further stated DHS' new  
6 position with regard to custody determinations as follows:  
7

8 An "applicant for admission" is an alien present in the United States who has not been admitted  
9 or who arrives in the United States, whether or not at a designated port of arrival. INA §  
10 235(a)(1) [8 U.S.C. § 1225(a)(1)]. **Effective immediately, it is the position of DHS that such**  
11 **aliens are subject to detention under INA § 235(b) [8 U.S.C. § 1225(b)] and may not be**  
12 **released from ICE custody except by INA § 212(d)(5) parole.** These aliens are also ineligible  
13 for a custody redetermination hearing ("bond hearing") before an immigration judge and may  
14 not be released for the duration of their removal proceedings absent a parole by DHS. For  
15 custody purposes, these aliens are now treated in the same manner that "arriving aliens" have  
16 historically been treated. **The only aliens eligible for a custody determination and release**  
17 **on recognizance, bond, or other conditions under INA § 236(a) [8 U.S.C. § 1226(a)] during**  
18 **removal proceedings are aliens admitted to the United States and chargeable with**  
19 **deportability under INA § 237, with the exception of those subject to mandatory detention**  
20 **under INA § 236(c) [8 U.S.C. § 1226(c)].**

21 Moving forward, ICE will not issue Form I-286, Notice of Custody Determination, to applicants  
22 for admission because Form I-286 applies by its terms only to custody determinations under  
23 INA § 236 and part 236 of Title 8 of the Code of Federal Regulations. With a limited exception  
24 for certain habeas petitioners, on which the Office of the Principal Legal Advisor (OPLA) will  
25 individually advise, if Enforcement and Removal Operations (ERO) previously conducted a  
26 custody determination for an applicant for admission still detained in ICE custody, ERO will  
27 affirmatively cancel the Form I-286.

28 *See* <https://www.aila.org/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission> (last accessed October 18, 2025) (emphasis original).

29 27. As a result, DHS now considers all noncitizens who have entered the United States  
30 without inspection and are subject to the grounds of inadmissibility, including long-time U.S. residents,  
31 to be subject to mandatory detention under section 1225(b) and ineligible for release on bond.  
32 Conversely, according to DHS "[t]he only aliens eligible for a custody determination and release on  
33 recognizance, bond, or other conditions under INA § 236(a) [8 U.S.C. § 1226(a)] during removal

1 proceedings are aliens admitted to the United States and chargeable with deportability under INA §  
2 237, with the exception of those subject to mandatory detention under INA § 236(c) [8 U.S.C. §  
3 1226(c)].” *Id.*

4 28. On September 5, 2025, the BIA issued a decision in *Matter of Yajure Hurtado*, 29 I&N  
5 Dec. 216 (BIA 2025) holding that, based on the plain language of section 1225(b)(2)(A), IJs lack  
6 authority to hear bond requests or to grant bond to aliens who are present in the United States without  
7 admission.

9 29. Subsequent federal court authority has rejected DHS’s interpretation and confirmed that  
10 individuals in Petitioner’s position remain eligible for bond under § 1226(a). In *Bautista–Maldonado*  
11 v. DHS, the district court held that DHS may not reclassify noncitizens who are already placed in  
12 removal proceedings and detained pre-final order as subject to mandatory detention under § 1225(b).  
13 The court concluded that such detention contravenes the statutory scheme and unlawfully deprives  
14 noncitizens of their right to a bond hearing. Under *Bautista–Maldonado*, noncitizens like Petitioner—  
15 who are in removal proceedings and lack a final order of removal—are properly detained, if at all,  
16 pursuant to § 1226(a) and must be afforded an individualized bond hearing before an IJ. Accordingly,  
17 Petitioner’s continued detention without access to bond violates the INA and the Due Process Clause,  
18 and Petitioner is statutorily and constitutionally eligible for release on bond pending the resolution of  
19 his removal proceedings.  
20  
21

## 22 CLAIMS FOR RELIEF

### 23 **COUNT ONE**

#### 24 **Violation of Fifth Amendment Right to Substantive Due Process**

25 30. The allegations in the above paragraphs are realleged and incorporated herein.

26 31. Petitioner is challenging DHS’ unlawful custody determination that Petitioner is subject  
27  
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1 to detention under 8 U.S.C. § 1225(b) and is ineligible for bond and his continued detention under the  
2 automatic stay provision at 8 C.F.R. § 1003.19(i)(2), which violates Petitioner's right to substantive  
3 due process of law afforded him through the Fifth Amendment to the United States Constitution.

4 32. The Fifth Amendment provides in pertinent part: "No person shall be . . . deprived of  
5 life, liberty, or property, without due process of law[.]" U.S. Const. amend. V. "Freedom from  
6 imprisonment—from government custody, detention, or other forms of physical restraint—lies at the  
7 heart of the liberty that Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

9 33. Petitioner is clearly detained pursuant to 8 U.S.C. § 1226(a) and is eligible for release  
10 on bond. Petitioner is not subject to mandatory detention under 8 U.S.C. § 1225(b). Respondents have  
11 violated Petitioner's due process rights under the Fifth Amendment by detaining him without the  
12 possibility of release on bond.

14 34. As a remedy, the Court should order him released from detention, or alternatively direct  
15 that an IJ hold a constitutionally adequate bond hearing.

16 **COUNT TWO**

17 **Violation of Petitioner's Procedural Due Process Rights**

18 35. The allegations in the above paragraphs are realleged and incorporated herein.

20 36. In *Mathews v. Eldridge*, the U.S. Supreme Court set forth the factors to consider in  
21 determining if government action deprives an individual's Fifth Amendment right to procedural due  
22 process or whether the government process is constitutionally adequate. 424 U.S. 319 (1976) The  
23 *Mathews* factors are as follows: First, the private interest that will be affected by the official action;  
24 [S]econd, the risk of an erroneous deprivation of such interest through the procedures used, and the  
25 probable value, if any, of additional or substitute procedural safeguards; [Third], the Government's  
26 interest, including the function involved and the fiscal and administrative burdens that the additional  
27  
28

1 or substitute procedural requirement would entail. *Id.* at 335.

2 37. As to the private interest factor, it is the "most elemental of liberty interests." *Hamdi v.*  
3 *Rumsfeld*, 542 U.S. 507, 529 (2004). Petitioner has perhaps the most acute private interest known to  
4 personkind short of life itself: bodily freedom.

5 38. With respect to the second factor, erroneous deprivation of Petitioner's liberty is at risk.  
6 Petitioner is not subject to detention under 8 U.S.C. § 1225(b) as DHS claims. As to the third factor,  
7 there is no significant governmental interest in continuing to hold Petitioner in custody, particularly  
8 because an IJ has already found that Petitioner has satisfied his burden that he is not a danger to the  
9 community or risk of flight when it released him on ROR, and he has no criminal history or violations  
10 of the conditions of his release.  
11

12  
13 **COUNT THREE**

14 **Violation of the Immigration and Nationality Act**

15 39. The allegations in the above paragraphs are realleged and incorporated herein.

16 40. Application of 8 U.S.C. § 1225(b) to Petitioner is a violation of the INA because he is  
17 instead subject to discretionary detention under 8 U.S.C. § 1226(a). This deprives noncitizens like  
18 Petitioner of the right to a bond hearing that they are statutorily eligible for and eliminates the authority  
19 of the IJ to determine who can be released on bond.  
20

21 **PRAYER FOR RELIEF**

22 Wherefore, Petitioner requests this Court to grant the following:  
23

- 24 1. Assume jurisdiction over this matter;
- 25 2. Enjoin Respondents from transferring Petitioner during the pendency of the instant action;
- 26 3. Declare that Petitioner's continued detention violates the Immigration and Nationality Act,  
27 8 U.S.C. § 1226(a); and/or the Fifth Amendment to the U.S. Constitution;  
28

- 1 4. Order Petitioner released from detention;
- 2 5. Grant Equal Access to Justice Act (“EAJA”) fees and costs; and
- 3 6. Grant any other further relief this Court deems just and proper.

4  
5 Respectfully,

6   
Gurpreet Kaur, Esq.

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10 Ventura, CA 93003

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13 E-mail: gurpreetkauresq@gmail.com

14  
15 **VERIFICATION PURSUANT TO 28 U.S.C. § 2242**

16 I represent Petitioner, and I submit this verification on his behalf. Because Petitioner is detained  
17 at the California City Correctional Facility and immediate relief is sought, counsel verifies this petition  
18 on his behalf pursuant to 28 U.S.C. § 2242. I hereby verify that the factual statements made in the  
19 foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

20 Dated this 31<sup>th</sup> day of December, 2025.

21   
22 \_\_\_\_\_  
Gurpreet Kaur, Esq.

**A**

DEPARTMENT OF HOMELAND SECURITY  
NOTICE TO APPEAR

DOB: [REDACTED]  
Event: [REDACTED]

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [REDACTED] FINS: [REDACTED] File No: [REDACTED]

In the Matter of:

Respondent: AMIT AMIT \_\_\_\_\_ currently residing at:  
[REDACTED] CALIFORNIA 922319532 (760) 618-7200  
(Number, street, city, state and ZIP code) (Area code and phone number)

- You are an arriving alien.
- You are an alien present in the United States who has not been admitted or paroled.
- You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

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 entered the United States at or near San Luis, AZ, on or about September 8, 2022;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

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:

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to:  8CFR 208.30  8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

2409 LA BRUCHERIE RD, IMPERIAL, CALIFORNIA 92251. IMPERIAL, CALIFORNIA  
(Complete Address of Immigration Court, including Room Number, if any)

on September 29, 2025 at 8:00 am to show why you should not be removed from the United States based on the  
(Date) (Time)

charge(s) set forth above. \_\_\_\_\_ I 2209 HERRENO SDDO  
(Signature and Title of Issuing Officer)

Date: September 17, 2025 \_\_\_\_\_ San Bernardino, CA  
(City and State)

EOIR - 1 of 4

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at http://www.ice.gov/contact/ero, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before:

[Signature of Immigration Officer]

DO

(Signature and Title of Immigration Officer)

Anit (Signature of Respondent)

Date: 9/17/25

Certificate of Service

This Notice To Appear was served on the respondent by me on September 17, 2025, in the following manner and in compliance with section 239(a)(1) of the Act.

[X] in person [ ] by certified mail, returned receipt # \_\_\_\_\_ requested [ ] by regular mail

[ ] Attached is a credible fear worksheet.

[X] Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the ENGLISH language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

Anit

(Signature of Respondent if Personally Served)

[Signature of Officer]

C 8363 BARTH - DO

(Signature and Title of officer)

of 4  
Privacy Act Statement

**Authority:**

The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

**Purpose:**

You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

**Routine Uses:**

For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at <https://www.dhs.gov/system-records-notices-sorn>. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at <https://www.justice.gov/opcl/doi-systems-records>. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

**Disclosure:**

Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

**B**



DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

**PD G-56**

File Number

DOB

Name: **AMIT AMIT**

Date: **09/09/2022**

Home Address **SUNNYVALE, CALIFORNIA 94086**

Please present this notice to your local ICE office upon request

<b>OFFICE LOCATION</b>	ICE Field Offices are listed on the attached document entitled "ICE Field Offices." Please call 1-888-351-4024 if you need assistance in locating or reporting to your local ICE office.
<b>DEADLINE</b>	You must report your local ICE office within 60 days of release.
<b>REQUEST</b>	ICE Deportation Officer for continued processing and consideration for enrollment in ATD.
<b>REASON FOR APPOINTMENT</b>	You have been released in the discretion of U.S. Customs and Border Protection in the United States and are now required to contact your local ICE Field Office to complete processing.  Contacting ICE will ensure that DHS has your address and contact information up to date. Once you contact ICE for the first time, ICE will evaluate how you can meet the continuing filing requirements which may include in-person reporting. Failure to contact the local ICE office may lead to you being taken into custody or placed on additional forms of supervision or monitoring.
<b>BRING WITH YOU</b>	Identification document (birth certificate, government-issued identity documents such as a driver's license or cédula) and all immigration documents.

**FAILURE TO CONTACT THE LOCAL ICE OFFICE AS INSTRUCTED MAY RESULT IN YOUR ARREST AND/OR A LOSS OF THE RIGHT TO ANY POSSIBLE RELIEF. THANK YOU FOR YOUR COOPERATION.**



U.S. Department of Homeland Security  
Immigration and Customs Enforcement

Enforcement Removal Operations, San Jose  
220 Vineyard Ct, Suite 100  
San Jose, CA 95119

File Number



Date

Name: AMIT, Amit

Address:

Phone #

Please come to the office shown below at the time and place indicated in connection with an official matter.

OFFICE LOCATION	Los Angeles Field Office 300 N Los Angeles St Los Angeles, California 90012	Room No. B17	Floor No.
DATE AND HOUR	November 21, 2022 at 7:00 AM		
ASK FOR	Deportation Officer		
REASON FOR APPOINTMENT	Case officer reporting Call (213)830-7999 if you cannot make this appointment		
BRING WITH YOU	<b>This letter and all your documents regarding your immigration status.</b>		

IT IS IMPORTANT THAT YOU KEEP THIS APPOINTMENT AND BRING THIS LETTER WITH YOU.  
If you are unable to do so, state your reason, sign below and return this letter to this office at once.

**NOTE: It is in your best interest to keep this appointment. If you qualify for this program, you may be allowed to report monthly via telephone instead of in person.**

I am unable to keep the appointment because:	
SIGNATURE	DATE

Sincerely,

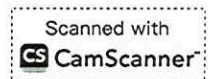
Name: A. Alarcon  
Title: Deportation Officer

# Intensive Supervision Appearance Program BI SmartLINK S-Site Participant Agreement

Participants required to be monitored with location or curfew verification, will be monitored using the BI SmartLINK® Application.

AGREEMENT	
1. I, <u>Amit, Amit</u> , am authorized to travel to the <u>630 Sansome Street, 5th Floor   San Francisco, CA 94111</u> in the city of _____ within the United States. I agree to arrive at this final location by <u>09/27/2022</u> . Upon arrival at this final location, ERO-ATD will make a determination on next steps. <u>01/17/23 JAM</u>	15-275-J
2. While in the Electronic Monitoring Program, I agree to carry a BI provided mobile device and keep it charged and powered on at all times.	
3. I acknowledge receipt of BI mobile device ID#:	
4. I agree that if I am required to submit a Check-In as part of my supervision program that: <ul style="list-style-type: none"> <li>I understand I will receive a notification to submit my <input checked="" type="radio"/> Daily, <input type="radio"/> Weekly, or <input type="radio"/> Monthly on <u>Saturday</u> Check-In between <u>10:00 - 11:00</u> and will comply by completing my Check-In as required.</li> <li>I understand that my mobile device allows the SmartLINK app to provide my location information</li> <li>I agree to be in a cellular data coverage area or connected to a Wi-Fi hotspot with Internet connectivity at the time of my Check-In or other required event. If I do not have coverage at the time of my check-In or other event, I will move to an area of coverage as soon as possible.</li> </ul>	
5. I understand that my identity is confirmed using biometric technology and I agree that I will not attempt to circumvent or take any action designed to circumvent the reliability of the biometrics technology.	
6. I acknowledge that it is my responsibility to inform ERO immediately if I lose or damage the BI mobile device upon which the SmartLINK application is installed.	
7. I agree to NOT drive a motor vehicle or operate machinery when using the SmartLINK application.	
8. I agree to NOT tamper or discard the BI mobile device.	
9. I understand I must return the BI mobile device at my first visit with the BI ISAP or ERO office.	

ACKNOWLEDGEMENT OF REVIEW	
My signature below acknowledges that I have received a copy of the rules and authorized schedule and that they have been explained to me. I also acknowledge that translation services were available upon request. I understand that I must comply with these rules until I have completed the Electronic Monitoring Program, or until otherwise notified by my Intensive Supervision Case Specialist. I also understand that any violation of these rules will constitute a violation that could result in termination of my participation in this program and return to detention.	
Participant Name: <u>Amit, Amit</u>	
Alien Number: <u>[REDACTED]</u>	
Participant Signature	Date <u>09/10/2022</u>
Case Specialist Signature <u>Amit</u>	Date <u>09/10/2022</u>



You are required to retain this permit in your possession and to surrender it to the transportation line at the time of your departure unless you depart over the land border of the United States in which case you must surrender it to a Canadian immigration officer on the Canadian border, or to a United States Immigration officer of the Mexican border.

**DEPARTURE RECORD**

**Port:**

**Date:**

**Manner:**

**Country of  
Destination :**

UNITED STATES DEPARTMENT OF HOMELAND SECURITY



Form Approved OMB No. 43-R0496

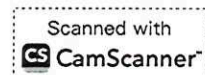
ARRIVAL - DEPARTURE RECORD

Form I-94 (Rev. 08/01/07)

DEPARTMENT OF HOMELAND SECURITY  
U.S. Immigration and Customs Enforcement

**ATD ENROLLMENT - NOTICE TO ALIEN**

Name: <b>Amit, Amit</b>	Field Office: <b>TUC</b>	A Number: 
<p>Your release is contingent upon your enrollment and successful participation in an Alternatives to Detention (ATD) program as designated by the U.S. Department of Homeland Security. As part of the ATD program, you will be subject to electronic monitoring and may be subject to a curfew. Failure to comply with the requirements of the ATD program will result in a redetermination of your release conditions or your arrest and detention.</p> <p>If fitted with a U.S. Immigration and Customs Enforcement GPS monitoring device, do not tamper with or remove the device. Under federal law, it is a crime to willfully damage or attempt to damage property of the United States. <b>The unauthorized removal of the GPS monitoring device will result in damage to property of the United States.</b> Damaging or attempting to damage the GPS monitoring device or any of its associated equipment (including, but not limited to, the charging station, batteries, and power cords) may result in your arrest, detention, and prosecution under <b>18 U.S.C. § 1361</b> and/or <b>18 U.S.C. § 641</b>, each punishable by a fine, up to ten years' imprisonment, or both.</p>		
<b>RECORD OF SERVICE</b>		
Served On: (Alien's Signature) <b>Amit</b>		Date: <b>09/10/2022</b>
<p><i>By signing I acknowledge that this form was provided to me in a language I understand or was read to me in a language I understand. I further acknowledge that tampering with, damaging, and/or removing the GPS Device, or any of its associated equipment, without permission may result in damage to federal property for which I may be criminally prosecuted.</i></p>		
Served By: (Print Name and Title of Officer) <b>Storms Deportation Officer</b>	Location of Service: <b>Tucson, Arizona</b>	
Officer's Signature: 		Date: <b>09/10/2022</b>





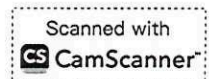
1. FAMILY NAME (Capital Letters) <b>AMIT, AMIT</b>		First Name	Middle Name	2. Age <b>24</b>	3. Country of Citizenship <b>INDIA</b>	
4. Alias				5. Date Apprehended <b>September 08, 2022</b>	6. Office <b>YUM/YUS</b>	
7. Birth Date 		8. Birth Place <b>DELHI, INDIA</b>				
9. Sex <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female		10. OSC/WA Served <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Explain)				
11. File Number 		12. Bond Date Posted \$ _____				
13. CINS <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		14. Medical Alert <input type="checkbox"/> No <input type="checkbox"/> Yes (Explain)				
15. TRANSFER DATE		FROM		TO		
A						
B						
C						
16. ADMITTED BY:			19. RELEASED TO: <input type="checkbox"/> V/R <input type="checkbox"/> Deport		22. Rt. Index Print - In	
17. SEARCHED IN BY:			20. RELEASED BY:			
18. DATE ADMITTED:			21. DATE RELEASED:			
24. Remarks: <b>see I-831</b>						
FORM I-385 (06/01/07)			ALIEN BOOKING RECORD UNITED STATES DEPARTMENT OF HOMELAND SECURITY			

U.S. Department of Homeland Security

Continuation Page for Form

1385

Alien's Name AMIT, AMIT	File Number 	Date September 09, 2022
<p>24. REMARK</p> <p>-----</p> <p>AS A CONDITION OF YOUR PAROLE, YOU ARE TO REPORT TO THE IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) OFFICE NEAR YOUR FINAL DESTINATION WITHIN 60 DAYS OR FACE REMOVAL FROM THE UNITED STATES. VISIT <a href="http://WWW.ICE.GOV/CONTACT/FIELD-OFFICES#">WWW.ICE.GOV/CONTACT/FIELD-OFFICES#</a> FOR ADDRESSES.</p>		
Signature ROBERTO ORO/CO Date: 2022.09.09 19:22:39  0901705439.CBP	Title	



1 Gurpreet Kaur, Esq.  
2 Law Office of Gurpreet Kaur  
3 674 County Square Dr, Suite 305  
4 P.O. Box 2022  
5 Ventura, CA 93003  
6 Ph. 805-300-9003; Cell 909-997-4570  
7 Fax: 805-716-6100  
8 E-mail: gurpreetkauresq@gmail.com  
9 *Attorney for Petitioner*

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**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

AMIT AMIT

Petitioner,

v.

JEREMY CASEY, Warden of the Imperial Regional Detention Center; TODD LYONS, Acting Director of Immigration and Customs Enforcement; KRISTI NOEM, Secretary of the U.S. Department of Homeland Security; PAMELA BONDI, Attorney General of the United States

Respondents.

Civil Action No. **'25CV3855 JLS BLM**

**DECLARATION OF GURPREET KAUR, ESQ. IN SUPPORT OF MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

**DECLARATION OF GURPREET KAUR, ESQ. IN SUPPORT OF MOTION FOR INJUNCTIVE RELIEF**

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I, Gurpreet Kaur, Esq., declare under penalty of perjury as follows:

1. I am the attorney for Petitioner in the above-captioned matter. I make this declaration in support of the Motion for Temporary Restraining Order and Preliminary Injunction.
2. Attached hereto as Exhibit A is a true and accurate copy of the Notice to Appear
3. Attached hereto as Exhibit B is a true and accurate copy of the Order of Release.

Dated this 31<sup>th</sup> day of December, 2025.

\_\_\_\_\_  
Gurpreet Kaur, Esq.