

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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22 **IN THE UNITED STATES DISTRICT COURT**
23 **SOUTHERN DISTRICT OF CALIFORNIA**
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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.
25-cv-03855-JLS-BLM

**REPLY IN SUPPORT OF
PETITION FOR HABEAS
CORPUS**

**REPLY IN SUPPORT OF PETITION FOR WRIT OF HABEAS
CORPUS**

1 Petitioner respectfully submits this Reply to Respondents' Opposition. Critically, Respondents
2 concede the central legal issue in this case: following the entry of final judgment in *Maldonado Bautista*
3 *v. Santacruz*, Petitioner is detained under 8 U.S.C. § 1226(a) and is entitled to relief from unlawful
4 detention.

5 **I. RESPONDENTS' CONCESSION CONFIRMS PETITIONER'S ENTITLEMENT TO RELIEF**

6 Respondents acknowledge that, as of December 18, 2025, the district court in *Maldonado*
7 *Bautista v. Santacruz* entered final judgment invalidating DHS's July 8, 2025 Interim Guidance and
8 declaring it unlawful. Respondents further concede that, as a result, Petitioner is detained under §
9 1226(a) and is entitled to an order directing a bond hearing.

10 This concession resolves the core dispute presented in the Petition. There is no longer any legitimate
11 basis for continued detention under § 1225(b), nor any dispute that the detention authority asserted by
12 DHS prior to final judgment was unlawful.

13 **II. HABEAS RELIEF IS REQUIRED BECAUSE PETITIONER IS CURRENTLY**
14 **UNLAWFULLY DETAINED**

15 Habeas corpus provides a swift and imperative remedy for unlawful detention. See *Fay v. Noia*,
16 372 U.S. 391, 400 (1963). Where the Government concedes that detention authority is unlawful,
17 continued custody—even briefly—violates the Constitution and the INA.
18 Here, Petitioner remains detained despite Respondents' admission that § 1226(a) governs. Absent
19 immediate judicial intervention, Petitioner continues to suffer an ongoing deprivation of physical liberty
20 without lawful justification.

21 **III. IMMEDIATE RELIEF IS WARRANTED; DELAYED ADMINISTRATIVE PROCESS IS**
22 **INSUFFICIENT**

23 Although Respondents suggest that relief should be limited to an eventual bond hearing, that position
24 ignores the posture of this case:

25 Petitioner was previously denied bond based on the now-invalid § 1225(b) framework;
26 Respondents relied on an unlawful policy later invalidated by final judgment. Petitioner has already
27 suffered prolonged detention as a direct result of that unlawful policy.
28

1 Courts routinely order immediate release or expedited bond hearings with strict deadlines in
2 these circumstances, particularly where the Government's legal position has collapsed. A purely
3 prospective remedy would fail to cure the constitutional injury already underway.

4 **IV. RESPONDENTS' "RESERVATION OF RIGHTS" DOES NOT JUSTIFY CONTINUED**
5 **DETENTION**

6 Respondents' statement that they "reserve the right" to supplement their response in the event of a future
7 stay, appeal, or policy change does not authorize present detention. Speculative future events cannot
8 justify ongoing custody today. Unless and until a court issues a stay, final judgment remains binding,
9 and Respondents must comply with it.

10 **V. RELIEF REQUESTED**

11 Because Respondents concede that Petitioner is detained under § 1226(a), and because continued
12 detention without lawful authority constitutes irreparable harm, Petitioner respectfully requests that the
13 Court:

- 14 1. Grant the Petition for Writ of Habeas Corpus;
- 15 2. Order Petitioner's immediate release, or in the alternative,
- 16 3. Order an individualized bond hearing under 8 U.S.C. § 1226(a) within a fixed and expedited
17 timeframe, with the burden on DHS; and
- 18 4. Grant any further relief the Court deems just and proper.

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20 Respectfully,

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22 Gurpreet Kaur, Esq.
23 **Law Office of Gurpreet Kaur**
24 674 County Square Dr, Suite 305
25 P.O. Box 2022
26 Ventura, CA 93003
27 Ph. 805-300-9003; Cell 909-997-4570
28 Fax: 805-716-6100
E-mail: gurpreetkauresq@gmail.com

Dated this 7th day of January, 2026.