

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

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DHARMINDER SINGH,

Petitioner-Plaintiff,

v.

PAM BONDI,

United States Attorney General;

KRISTI LYNN NOEM,

Secretary of the United States

Department of Homeland Security;

TODD M. LYONS,

Director of United States

Immigration and Customs Enforcement;

SYLVESTER ORTEGA

Field Office Director

for Detention and Removal, U.S.

Immigration and Customs Enforcement,

Warden of the Karnes County


Immigration Processing Center

Daren K. Margolin, Director of the

Executive Office for Immigration Review

Respondents-Defendants.

Civ. No. 5:26-cv-125

DHS File Number: 

COMPLAINT FOR DECLARATORY  
AND INJUNCTIVE RELIEF;  
PETITION FOR HABEAS CORPUS

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF  
AND PETITION FOR WRIT OF HABEAS CORPUS  
(28 U.S.C. §§ 1331, 2201, 2241, 2243; U.S. Const. amend. V)

Petitioner Dharminder Singh (“Mr. Singh”), by and through counsel, petitions this Honorable Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 and seeks declaratory and

injunctive relief to remedy his unlawful detention and to prevent unlawful transfer or removal while this Court adjudicates this Petition.

## I. INTRODUCTION

1. This is a habeas case challenging ongoing civil immigration detention that violates the Fifth Amendment's Due Process Clause and the procedures required to fairly adjudicate protection claims.
2. Mr. Singh is not asserting that he is barred from requesting bond in immigration court, and he is not asking this Court to review the discretionary decision to commence removal proceedings. Instead, Mr. Singh challenges continued detention that is not tethered to the limited permissible purposes of civil confinement and that deprives him of a meaningful opportunity to gather evidence and prepare his asylum claim on the non-detained docket.
3. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
4. Civil immigration detention is constitutionally permissible only for limited purposes—principally, preventing flight and protecting the community. *Zadvydas*, 533 U.S. at 690; *Demore v. Kim*, 538 U.S. 510, 528 (2003).
5. Due process requires that a person facing physical restraint have an opportunity to be heard at a meaningful time and in a meaningful manner. *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976).
6. Mr. Singh is a citizen of India. In 2025, he entered the United States twice on a valid B-1/B-2 visa. After his second entry, he remained in the United States and affirmatively filed an asylum application with counsel in California, completed biometrics, and lived

openly with his sister in Fresno while pursuing protection through established legal channels.

7. In December 2025, Mr. Singh accidentally crossed into Canada near the U.S.–Canada border. Canadian authorities detained him and transferred him to U.S. immigration authorities after verifying his affirmative asylum filing.
8. Mr. Singh is now detained in ICE custody at the Karnes County Immigration Processing Center.
9. Continued detention in this posture is unlawful because there is no individualized showing that Mr. Singh is a danger or a flight risk, and detention imposes a severe deprivation of liberty while materially impairing his ability to gather corroborating evidence, work with counsel, and fairly litigate his affirmative asylum claim.
10. Asylum adjudication is a multi-stage process. Even if the Immigration Judge denies Mr. Singh’s asylum claim, he will have the right to appeal to the Board of Immigration Appeals (“BIA”). See 8 C.F.R. § 1003.38(b) (notice of appeal must be filed within 30 calendar days of the Immigration Judge’s decision).
11. Detaining Mr. Singh while his asylum claim is litigated—and potentially while he pursues BIA review—creates the risk of prolonged civil confinement untethered to the constitutionally limited purposes of immigration detention. *Zadvydas*, 533 U.S. at 690.
12. Mr. Singh seeks (a) immediate release under appropriate conditions of supervision; or, at minimum, (b) an order preventing transfer/removal while this Court adjudicates the Petition to preserve jurisdiction and prevent irreparable harm.

## II. JURISDICTION AND VENUE

14. This action arises under the Constitution and laws of the United States, including 28 U.S.C. § 2241, 28 U.S.C. § 1331, and federal immigration laws and regulations governing asylum adjudication and appellate review.
15. This Court has jurisdiction under 28 U.S.C. § 2241 because Mr. Singh is “in custody” under color of the authority of the United States, and he challenges the legality of that custody.
16. This Court also has jurisdiction under 28 U.S.C. § 1331 because Mr. Singh raises federal constitutional and statutory claims. Courts retain habeas jurisdiction to prevent ongoing unlawful detention, especially where detention interferes with access to statutory rights. See *Sanchez Roman v. Noem* (D. Nev. 2025).
17. Venue is proper in the Western District of Texas because Mr. Singh is detained within this District at the Karnes County Immigration Processing Center and his immediate custodian is within this District.
18. This Court may issue declaratory relief under 28 U.S.C. § 2201 and injunctive relief under its equitable powers and the All Writs Act, 28 U.S.C. § 1651, including to prevent transfer that would frustrate jurisdiction.

### **III. REQUIREMENTS OF 28 U.S.C. § 2243 (RETURN, HEARING, DECISION)**

19. Under 28 U.S.C. § 2243, the Court must either grant the writ or issue an order directing Respondents to show cause why the writ should not be granted.
20. If an order to show cause issues, Respondents must make a return “within three days” unless the Court allows additional time for good cause, not exceeding twenty days. 28 U.S.C. § 2243. Habeas corpus is “perhaps the most important writ known to the

constitutional law . . . affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963).

21. Delay in adjudicating unlawful detention undermines the writ. *Rhueark v. Wade*, 540 F.2d 1282, 1283 (5th Cir. 1976).

#### IV. PARTIES

22. Petitioner is **Dharminder Singh** ()<sup>5</sup>, currently detained in ICE custody at Karnes County Immigration Processing Center, 409 FM 1144, Karnes City, TX 78118.


23. Respondent **Pamela Bondi** is named in her official capacity as the United States Attorney General and is responsible for the administration and policy of the immigration courts, which has resulted in the denial of this noncitizen’s attempt to seek a custody redetermination from the U.S. Department of Justice under 8 C.F.R. § 1003.19.

24. Respondent **Kristi Noem** is named in her official capacity as the Secretary of the United States Department of Homeland Security (“DHS”), which administers and enforces the federal immigration laws. Secretary Noem is ultimately responsible for the actions of ICE, including the administration of the immigration laws pursuant to Section 103(a) of the INA, 8 U.S.C. § 1103(a). Secretary Noem is legally responsible for the Office of the Principal Legal Advisor of ICE and for any effort to detain and remove Petitioner, and is thus a legal custodian of Petitioner.

25. Respondent **Todd M. Lyons** is named in his official capacity as the Director of U.S. Immigration and Customs Enforcement, the agency within DHS responsible for managing all aspects of the immigration enforcement process, including immigration detention. ICE is responsible for the apprehension, incarceration, and removal of noncitizens from the United States, and Director Lyons is a legal custodian of Petitioner.

26. Respondent **Sylvester Ortega** is named in his official capacity as the Field Office Director for the San Antonio Field Office of ICE and is responsible for the enforcement of the immigration laws within this district and for ensuring that ICE officials follow the agency's policies and procedures. Director Ortega is a legal custodian of Petitioner.
27. The **Warden of the Karnes County Immigration Processing Center** is sued as the direct custodian of Petitioner, and his or her name is not publicly listed on any materials that were available at the time of filing. The Warden is sued in his or her official capacity, as he or she has immediate physical custody of Petitioner pursuant to an agreement with ICE to detain noncitizens and is a legal custodian of Petitioner.
28. Respondent **Daren K. Margolin** is the Director of the Executive Office for Immigration Review ("EOIR"), has the legal authority to order an Immigration Judge to provide Petitioner a bond hearing, and is sued in his official capacity.

## V. FACTUAL ALLEGATIONS

29. Mr. Singh is a citizen of India. In 2025, Mr. Singh entered the United States twice on a valid B-1/B-2 visa. After the second entry, Mr. Singh remained in the United States and affirmatively filed an asylum application with counsel in California. Mr. Singh was assigned asylum case number  and completed asylum biometrics/fingerprints. It is important to note that he filed his affirmative asylum petition while still in lawful status. Therefore, he has not accumulated unlawful presence.

30. Mr. Singh resided openly with his sister in Fresno, California while pursuing his affirmative asylum case. In December 2025, Mr. Singh accidentally crossed into Canada near the U.S.–Canada border. Canadian authorities detained Mr. Singh and transferred him to U.S. immigration authorities after confirming that he had filed an affirmative asylum application.

31. ICE now detains Mr. Singh at the Karnes County Immigration Processing Center.

32. Mr. Singh does not present a danger to the community and is not a flight risk. He pursued asylum affirmatively with counsel, completed biometrics, was residing openly with family and has no criminal history.

33. Mr. Singh's detention materially impairs his ability to gather evidence needed for asylum, including corroborating documents, affidavits, witness coordination, medical or psychological records, and country-conditions materials, as well as his ability to assist counsel in preparing testimony and organizing exhibits.

34. The constraints of detention—restricted access to documents, limited communication, and logistical barriers to obtaining records—create an elevated risk of an erroneous outcome in his asylum adjudication.

35. Asylum adjudication in immigration court is not the end of the process. If the Immigration Judge denies asylum, Mr. Singh has the right to appeal to the BIA. See 8 C.F.R. § 1003.38(b). According to the agency's own data, during fiscal year 2024, the BIA's average processing time for a bond appeal was approximately 204 days, or about seven months. As a result, in an average case where bond was granted or denied in December, the appeal would not be resolved until July of the following year. This 204-day figure is an average; some cases take longer, and there is no definite timeline for resolution or release.

36. Months of detention while awaiting appellate review deprive detained noncitizens of time with their children, spouses, and family members, and deprive those families and communities of the detained person's care, support, and contributions. Detaining Mr. Singh through merits litigation and potential appeal risks prolonged civil confinement not justified

by the limited purposes of immigration detention. *Zadvydas*, 533 U.S. at 690; *Demore*, 538 U.S. at 528. Detained noncitizens are often held in jail or jail-like settings and subjected to restrictive conditions, including inadequate medical care and other degrading treatment. **While not all noncitizens succeed in their appeals, those who do have suffered months of unnecessary detention by the time their rights are vindicated.** Failing to provide timely review of erroneous interpretations of the INA, including incorrect classifications under § 1225(b) rather than § 1226(a), violates the Due Process Clause.

## VI. LEGAL FRAMEWORK (DUE PROCESS)

37. The Fifth Amendment entitles noncitizens to due process of law in removal proceedings. *Demore v. Kim*, 538 U.S. 510, 523 (2003) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)).

38. The Due Process Clause applies to all “persons” within the United States, including noncitizens regardless of status. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

39. Civil immigration detention is permissible only for limited purposes, principally preventing flight and protecting the community. *Zadvydas*, 533 U.S. at 690; *Demore*, 538 U.S. at 528.

40. Due process requires adequate procedural protections before the Government may continue to deprive a person of liberty. *Zadvydas*, 533 U.S. at 690.

41. The “fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner.” *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). Under *Mathews*, courts weigh: (1) the private interest affected; (2) the risk of erroneous deprivation and the probable value of additional safeguards; and (3) the Government’s interest, including fiscal and administrative burdens. *Mathews*, 424 U.S. at 335.

42. Mr. Singh's private interest in physical liberty is at its apex.

43. The risk of erroneous deprivation is unusually high where detention itself prevents the applicant from gathering corroboration and meaningfully preparing an asylum case that depends on documentary evidence and witness support.

44. The Government's interests can be served through less restrictive alternatives, including conditions of supervision, especially where no individualized evidence shows danger or flight risk.

45. Continued detention while Mr. Singh litigates asylum and preserves his right to appeal creates the risk of prolonged confinement untethered to the limited purposes of civil detention. *Zadvydas*, 533 U.S. at 690. Additionally, detention that **materially interferes** with the ability to prepare and present claims violates due process, even when removal proceedings are still pending. See *Perez Camacho v. Hollinshead* (D. Idaho Nov. 19, 2025) at p. 22.

## **VII. RIPENESS / NO ADEQUATE ALTERNATIVE REMEDY**

46. Habeas is available where detention is unlawful and administrative processes are inadequate to prevent ongoing irreparable deprivation of liberty. *Zadvydas*, 533 U.S. at 688–90.

47. Mr. Singh does not ask this Court to review the discretionary decision to commence proceedings or to decide the merits of asylum.

48. Mr. Singh seeks judicial review of the legality of his continued civil detention and whether it complies with the Constitution.

## **VIII. CLAIMS FOR RELIEF**

COUNT ONE — HABEAS (28 U.S.C. § 2241): UNLAWFUL CIVIL DETENTION (DUE PROCESS)

49. Mr. Singh incorporates by reference paragraphs 1–48.

50. Mr. Singh is detained under color of federal authority, but his continued incarceration violates the Due Process Clause because it is not justified by the limited permissible purposes of civil detention and is maintained without constitutionally adequate safeguards. *Zadvydas*, 533 U.S. at 690; *Mathews*, 424 U.S. at 333–35.

51. Mr. Singh’s detention prevents him from gathering the evidence necessary to fairly litigate an affirmative asylum claim, increasing the risk of erroneous deprivation of both liberty and statutory protection.

52. Mr. Singh is therefore entitled to habeas relief ordering his release under appropriate conditions of supervision, or, at minimum, prompt constitutionally adequate custody review by a neutral decision-maker with authority to order release. Detention through the entire asylum and appellate process would amount to **open-ended civil confinement**, which due process does not permit. Civil immigration detention must be reasonably related to its purpose. See *Rocha Rosado v. Figueroa* (D. Ariz. 2025) at p. 28. Detention becomes constitutionally suspect when it continues while legal processes remain unresolved. See *Id.*

COUNT TWO — FIFTH AMENDMENT DUE PROCESS (SUBSTANTIVE & PROCEDURAL)

53. Mr. Singh incorporates by reference paragraphs 1–52.

54. The Government has deprived Mr. Singh of liberty without constitutionally adequate procedures. *Zadvydas*, 533 U.S. at 690; *Mathews*, 424 U.S. at 333–35.

55. The Government cannot justify continued detention absent an individualized showing tied to legitimate civil detention purposes (flight risk or danger). *Zadvydas*, 533 U.S. at 690; *Demore*, 538 U.S. at 528.

56. Mr. Singh has strong equities demonstrating he can be safely released under conditions, including an affirmative asylum filing with counsel, biometrics completion, residence with family, and the absence of any individualized showing of dangerousness or flight risk.

57. Because Mr. Singh may litigate asylum and, if denied, pursue a BIA appeal, continued detention threatens prolonged confinement while he exercises regulatory rights. See 8 C.F.R. § 1003.38(b).

58. Continued detention under these circumstances constitutes an arbitrary deprivation of liberty in violation of the Due Process Clause. *Zadvydas*, 533 U.S. at 690; *Mathews*, 424 U.S. at 333. Removability is not foreseeable.

COUNT THREE — INJUNCTIVE RELIEF TO PRESERVE JURISDICTION AND PREVENT IRREPARABLE HARM

59. Mr. Singh incorporates by reference paragraphs 1–58.

60. Transfer or removal during these proceedings would irreparably harm Mr. Singh and could frustrate this Court’s jurisdiction and ability to grant effective habeas relief.

61. This Court has authority to preserve its jurisdiction and prevent irreparable harm while it adjudicates a habeas petition.

## **IX. RELIEF REQUESTED**

WHEREFORE, Mr. Singh respectfully requests that this Court:

- A. Assume jurisdiction over this habeas petition under 28 U.S.C. § 2241;
- B. Issue an Order to Show Cause under 28 U.S.C. § 2243 requiring Respondents to respond within three days (or such time as the Court allows for good cause);
- C. Order Respondents to produce the complete A-file and custody records relevant to Mr. Singh's detention and custody determinations;
- D. Enjoin Respondents from transferring Mr. Singh out of this District and/or removing him while this Petition is pending, to preserve the Court's jurisdiction and prevent irreparable harm;
- E. Grant the writ of habeas corpus and order Respondents to release Mr. Singh immediately under appropriate conditions of supervision; or, in the alternative,
- F. Grant any other relief the Court deems just and proper.

**Respectfully submitted on January 12, 2026.**

*/s/ Georgia Santos Laurent*

Georgia Santos Laurent

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**VERIFICATION OF COUNSEL**

I, Georgia Santos Laurent, hereby certify that I am familiar with the case of the named petitioner and that the facts as stated above are true and correct to the best of my knowledge and belief.

*/s/ Georgia Santos Laurent*

Georgia Santos Laurent

Date: 01/12/2026

**CERTIFICATE OF SERVICE**

I certify, in accordance with the rules of this Court, I filed the foregoing via the Court's CM/ECF system, which will send notice to all registered counsel of record.

January 12, 2026.



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