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

5
6 DHARMINDER SINGH,
7
8 Petitioner-Plaintiff,
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10 v.
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12 PAM BONDI,
13 United States Attorney General;
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15 KRISTI LYNN NOEM,
16 Secretary of the United States
17 Department of Homeland Security;
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20 TODD M. LYONS,
21 Director of United States
22 Immigration and Customs Enforcement;
23
24 SYLVESTER ORTEGA
25 Field Office Director
26 for Detention and Removal, U.S.
27 Immigration and Customs Enforcement,
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29 Warden of the Karnes County
30 Immigration Processing Center
31
32 Daren K. Margolin, Director of the
33 Executive Office for Immigration Review
34
35 Respondents-Defendants.
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Civ. No. 5:26-cv-00125-JKP

DHS File Number: 

COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF;
PETITION FOR HABEAS CORPUS

37 PETITIONER'S REPLY TO FEDERAL RESPONDENTS' RESPONSE TO
38 PETITIONER'S WRIT OF HABEAS CORPUS
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40 Respondents' Response fails to address all issues raised in the Petition, including Petitioner's
41 core due process challenge to prolonged civil detention untethered to any individualized showing
42 of danger or flight risk, and the resulting impairment of Petitioner's ability to fairly litigate his

43 asylum claim while confined. See Federal Respondents’ Response to Petitioner’s Writ of Habeas
44 Corpus (“Response”), Case 5:26-cv-00125-JKP, ECF No. 5. Respondents also failed to explain
45 why this case should be treated differently from numerous other habeas cases previously granted
46 by this Court involving the same essential fact pattern—noncriminal civil immigration detention,
47 no individualized showing of danger or flight risk, and continued confinement that becomes
48 constitutionally unreasonable while removal proceedings remain pending.

- 49 1. First, Respondents wrongly frame Petitioner’s habeas as merely a disagreement with
50 “custody redetermination” procedures, and claim the Petition is “premature” because Mr.
51 Singh did not first seek bond before the Immigration Court. Response at 2–3.
52 Petitioner’s habeas petition is not limited to a request for routine bond review; it
53 challenges unconstitutional detention under the Fifth Amendment where continued
54 incarceration is not reasonably related to any permissible civil purpose and is causing
55 ongoing, irreparable deprivation of liberty. See *Zadvydas v. Davis*, 533 U.S. 678, 690
56 (2001); *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976).
- 57 2. Second, Respondents ignore that Petitioner’s claim is expressly grounded in
58 prolonged-detention principles and the due process requirement that immigration
59 detention remain reasonable in duration and justified by individualized factors, not
60 speculation or administrative convenience. See *Zadvydas*, 533 U.S. at 690; *Demore v.*
61 *Kim*, 538 U.S. 510, 523 (2003).
- 62 3. Respondents’ Response does not meaningfully grapple with the Petition’s argument that
63 detention through merits adjudication—and potentially through appeal—creates an
64 impermissible risk of open-ended civil confinement for a noncitizen who is neither
65 dangerous nor a flight risk. Respondents also failed to address Petitioner’s argument

66 regarding the BIA backlog and the very real possibility that, if the Immigration Judge
67 denies relief, Petitioner could remain detained for many additional months—or even
68 years—while awaiting a decision from the Board of Immigration Appeals, resulting in
69 prolonged civil confinement wholly disproportionate to any legitimate purpose of
70 detention.

71 4. Third, Respondents’ factual presentation is incomplete because it omits the critical
72 context that Petitioner affirmatively filed for asylum within the statutory one-year
73 deadline, complied with biometrics, and was pursuing protection through lawful channels
74 while living openly with his family. See 8 U.S.C. § 1158(a)(2)(B). Respondents also do
75 not dispute that Petitioner has no criminal history, a key factor for any individualized
76 custody analysis and for assessing whether detention serves any legitimate civil purpose.

77 5. Fourth, Respondents’ suggestion that this case can be resolved exclusively through
78 Immigration Court custody procedures improperly narrows the role of habeas review. The
79 Supreme Court has recognized habeas as an available vehicle to challenge the legality of
80 immigration detention and to remedy unconstitutional confinement. See *Zadvydas*, 533
81 U.S. at 688–90. The Petition does not ask this Court to adjudicate asylum eligibility or to
82 substitute its discretion for the agency’s discretionary judgments; it asks this Court to
83 remedy ongoing constitutional violations caused by continued detention.

84 6. Fifth, Respondents’ reliance on a blanket “exhaustion” argument ignores that
85 administrative exhaustion in immigration habeas is prudential rather than jurisdictional in
86 many contexts, and it may be excused where the available process is inadequate to
87 prevent ongoing irreparable harm, where constitutional claims cannot be meaningfully
88 remedied through administrative channels, or where further pursuit of agency review

89 would be futile. See *Hinojosa v. Horn*, 896 F.3d 305, 314 (5th Cir. 2018); *Petgrave v.*
90 *Aleman*, 529 F. Supp. 3d 665, 672 n.14 (S.D. Tex. 2021) (recognizing futility where
91 administrative mechanisms could not remedy constitutional claims and detention had
92 already become prolonged). Here, Petitioner's claim is that continued confinement itself
93 is unconstitutional and is actively preventing meaningful case preparation, which
94 constitutes an ongoing injury that cannot be cured retroactively.

95 7. Sixth, to the extent Respondents contend that Petitioner must first request a custody
96 redetermination before seeking habeas relief, that argument also fails because Petitioner
97 has, in fact, exhausted meaningful administrative custody review to the extent it is
98 available, including by requesting release and pursuing review through the available ICE
99 custody process, and Petitioner is prepared to demonstrate that a bond hearing has been
100 requested and denied (or that any denial is imminent under the current posture).
101 Respondents' Response does not address the practical reality that continued detention is
102 proceeding now and that waiting for sequential layers of administrative review would
103 allow the constitutional injury—prolonged civil detention without sufficient
104 safeguards—to continue unchecked. Response at 2–3.

105 8. Seventh, Respondents' jurisdiction argument overstates the reach of 8 U.S.C. § 1226(e)
106 and 8 U.S.C. § 1252(g). Response at 3. While § 1226(e) limits review of discretionary
107 judgments regarding detention, it does not foreclose constitutional challenges to the
108 legality of detention itself. See *Jennings v. Rodriguez*, 583 U.S. 281, 312 (2018)
109 (recognizing that constitutional challenges may be brought even where the statute does
110 not supply a bond hearing). Likewise, § 1252(g) is limited to the three discrete actions
111 identified in *Reno v. American-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482

112 (1999) and does not bar a Fifth Amendment challenge to ongoing detention conditions
113 and duration.

114 9. Eighth, Respondents mischaracterize Petitioner's removability posture in a manner that
115 underscores why habeas review is essential. Respondents assert at different points that
116 Petitioner is "removable for failing to maintain the nonimmigrant status" and elsewhere
117 suggest detention for "unlawfully entering and remaining in the country without
118 authorization." Response at 1–4. Regardless of the charge, removability alone does not
119 justify prolonged civil incarceration without individualized findings under due process
120 principles. See *Zadvydas*, 533 U.S. at 690.

121 10. Ninth, Petitioner's equities strongly support release pending adjudication, and
122 Respondents do not dispute them: Petitioner is a noncitizen with no criminal record, he
123 pursued asylum affirmatively and within the one-year deadline, completed biometrics,
124 and lived openly with his family before being detained. 8 U.S.C. § 1158(a)(2)(B). Civil
125 detention is constitutionally permissible only for limited purposes—flight prevention and
126 public safety—not as a default mechanism to warehouse asylum seekers who have
127 complied with legal processes. *Zadvydas*, 533 U.S. at 690; *Demore*, 538 U.S. at 528.

128 11. Tenth, Respondents fail to address the Petition's central argument that detention itself
129 materially impairs Petitioner's ability to prepare his asylum case, thereby increasing the
130 risk of erroneous deprivation of liberty and statutory protection—exactly the sort of due
131 process concern that requires meaningful safeguards. See *Mathews*, 424 U.S. at 333–35.
132 Where the Government chooses to detain an asylum applicant, due process demands
133 more than bare assertions that an Immigration Court hearing might occur at some point; it

134 demands constitutionally adequate procedures and a reasonable relationship between
135 detention and its limited permissible purposes.

136 12. Eleventh, courts—including this District—have ordered release (or found continued
137 detention unconstitutional) where petitioners remained detained without adequate
138 justification, and where less restrictive conditions could satisfy any governmental
139 interests. See, e.g., *Lenin Melendez-Morales*, No. 5:19-cv-00549-OLG, 2019 WL
140 4889201 (W.D. Tex. Oct. 3, 2019) (granting habeas relief and ordering release from
141 immigration detention); *Zadvydas*, 533 U.S. at 690. These authorities confirm that habeas
142 relief is available in WDTX when detention becomes constitutionally infirm and not
143 meaningfully tethered to the Government’s limited civil detention purposes.

144 13. Twelfth, the proper remedy here is release under appropriate conditions of supervision
145 (or, at minimum, prompt constitutionally adequate custody review with authority to order
146 release), because Petitioner’s confinement has no individualized justification and is
147 causing ongoing harm. See *Zadvydas*, 533 U.S. at 690; *Mathews*, 424 U.S. at 333.
148 Petitioner is not requesting that this Court reweigh discretionary factors; Petitioner is
149 requesting this Court to enforce the Fifth Amendment and prevent continued civil
150 incarceration without adequate process.

151 14. Finally, Respondents’ exhaustion argument fails for an additional reason: Petitioner’s
152 challenge is not merely to a discretionary custody outcome but to the constitutionality of
153 continued detention under the Due Process Clause, and habeas remains the traditional
154 mechanism to test the legality of physical confinement. See *Zadvydas*, 533 U.S. at
155 688–90; *Fay v. Noia*, 372 U.S. 391, 400 (1963). Where, as here, the Government has
156 offered no individualized justification for continued incarceration of a non-criminal

157 asylum applicant who timely sought protection, and where detention threatens to become
158 prolonged as litigation proceeds, this Court should reject Respondents' threshold
159 defenses and grant habeas relief.

160 **Respectfully submitted on January 21, 2026.**

161 */s/ Georgia Santos Laurent*

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CERTIFICATE OF SERVICE

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

192 January 21, 2026.

193

194



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