

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
SEATTLE, WASHINGTON

KULJEET SINGH,

Petitioner,

v.

Kristi NOEM, Secretary of U.S. Department
of Homeland Security;
Palmela BONDI, United States Attorney
General;
Todd LYONS, Acting Director, U.S.
Immigration and Customs Enforcements;
Laura HERMOSILLO, Acting Seattle Field
Office Director, Immigration and Customs
Enforcement;
Bruce SCOTT, Warden, Northwest ICE
Processing Center;

Respondents.

Case No. 2:26-cv-00088-BAT

**PETITIONER'S TRAVERSE IN
RESPONSE TO FEDERAL
RESPONDENTS' RETURN**

I. INTRODUCTION

Federal Respondents' Return does not meaningfully dispute the operative facts of this case. Respondents concede that Kuljeet Singh was released from ICE custody on an Order of Release on Recognizance, lived in the community for nearly two years, complied with all reporting requirements, and was re-detained on December 1, 2025, when he appeared for a scheduled ICE check-in. Respondents further concede that this re-detention occurred without advance written

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1 notice, without a hearing, and without any prior individualized determination by a neutral
2 decisionmaker regarding flight risk or danger.

3 Rather than contest these facts, Respondents attempt to justify this deprivation of liberty
4 by recharacterizing Mr. Singh's re-detention as "mandatory" under INA § 1225(b) and by arguing
5 that due process did not require any pre-deprivation safeguards. As applied to Mr. Singh, these
6 arguments are legally incorrect, internally inconsistent with Respondents' own actions, and
7 foreclosed by controlling precedent from this Court.

8 Because ICE revoked Mr. Singh's established liberty interest without the most basic
9 procedural protections required by the Fifth Amendment, the Petition should be granted and Mr.
10 Singh ordered immediate release.

11 **II. RESPONDENTS' § 1225(b) "MANDATORY DETENTION" THEORY FAILS**
12 **AS APPLIED TO KULJEET SINGH**

13 Respondents' central argument, that Mr. Singh was subject to mandatory detention under
14 8 U.S.C. § 1225(b) and therefore not entitled to a pre-deprivation hearing, fails both legally and
15 factually.

16 **A. Mr. Singh Was Not Re-Detained Pursuant to § 1225(b)**

17 8 U.S.C. § 1225(b) applies to "applicants for admission" to the United States, who are
18 defined as an "alien present in the United States who has not been admitted or who arrives in the
19 United States" 8 U.S.C. § 1225(a)(1).

20 Mr. Singh's re-detention did not occur at the border, during initial inspection, or in the
21 context of expedited removal. Instead, ICE released Mr. Singh on an Order of Recognizance in
22 December 2023 pursuant to 8 U.S.C. § 1226- "In accordance with section 236 of the Immigration
23 and Nationality Act [(INA)] . . . , you are being released on your own recognizance[.]".
24 Thereafter, petitioner lived freely in the community, complied with all ICE conditions, appeared
25 for all required check-ins, and pursued immigration relief.
26
27

1 Respondents' own Return establishes that Mr. Singh's re-detention resulted from a
2 discretionary custody redetermination made nearly two years after release, following "routine
3 system queries" conducted during a scheduled ICE check-in. ICE management then approved a
4 custody redetermination and issued an I-200 warrant, resulting in Mr. Singh's arrest and transfer
5 to NWIPC.

6 These are hallmarks of discretionary enforcement, not mandatory detention. Mandatory
7 detention regimes do not involve post-release custody redeterminations, managerial approval, or
8 discretionary arrest warrants issued long after release.

9 Courts in this District have repeatedly rejected the Government's attempt to retroactively
10 label such discretionary re-detention as "mandatory" by invoking § 1225(b). See *E.A.T.-B. v.*
11 *Wamsley*; *Ramirez Tesara v. Wamsley*; *Kumar v. Wamsley*; *Ledesma Gonzalez v. Bostock*.

12 B. Even Assuming § 1225(b) Applied, Due Process Still Required a Pre-Deprivation
13 Hearing

14 Even if Respondents could properly invoke § 1225(b), that statutory label does not
15 eliminate constitutional due process.

16 This Court has already held that when DHS seeks to re-detain an individual who was
17 previously released and living in the community, due process independently requires advance
18 notice and a hearing before a neutral decisionmaker, even where the Government asserts
19 mandatory detention. *E.A.T.-B. v. Wamsley*.

20 Respondents' reliance on *Johnson v. Arteaga-Martinez* is misplaced. That decision
21 addressed whether courts may impose statutory bond-hearing requirements; it did not authorize
22 the Government to revoke liberty without any process at all. Nothing in *Arteaga-Martinez* permits
23 ICE to summarily seize a previously released individual without notice or a hearing.

24 **III. RESPONDENTS MISAPPLY THE MATHEWS v. ELDRIDGE FRAMEWORK**
25 **TO MR. SINGH**

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1 Respondents concede that the Mathews v. Eldridge test governs the due process analysis.
2 Applied to Mr. Singh's actual circumstances, every factor weighs decisively in favor of requiring
3 a pre-deprivation hearing.

4 **A. Mr. Singh's Liberty Interest Is Exceptionally Strong**

5 Mr. Singh was not apprehended at the border or newly arrived. He had been released on
6 OREC, living in the community, and complying with ICE supervision for nearly two years. His
7 liberty interest in not being detained "is the most elemental of liberty interests[.]" Hamdi v.
8 Rumsfeld 542 U.S. 507, 529 (2004).

9 Since his initial release in 2023, Petitioner has established himself in Washington state,
10 connected with friends and family members, and found employment. Even if the Government had
11 initial discretion to detain or release Petitioner, its decision to release him on conditional parole
12 triggers "a protected liberty interest in remaining out of custody." Pinchi v. Noem, 793 F. Supp.
13 3d 1025, 1032 (N. D. Cal. 2025).

14 Respondents' attempt to diminish this interest because Mr. Singh is a noncitizen is contrary
15 to Supreme Court and Ninth Circuit precedent recognizing that freedom from physical detention
16 lies at the core of the Due Process Clause, regardless of immigration status.

17 **B. The Risk of Erroneous Deprivation Was Especially High in Mr. Singh's Case**

18 ICE re-detained Mr. Singh without a hearing and based its decision exclusively on:

- 19 • pending state criminal charges
- 20 • routine database queries
- 21 • internal ICE review
- 22 • no neutral adjudication
- 23 • no opportunity for Mr. Singh to be heard
- 24 • no assessment of alternatives

25 Respondents concede that Mr. Singh's criminal case remains pending. Arrests and charges
26 are not convictions. Without a hearing, ICE made a unilateral determination that Mr. Singh should

1 be deprived of liberty based on untested allegations, exactly the type of erroneous deprivation due
2 process is designed to prevent.

3 A pre-deprivation hearing would have allowed a neutral decisionmaker to assess whether
4 detention was actually necessary, whether Mr. Singh posed any danger or flight risk, and whether
5 less restrictive alternatives could suffice.

6 **C. The Government's Interest Does Not Outweigh the Required Safeguards**

7 Providing Mr. Singh with written notice and a prompt pre-deprivation hearing would have
8 imposed minimal administrative burden. ICE already conducted a custody review, issued
9 paperwork, and executed an arrest. Requiring basic constitutional process before revoking liberty
10 does not meaningfully impair the Government's interests.

11 As this Court has repeatedly held, the Government's asserted interest in re-detaining
12 previously released individuals does not outweigh the substantial risk of erroneous deprivation
13 where no hearing is provided.

14 **IV. PENDING CRIMINAL CHARGES DO NOT JUSTIFY MR. SINGH'S**
15 **SUMMARY RE-DETENTION**

16 Respondents rely heavily on Mr. Singh's pending state charges to justify re-detention. That
17 reliance is legally insufficient.

18 First, Mr. Singh is presumed innocent, and Respondents concede that no conviction exists.
19 Second, no neutral adjudicator has found that Mr. Singh poses a danger or flight risk. Third, ICE
20 did not consider less restrictive alternatives such as bond, supervision, or enhanced reporting.

21 Courts have uniformly rejected detention decisions based solely on unproven allegations
22 without individualized findings by a neutral decisionmaker.

23 **V. POST-DEPRIVATION PROCESS CANNOT CURE THE VIOLATION**
24 **SUFFERED BY MR. SINGH**

25 Respondents argue that Mr. Singh may be entitled to a bond hearing after re-detention.
26 That concession underscores the constitutional violation.

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1 Mr. Singh's claim is not merely about entitlement to a bond hearing; it is about the unlawful
2 manner in which his liberty was revoked. As this Court has held, post-deprivation hearings cannot
3 remedy the constitutional injury caused by a seizure of liberty that occurred without due process.

4 Due process requires safeguards before liberty is taken, not after.

5 VI. RELIEF

6 Because ICE summarily revoked Mr. Singh's release without written notice, without a pre-
7 deprivation hearing, and without any individualized finding of danger or flight risk by a neutral
8 decisionmaker, his detention is unconstitutional under the Fifth Amendment.

9 In cases involving materially indistinguishable facts, this Court has consistently recognized
10 that post-deprivation process is inadequate as a matter of law, and that the only effective remedy
11 for such a due process violation is immediate release, not continued confinement pending a belated
12 bond hearing.

13
14 DATED this 27th day of January, 2026.

15 **MULTANI LAW GROUP, PLLC**

16 /s/ Jashan Multani

17 Jashan Multani, WSBA #60073

18 *Attorney for Plaintiff Crystal Warren.*

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