

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

Maninder Singh,

Case No.: _____

Petitioner

v.

**VERIFIED PETITION FOR WRIT OF
HABEAS CORPUS**

Pamela Bondi, Attorney General;

Kristi Noem, Secretary of Homeland
Security;

**EXPEDITED HANDLING
REQUESTED PURSUANT TO 28
U.S.C. § 1657**

Todd M. Lyons, Acting Director of U.S.
Immigration & Customs Enforcement;

Marcos Charles, Acting Executive
Associate Director for Enforcement and
Removal Operations;

Mark Siegel, Field Office Director for
Enforcement and Removal Operations;


U.S. Immigration & Customs
Enforcement;

U.S. Department of Homeland Security;

Scarlet Grant, Warden of Cimarron
Correctional Facility.

Respondents.

INTRODUCTION

1. Respondents are detaining Petitioner, Maninder Singh () (4), in violation of law.

2. Petitioner is an Indian citizen who entered the United States without inspection or parole on March 8, 2022. Petitioner has a pending application for asylum.
3. Petitioner was arrested illegally in the absence of probable cause or a Form I-200 Arrest Warrant on December 4, 2025. The basis for this action was the Board of Immigration Appeals' unlawful and *ultra vires* decision, *Matter of Yajure-Hurtado*, 29 I. & N. Dec. 2016 (BIA 2025).
4. Prior to arresting Petitioner, Respondents acknowledged that he was eligible for a bond under 8 U.S.C. § 1226(a), having issued him an administrative bond in the amount of \$3,000 that was paid by Petitioner prior to his release.
5. The immigration court now maintains it lacks legal authority to set a bond order.
6. The continued detention of Petitioner serves no legitimate purpose.
7. Pending the adjudication of his Petition, Petitioner seeks an order restraining the Respondents from transferring him to a location where he cannot reasonably consult with counsel, such a location to be construed as any location outside of the geographic jurisdiction of the day-to-day operations of U.S. Immigration & Customs Enforcement's ("ICE") Oklahoma City Office of Enforcement and Removal Operations in the State of Oklahoma.
8. Pending the adjudication of this Petition, Petitioner also respectfully requests that Respondents be ordered to provide seventy-two (72) hour notice of any movement of Petitioner.
9. Petitioner requests the same opportunity to be heard in a meaningful manner, at a

meaningful time, and thus requests 72-hour notice prior to any removal or movement of him away from the State of Oklahoma.

10. Petitioner requests an order compelling Respondents to release him pending the outcome of this petition.
11. **In accordance with 28 U.S.C. § 1657, Petitioner requests that the district court issue an Order to Show Cause (“OSC”) giving the government no more than 7 days to file evidence and argument in response to the OSC. Petitioner further requests that the magistrate judge shorten the time for making any objections to the magistrate’s forthcoming Report & Recommendation from 14 days to 5 days.**
12. Petitioner requests that the Court order grant this habeas petition and order Petitioner’s immediate release unless Petitioner is given a bond hearing within 72 hours of the Court’s order granting this petition.


JURISDICTION AND VENUE

13. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331 (federal question), § 1361 (mandamus action), § 1651 (All Writs Act), and § 2241 (habeas corpus); Art. I, § 9, cl. 2 of the U.S. Constitution (“Suspension Clause”); 5 U.S.C. § 702 (Administrative Procedure Act); and 28 U.S.C. § 2201 (Declaratory Judgment Act). This action further arises under the Constitution of the United States and the Immigration and Nationality Act (“INA”), specifically, 8 U.S.C. § 1231(a)(1)-(3) and 8 C.F.R. §§ 241.4, 241.13.

14. Custody is “separate and apart from, and shall form no part of, any deportation or removal hearing or proceeding.” 8 C.F.R. 1003.19(d). *Compare also* 8 U.S.C. 1229(a), *with* 8 USC 1226(a). The Board recently confirmed this in *Matter of E-Y-F-G-*, 29 I. & N. Dec. 103, 105 (BIA 2025). Because Petitioner seeks to challenge his custody as a violation of the Constitution and laws of the United States, jurisdiction is proper in this court.
15. Federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear habeas petitions by noncitizens challenging the lawfulness or constitutionality of their detention by DHS. *Demore v. Kim*, 538 U.S. 510, 516–17 (2003); *Jennings v. Rodriguez*, 138 S. Ct. 830, 839–41 (2018); *Nielsen v. Preap*, 139 S. Ct. 954, 961–63 (2019); *Sopo v. U.S. Attorney Gen.*, 825 F.3d 1199, 1209-12 (11th Cir. 2016).
16. Federal district courts have jurisdiction to enforce 8 U.S.C. § 1226(a)(2). This statute, 8 U.S.C. § 1226(a)(2), entitles Petitioner to a bond hearing in which an immigration judge may determine his eligibility for release from custody.
17. The Supreme Court has noted that prudential exhaustion is not required when to do so would be futile or “the administrative body . . . has . . . predetermined the issue before it.” *McCarthy v. Madigan*, 503 U.S. 140, 148 (1992).
18. The Board’s decision in *Yajure Hurtado* binds the Board of Immigration Review, *see* 8 C.F.R. § 1003.1(g), and renders administrative appeal a futile exercise. *Matter of Yajure Hurtado*, 29 I. & N. Dec. 2016 (BIA 2025). Therefore, there is no exhaustion impediment to the Court exercising jurisdiction.

19. Under 28 U.S.C. § 1657, Petitioner’s petition “shall” be expedited for good cause. (emphasis added). The good cause consists of Petitioner’s credible and detailed allegations of unlawful and unconstitutional civil confinement. An overwhelming majority of courts to have considered this issue have granted the petitions and prompt bond hearings.
20. Venue is proper in this Court pursuant to 28 USC §§ 1391(b), (e)(1)(B), and 2241(d) because Petitioner is detained within this District. He is currently detained at the Cimarron Correctional Facility in Cushing, Oklahoma. Venue is also proper in this Court pursuant to 28 U.S.C. § 1391(e)(1)(A) because Respondents are operating in this district.

PARTIES

21. Petitioner is a citizen of Ukraine who entered the United States in 2016. He is not an arriving alien. He is not seeking admission. Petitioner’s Alien Registration Number (“A number”) is .
22. Respondent Pamela Bondi is being sued in her official capacity as the Attorney General of the United States and the head of the Department of Justice, which encompasses the BIA and the immigration judges through the Executive Office for Immigration Review. Attorney General Bondi shares responsibility for implementation and enforcement of the immigration detention statutes, along with Respondent Noem. Attorney General Bondi is a legal custodian of Petitioner.
23. Respondent Kristi Noem is being sued in her official capacity as the Secretary of the Department of Homeland Security. In this capacity, Secretary Noem is

responsible for the administration of the immigration laws pursuant to § 103(a) of the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1103(a), routinely transacts business in the District of Oklahoma, supervises the Oklahoma City ICE Field Office, and is legally responsible for pursuing Petitioner’s detention and removal. As such, Respondent Noem is a legal custodian of Petitioner.

24. Respondent Department of Homeland Security (“DHS”) is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.
25. Respondent Todd M. Lyons is the Acting Director of U.S. Immigration and Customs Enforcement and is sued in his official capacity. Defendant Lyons is responsible for Petitioner’s detention.
26. Respondent Immigration and Customs Enforcement (“ICE”) is the subagency within the Department of Homeland Security responsible for implementing and enforcing the Immigration & Nationality Act, including the detention of noncitizens.
27. Respondent Marcos Charles is the Acting Executive Associate Director for ICE Enforcement and Removal Operations (“ERO”).
28. Respondent Mark Siegel is being sued in his official capacity as the Field Office Director for the Oklahoma City Field Office for ICE within DHS. In that capacity, Field Director Siegel has supervisory authority over the ICE agents responsible for detaining Petitioner.

29. Respondent Scarlet Grant is being sued in her official capacity as the Warden of the Cimarron Correctional Facility. Because Petitioner is detained in the Cimarron Correctional Facility, Respondent Grant has immediate day-to-day control over Petitioner.

EXHAUSTION

30. ICE asserts authority to detain Petitioner pursuant to the mandatory detention provisions of 8 U.S.C. § 1225(b)(2)(a).
31. No statutory requirement of exhaustion applies to Petitioner’s challenge to the lawfulness of his detention. *See, e.g., Araujo-Cortes v. Shanahan*, 35 F. Supp. 3d 533, 538 (S.D.N.Y. 2014) (“There is no statutory requirement that a habeas petitioner exhaust his administrative remedies before challenging his immigration detention.”); *Rodriguez v. Bostock*, No. 3:25-CV-05240-TMC, 2025 WL 1193850, at *11 (W.D. Wash. Apr. 24, 2025) (citing *Marroquin Ambriz v. Barr*, 420 F. Supp. 3d 953, 962 (N.D. Cal. 2019) (“this Court ‘follows the vast majority of other cases which have waived exhaustion based on irreparable injury when an individual has been detained for months without a bond hearing, and where several additional months may pass before the BIA renders a decision on a pending appeal.’”); *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299, at *5 (D. Mass. July 7, 2025) ((citing *Portela-Gonzalez v. Sec’y of the Navy*, 109 F.3d 74, 77 (1st Cir. 1997) (quoting *McCarthy v. Madigan*, 503 U.S. 140, 146 (1992))).
32. Prudential exhaustion is not required when to do so would be futile or “the administrative body . . . has . . . predetermined the issue before it.” *McCarthy v.*

Madigan, 503 U.S. 140, 148 (1992), *superseded by statute on other grounds as stated in Woodford v. Ngo*, 548 U.S. 81 (2006).

33. Any appeal to the Board of Immigration Appeals is futile. Respondents' new policy was issued "in coordination with DOJ," which oversees the immigration courts. Further, as noted, *Matter of Yajure Hurtado*, the most recent Board of Immigration Appeals decision on this issue held that persons like Petitioner are subject to mandatory detention as applicants for admission.
34. Prudential exhaustion is also not required in cases where "a particular plaintiff may suffer irreparable harm if unable to secure immediate judicial consideration of his claim." *McCarthy*, 503 U.S. at 147. Every day that Petitioner is unlawfully detained causes his and his family irreparable harm. *Jarpa v. Mumford*, 211 F. Supp. 3d 706, 711 (D. Md. 2016) ("Here, continued loss of liberty without any individualized bail determination constitutes the kind of irreparable harm which forgives exhaustion."); *Matacuca v. Frank*, 308 F. Supp. 3d 1019, 1025 (D. Minn. 2018) (explaining that "a loss of liberty" is "perhaps the best example of irreparable harm"); *Hamama v. Adducci*, 349 F. Supp. 3d 665, 701 (E.D. Mich. 2018) (holding that "detention has inflicted grave" and "irreparable harm" and describing the impact of prolonged detention on individuals and their families).
35. Prudential exhaustion is additionally not required in cases where the agency "lacks the institutional competence to resolve the particular type of issue presented, such as the constitutionality of a statute." *McCarthy*, 503 U.S. at 147–48.

36. Immigration agencies have no jurisdiction over constitutional challenges of the kind Petitioner raises here. *See, e.g., Matter of C-*, 20 I. & N. Dec. 529, 532 (BIA 1992) (“[I]t is settled that the immigration judge and this Board lack jurisdiction to rule upon the constitutionality of the Act and the regulations.”); *Matter of Akram*, 25 I. & N. Dec. 874, 880 (BIA 2012); *Matter of Valdovinos*, 18 I. & N. Dec. 343, 345 (BIA 1982); *Matter of Fuentes-Campos*, 21 I. & N. Dec. 905, 912 (BIA 1997); *Matter of U-M-*, 20 I. & N. Dec. 327 (BIA 1991).
37. Because requiring Petitioner to exhaust administrative remedies would be futile, would cause his irreparable harm, and the immigration agencies lack jurisdiction over the constitutional claims, this Court should not require exhaustion as a prudential matter.

FACTUAL ALLEGATIONS & PROCEDURAL HISTORY

38. Petitioner is a native and citizen of India.
39. Petitioner entered the United States without inspection in 2022.
40. Petitioner was not charged as an arriving alien when he was placed into removal proceedings. Instead, he was charged as an individual who is inadmissible to the United States under 8 U.S.C. § 1182 and was granted an administrative bond in the amount of \$3,000 under 8 U.S.C. § 1226(a), which he paid prior to his release. Petitioner complied with all terms of the bond.
41. Despite having a valid bond order, Respondents took Petitioner into custody without probable cause or a valid arrest warrant on December 4, 2025. In so acting,

Respondents violated Petitioner's reasonable reliance interests on his prior bond, his contractual interests stemming from having paid that bond and complied with the conditions, and infringed upon his liberty interests that attached when he was initially released on bond, while also violating his Fourth Amendment rights to be free from unreasonable seizures and his statutory right under 8 U.S.C. § 1226(a) to remain free from custody pending his removal proceedings in the absence of a valid arrest warrant.

42. Respondents now maintain that Petitioner is not eligible to seek a bond redetermination rehearing consistent with § 1226.

LEGAL FRAMEWORK

43. Removal proceedings are governed under 8 U.S.C. § 1229a, which provides that “[a]n immigration judge shall conduct proceedings for deciding the inadmissibility or deportability of an alien,” 8 U.S.C. § 1229a(a)(1) and that “[u]nless otherwise specified in this chapter, a proceeding under this section shall be the sole and exclusive procedure for determining whether an alien may be admitted to the United States.” 8 U.S.C. § 1229a(a)(3).
44. To initiate removal proceedings, “written notice (in this section referred to as a ‘notice to appear’) shall be given in person to the alien (or, if personal service is not practicable, through service by mail to the alien or to the alien’s counsel of record, if any).” 8 U.S.C. § 1229(a)(1).
45. The “[a]pprehension and detention of aliens” is governed under 8 U.S.C. § 1226, which provides that:

On a warrant issued by the Attorney General, an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States. Except as provided in subsection (c) and pending such decision, **the Attorney General ... may release the alien on bond of at least \$1,500 with security approved by, and containing conditions prescribed by, the Attorney General.**

8 U.S.C. § 1226(a)(2)(A) (emphasis added).

46. The regulations provide that, to detain a person under 8 U.S.C. § 1226(a), the Department must issue an I-200 to take a person into custody; and that such a person is subject to release on bond. The regulation states:

(b) Warrant of arrest—

(1) In general. **At the time of issuance of the notice to appear, or at any time thereafter** and up to the time removal proceedings are completed, the respondent may be arrested and taken into custody under the authority of Form I-200, Warrant of Arrest. A warrant of arrest may be issued only by those immigration officers listed in § 287.5(e)(2) of this chapter and may be served only by those immigration officers listed in § 287.5(e)(3) of this chapter.

(2) If, after the issuance of a warrant of arrest, a determination is made not to serve it, any officer authorized to issue such warrant may authorize its cancellation.

(c) Custody issues and release procedures—

(1) In general.

(i) After the expiration of the Transition Period Custody Rules (TPCR) set forth in section 303(b)(3) of Div. C of Pub.L. 104-208, no alien described in section 236(c)(1) **of the Act may be released from custody during removal proceedings except pursuant to section 236(c)(2) of the Act.**

8 C.F.R. § 236.1(b).

47. 8 U.S.C. 1226(a) is the default detention authority, and it applies to anyone who is detained “pending a decision on whether the [noncitizen] is to be removed from the United States.” 8 U.S.C. § 1226(a).
48. 8 U.S.C. 1226(a) applies to those who are “already in the country” and are detained “pending the outcome of removal proceedings.” *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018).
49. 8 U.S.C. § 1226(a) applies not just to persons who are deportable, but also to noncitizens who are inadmissible. Specifically, while § 1226(a) provides the general right to seek release, § 1226(c) carves out discrete categories of noncitizens from being released— including certain categories of inadmissible noncitizens—and subjects those limited classes of inadmissible aliens instead to mandatory detention. *See, e.g.*, 8 U.S.C. § 1226(c)(1)(A), (C).
50. The Laken Riley Act (LRA) added language to § 1226 that directly references people who have entered without inspection or who are present without authorization. *See* LAKEN RILEY ACT, PL 119-1, January 29, 2025, 139 Stat 3. Pursuant to these amendments, people charged as inadmissible under § 1182(a)(6)(A) (the inadmissibility ground for entry without inspection) or (a)(7)(A) (the inadmissibility ground for lacking valid documentation to enter the United States) and who have been arrested, charged with, or convicted of certain crimes are subject to § 1226(c)’s mandatory detention provisions. *See* 8 U.S.C. § 1226(c)(1)(E).

51. By including such individuals under § 1226(c), Congress reaffirmed that § 1226 covers persons charged under § 1182(a)(6)(A) or (a)(7). Generally speaking, grounds of deportability (found in 8 U.S.C. § 1227) apply to people like lawful permanent residents, who have been lawfully admitted and continue to have lawful status, while grounds of inadmissibility (found in § 1182) apply to those who have not yet been admitted to the United States. *See, e.g., Barton v. Barr*, 590 U.S. 222, 234 (2020) (“specific exceptions’ to a statute’s applicability, it ‘proves’ that absent those exceptions, the statute generally applies.”) (quoting *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)).
52. The [i]nspection by immigration officers. expedited removal of inadmissible arriving aliens, [and] referral for hearing” is governed under 8 U.S.C. § 1225, which provides that “[a]n alien present in the United States who has not been admitted or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters) shall be deemed for purposes of this chapter an applicant for admission.” 8 U.S.C. § 1225(a)(1).
53. “All aliens (including alien crewmen) who are applicants for admission or otherwise seeking admission or readmission to or transit through the United States shall be inspected by immigration officers.” 8 U.S.C. § 1225(a)(3).
54. “If an immigration officer determines that an alien ... who **is arriving in the United States** ... is inadmissible under section 1182(a)(6)(C) or 1182(a)(7) of this title, the officer shall order the alien removed from the United States without further hearing

or review unless the alien indicates either an intention to apply for asylum.” 8 U.S.C. § 1225(b)(1)(A)(i) (emphasis added).

55. “If the officer determines at the time of the interview that an alien has a credible fear of persecution ... the alien shall be detained for further consideration of the application for asylum.” 8 U.S.C. § 1225(b)(1)(B)(ii).
56. “[I]n the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien **seeking admission** is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a proceeding under section 1229a of this title.” 8 U.S.C. § 1225(b)(2)(A) (emphasis added).
57. 8 U.S.C. § 1225(b)’s mandatory detention scheme applies “at the Nation’s borders and ports of entry, where the Government must determine whether an alien seeking to enter the country is admissible.” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).
58. “Read most naturally, §§ 1225(b)(1) and (b)(2) mandate detention of applicants for admission until certain proceedings have concluded. Until that point, nothing in the statutory text imposes a limit on the length of detention, and neither provision says anything about bond hearings.” *Jennings v. Rodriguez*, 583 U.S. 281, 282 (2018).
59. By regulation, “[a]rriving alien means an applicant for admission coming or attempting to come into the United States at a port-of-entry, or an alien seeking transit through the United States at a port-of-entry, or an alien interdicted in international or United States waters and brought into the United States by any means, whether or not to a designated port-of-entry, and regardless of the means of transport. An arriving alien remains an arriving alien even if paroled pursuant to

section 212(d)(5) of the Act, and even after any such parole is terminated or revoked.” 8 C.F.R. § 1.2.

60. “[A]n immigration judge may not redetermine conditions of custody imposed by the Service with respect to ... [a]rriving aliens in removal proceedings, including aliens paroled after arrival pursuant to section 212(d)(5) of the Act.” 8 C.F.R. § 1003.19(h)(2)(i)(B).
61. As such, arriving aliens are not entitled to bond, nor, arguably, are aliens falling within the confines of 8 U.S.C. § 1225(b).
62. Congress did not intend to subject all people present in the United States after an unlawful entry to mandatory detention if arrested. Prior to Illegal Immigration Reform and Immigration Responsibility Act (“IIRIRA”), which codified both 8 U.S.C. § 1225 and 8 U.S.C. § 1226, aliens present without admission were not necessarily subject to mandatory detention. *See* 8 U.S.C. § 1252(a)(1) (1994) (authorizing Attorney General to arrest noncitizens for deportability proceedings, which applied to all persons within the United States).
63. In articulating the impact of IIRIRA, Congress noted that the new § 1226(a) merely “restates the current provisions in section 242(a)(1) regarding the authority of the Attorney General to arrest, detain, and release on bond a[] [noncitizen] who is not lawfully in the United States.” H.R. Rep. No. 104-469, pt. 1, at 229 (emphasis added). *See also* H.R. Rep. No. 104-828, at 210 (same).
64. Respondents’ longstanding practice of considering Petitioner as detained under § 1226(a) further supports reading the statute to apply to them. Typically, DHS issues

a person Form I-286, Notice of Custody Determination, or Form I-200, Warrant for Arrest of Alien, stating that the person is detained under § 1226(a) (§ 236 of the INA).

65. As these arrest documents demonstrate, DHS has long acknowledged that § 1226(a) applies to individuals who entered the United States unlawfully, but who were later apprehended within the country's borders long after their entry. Such a longstanding and consistent interpretation "is powerful evidence that interpreting the Act in [this] way is natural and reasonable." *Abramski v. United States*, 573 U.S. 169, 203 (2014) (Scalia, J., dissenting); see also *Bankamerica Corp. v. United States*, 462 U.S. 122, 130 (1983) (relying in part on "over 60 years" of government's interpretation and practice to reject its new proposed interpretation of the law at issue).
66. EOIR regulations have long recognized that individuals like Petitioner are subject to detention under § 1226(a). Nothing in 8 C.F.R. § 1003.19—the regulatory basis for the immigration court's jurisdiction—provides otherwise.
67. In fact, EOIR confirmed that § 1226(a) applies to Petitioner when it promulgated the regulations governing immigration courts and implementing § 1226 decades ago (and when it previously granted Petitioner bond under § 1226(a)). At that time, EOIR explained that "[d]espite being applicants for admission, [noncitizens] who are present without having been admitted or paroled (formerly referred to as [noncitizens] who entered without inspection) will be eligible for bond and bond redetermination." Inspection and Expedited Removal of Aliens; Detention and

Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 FR 10312, 10323, 62 FR 10312-01, 10323.

68. In *Matter of R-A-V-P-*, 27 I. & N. Dec. 803, 04 (BIA 2020), the Board referenced § 1226(a) as the detention authority for a noncitizen who unlawfully entered the United States the prior year and was detained soon thereafter.
69. The Board's recent decision in *Matter of Yajure Hurtado* is contrary to the plain language of the statute, impermissibly expands the reach of § 1225(b)(2), contradicts legislative history, results in surplusage, and conflicts with the judgments of over thirty district courts.¹

REMEDY

70. Respondents' detention of Petitioner under 8 U.S.C. § 1225(b)(2) violates the Due Process Clause of the United States Constitution. Petitioner's ongoing detention violates the Fifth Amendment's guarantee that "[n]o person shall be . . . deprived of life, liberty, or property without due process of law." U.S. Const., Amend. 5.

¹ Notably, the Board improperly concludes that H.R. Rep. No. 104-469 states that aliens present in the United States without inspection are "seeking admission." *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216, 224-225 (BIA Sept. 5, 2025). In fact, the House Report only uses the term "seeking admission" to refer to returning Lawful Permanent Residents, indicating that unless a lawful permanent resident has relinquished her status or engaged in criminal activity barring her from re-entry, she is not considered to be "seeking admission." Nowhere in the report does Congress indicate that an alien present without inspection is "seeking admission." H.R. Rep. No. 104-469, pt. 1, at 225.

71. Due Process requires that detention “bear [] a reasonable relation to the purpose for which the individual [was] committed.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (citing *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)).
72. **Petitioner seeks immediate release to the extent that Respondents justify his detention on 8 U.S.C. § 1225(b)(2), which plainly does not apply to him.**
73. **Petitioner seeks immediate release to the extent that his arrest did not comply with the arrest warrant requirements of 8 U.S.C. § 1226(a) or the reasonable seizure standard of the Fourth Amendment.**
74. Although neither the Constitution nor the federal habeas statutes delineate the necessary content of habeas relief, *I.N.S. v. St. Cyr*, 533 U.S. 289, 337 (2001) (Scalia, J., dissenting) (“A straightforward reading of [the Suspension Clause] discloses that it does not guarantee any content to . . . the writ of habeas corpus”), implicit in habeas jurisdiction is the power to order release. *Boumediene v. Bush*, 553 U.S. 723, 779 (2008) (“[T]he habeas court must have the power to order the conditional release of an individual unlawfully detained.”).
75. The Supreme Court has noted that the typical remedy for unlawful detention is release from detention. *See, e.g., Munaf v. Geren*, 553 U.S. 674 (2008) (“The typical remedy for [unlawful executive detention] is, of course, release.”); *see also Wajda v. US*, 64 F.3d 385, 389 (8th Cir. 1995) (stating the function of habeas relief under 28 U.S.C. § 2241 “is to obtain release from the duration or fact of present custody.”).

76. That courts with habeas jurisdiction have the power to order outright release is justified by the fact that, “habeas corpus is, at its core, an equitable remedy,” *Schlup v. Delo*, 513 U.S. 298, 319 (1995), and that as an equitable remedy, federal courts “[have] broad discretion in conditioning a judgment granting habeas relief [and are] authorized . . . to dispose of habeas corpus matters ‘as law and justice require.’” *Hilton v. Braunskill*, 481 U.S. 770, 775 (1987), quoting 28 U.S.C. § 2243. An order of release falls under court’s broad discretion to fashion relief. *See, e.g., Jimenez v. Cronen*, 317 F. Supp. 3d 626, 636 (D. Mass. 2018) (“Habeas corpus is an equitable remedy. The court has the discretion to fashion relief that is fair in the circumstances, including to order an alien’s release.”).
77. Petitioner first requests immediate release. Petitioner further requests that the Court order Petitioner’s prior bond be reinstated as unlawfully revoked. Alternatively, or in addition, Petitioner requests a constitutionally adequate custody redetermination hearing in which he is not erroneously treated as detained pursuant to 8 U.S.C. § 1225(b)(2) and is instead treated as a detainee under 8 U.S.C. § 1226(a) within three calendar days.

CAUSE OF ACTION

COUNT ONE: DECLARATORY RELIEF

78. Petitioner re-alleges and incorporates by reference each allegation contained in the preceding paragraphs as if set forth fully herein.
79. Petitioner requests a declaratory judgment pursuant to 28 U.S.C. § 2201 that Petitioner’s bond was not lawfully revoked, and must be reinstated.

80. Petitioner requests a declaratory judgment pursuant to 28 U.S.C. § 2201 that Petitioner is not subject to detention under to 8 U.S.C. § 1225(b)(2).
81. Petitioner requests a declaratory judgment pursuant to 28 U.S.C. § 2201 that Petitioner is detained pursuant to 8 U.S.C. § 1226(a)(1).
82. Petitioner requests a declaratory judgment pursuant to 28 U.S.C. § 2201 that Petitioner is eligible to seek a bond redetermination hearing under § 1226.

COUNT TWO: VIOLATION OF THE IMMIGRATION & NATIONALITY ACT
- 8 U.S.C. § 1226(a) & 8 U.S.C. § 1225(b)(2)

83. Petitioner re-alleges and incorporates by reference each allegation contained in the preceding paragraphs as if set forth fully herein.
84. Section 1226 of Title 8 of the U.S. Code governs the detention of aliens pending a determination of removal from the United States.
85. Such an alien “may [be] release[d] ... on bond of at least \$1,500.” 8 U.S.C. § 1226(a)(2)(A).
86. Revocation of Petitioner’s prior bond occurred in violation of the constitution and laws and regulations of the United States.
87. Moreover, the denial of Petitioner’s bond eligibility is in violation of 8 U.S.C. § 1226(a)(2)(A), which specifically makes his eligible for bond.
88. 8 U.S.C. § 1225(b)(2)(A) cannot apply as it only applies to those “seeking admission” at the time of detention and Petitioner was not “seeking admission at the time he was detained. 8 U.S.C. § 1225(b)(2)(A).

COUNT THREE: VIOLATION OF THE FOURTH AND FIFTH AMENDMENTS

89. Petitioner re-alleges and incorporates by reference each allegation contained in the preceding paragraphs as if set forth fully herein.
90. The Fifth Amendment Due Process Clause protects against arbitrary detention and requires that detention be reasonably related to its purpose and accompanied by adequate procedures to ensure that detention is serving its legitimate goals.
91. Revoking Petitioner's prior valid bond without first engaging in a pre-deprivation hearing violated Petitioner's constitutional rights to due process.
92. Petitioner is not subject to mandatory custody under the Immigration & Nationality Act and is therefore entitled to a bond hearing in which a neutral arbiter may determine the justification for his continued detention under 8 U.S.C. § 1226(a)(2)(A), the denial of which constitutes a violation of the Fifth Amendment's guarantee of due process.
93. Petitioner's arrest and seizure was not reasonable under the Fourth Amendment because it occurred in the absence of probable cause, a warrant, or an exception to the warrant requirement. Consequently, the exclusionary rule applies and all evidence obtained from the arrest must be suppressed, including but not limited to Petitioner's identity and immigration status.

COUNT FOUR: VIOLATION OF 8 C.F.R. §§ 236.1, 1236.1 AND 1003.19 - UNLAWFUL REVOCATION AND DENIAL OF RELEASE ON BOND

94. Petitioner re-alleges and incorporates by reference each allegation contained in the preceding paragraphs as if set forth fully herein.

95. In 1997, after Congress amended the INA through IIRIRA, EOIR and the then-Immigration and Naturalization Service issued an interim rule to interpret and apply IIRIRA. Specifically, under the heading of “Apprehension, Custody, and Detention of [Noncitizens],” the agencies explained that “[d]espite being applicants for admission, [noncitizens] who are present without having been admitted or paroled (formerly referred to as [noncitizens] who entered without inspection) will be eligible for bond and bond redetermination.” 62 Fed. Reg. at 10323 (emphasis added).
96. The agencies thus made clear that individuals who had entered without inspection were eligible for consideration for bond and bond hearings before immigration courts under 8 U.S.C. § 1226 and its implementing regulations.
97. Nonetheless, Respondents maintain that Petitioner is not eligible for a bond redetermination hearing.
98. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

**COUNT FIVE: VIOLATION OF THE ADMINISTRATIVE PROCEDURES ACT
– CONTRARY TO LAW AND ARBITRARY AND CAPRICIOUS AGENCY
POLICY**

99. Petitioner re-alleges and incorporates by reference each allegation contained in the preceding paragraphs as if set forth fully herein.
100. The APA provides that a “reviewing court shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be . . . arbitrary and capricious,

an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A).

101. The APA provides that a “reviewing court shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be . . . without observance of procedure required by law.” 5 U.S.C. § 706(2)(D).
102. Here, the immigration court’s revocation of Petitioner’s bond on the basis of *Yajure-Hurtado*, 29 I. & N. Dec. 2016 (BIA 2025), was plainly unlawful, arbitrary, capricious, or otherwise an abuse of discretion or not in accordance with law.
103. Additionally, the mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. As relevant here, it does not apply to those who previously entered the country and have been residing in the United States prior to being apprehended and placed in removal proceedings by Respondents. Such noncitizens are detained under § 1226(a) and are eligible for release on bond, unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.
104. Nonetheless, the Board has adopted a policy and practice of applying § 1225(b)(2) to Petitioner and others in the same position.
105. Respondents through their recent administrative decision failed to articulate any reasoned explanations for new interpretation of the Act. The Board’s decision represents a change in the agencies’ policies and positions that negates the plain language of the Act, the will of Congress, and decades of administrative precedent.

106. The application of § 1225(b)(2) to Petitioner is arbitrary, capricious, and not in accordance with law, and as such, it violates the APA. *See* 5 U.S.C. § 706(2).

PRAYER FOR RELIEF

WHEREFORE, Petitioner, Maninder Singh, asks this Court for the following relief:

1. Assume jurisdiction over this matter.
2. Expedite consideration of this action pursuant to 28 U.S.C. § 1657 because it is an action brought under 28 U.S.C. Ch. 153.
 - a. Issue an Order to Show Cause ordering Respondents to state the true cause of Petitioner's detention within 7 days of the Court's issuance of the OSC.
 - b. Pursuant to 28 U.S.C. § 1657, issue an Order shortening the time for making any objections to the magistrate's forthcoming Report & Recommendation from 14 days to 5 days.
 - c. Issue a favorable decision as quickly as possible.
3. Petitioner requests that the Court order grant this habeas petition and order Petitioner's immediate release unless Petitioner is given a bond hearing within 72 hours of the Court's order granting this petition.
4. Issue an emergency preliminary order restraining Respondents from attempting to move Petitioner from the State of Oklahoma during the pendency of this Petition.
5. Issue an emergency preliminary order requiring Respondents to provide 72-hour notice of any intended movement of Petitioner.
6. Order Petitioner's immediate release.

7. Order the Immigration Court asserting administrative control over Petitioner's custody proceedings at the time of those custody proceedings not to follow the Board of Immigration Appeal's decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA Sept. 5, 2025), and grant individuals who entered without inspection a bond redetermination hearing consistent with 8 U.S.C. § 1226.
8. Declare that Petitioner was arrested in violation of 8 U.S.C. § 1226(a) due to the lack of a valid arrest warrant.
9. Declare that Petitioner was seized in violation of the Fourth Amendment's reasonableness standard, and suppress all evidence obtained from that arrest, including but not limited to Petitioner's identity.
10. Declare that Respondents' action is arbitrary and capricious.
11. Declare that Respondents failed to adhere to binding regulations and precedent.
12. Declare that Respondents must reinstate Petitioner's prior bond. Alternatively, declare that Petitioner's detention absent a bond hearing violates the Due Process Clause of the Fifth Amendment.
13. Grant Petitioner reasonable attorney fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A).
14. Grant all further relief this Court deems just and proper.

DATED: January 11, 2026

Respectfully submitted,

RATKOWSKI LAW PLLC

/s/ Nico Ratkowski

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Attorney for Petitioner

Verification by Petitioner Pursuant to 28 U.S.C. § 2242

I am submitting this verification because I am the Petitioner. I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus, including the statements regarding my detention status, are true and correct to the best of my knowledge. I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that all of the factual allegations and statements in the Petition are true and correct to the best of my knowledge and belief.

/s/ Maninder Singh
Maninder Singh

Dated: January 11, 2026