

Simranjit Kaur (SBN 309239)  
Info@kaurlawyer.com  
The Law Office of Simran Kaur  
122 East 12<sup>th</sup> Street,  
Tracy, CA. 95376  
Telephone: (925)817-0209

*Attorney for Petitioner*

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA**

KULWANT SINGH,

Petitioner,

v.

SCARLET GRANT, Facility Administrator of  
Cimarron Correctional Facility ;

NORMAN PARRISH, Acting Field Office  
Director of the Dallas Immigration and  
Customs Enforcement Office;

TODD LYONS, Acting Director of United  
States Immigration and Customs Enforcement;

KRISTI NOEM, Secretary of the United States  
Department of Homeland Security,

PAMELA BONDI, Attorney General of the  
United States, acting in their official capacities,

Respondents.

CASE NO. \_\_\_\_\_

**PETITION FOR WRIT OF HABEAS  
CORPUS**

## INTRODUCTION

1. Kulwant Singh, is a 28-year-old citizen of India who follows the Sikh faith. He was born on [REDACTED] in Jand village, Tarn Taran, Punjab, India. He entered the United States on November 27, 2021, seeking safety, stability, and lawful protection under United States immigration laws. Before his detention, Petitioner lived at [REDACTED] Stockton, CA 95219. He has fully complied with immigration procedures, including attending all scheduled Immigration Court hearings and updating his address with the Immigration Court when required. His Form I-589 asylum application was timely filed on February 3, 2022, and his removal proceedings remain pending before the Aurora Immigration Court. Petitioner has no criminal history.

2. After entering the United States, Petitioner was detained for approximately 45 days while undergoing credible fear screening. He passed his credible fear determination based on his fear of persecution [REDACTED]

[REDACTED] Therefore, he was released on January 11, 2022. Petitioner settled in Stockton, California, and consistently reported to ICE as instructed for three years. He attended scheduled check-ins, complied with all supervision requirements, including weekly (later monthly) photo uploads through the ICE mobile application. Petitioner was granted employment authorization and worked lawfully in the United States as a truck driver.

3. On December 17, 2025, Petitioner was driving his truck in Oklahoma en route to Arizona for work. He stopped at a weigh station for a routine vehicle inspection. During this stop, authorities contacted ICE, and ICE requested custody of Petitioner. He was taken into ICE custody without advance notice, without a written explanation, and without an opportunity to contest the basis for his arrest. ICE did not explain anything regarding his arrest. Petitioner was

not informed of his rights. ICE officers told Petitioner that the Trump administration wants cases completed quickly and that his case would be processed within four to five weeks.

4. Petitioner has no criminal history, has never missed a court hearing, and consistently complied with all ICE supervision requirements to the best of his ability for almost 4 years following his release. His detention is based solely on alleged based on a policy change with the administration. Petitioner's detention serves no legitimate government purpose and is an arbitrary and unjustified deprivation of liberty.

5. Petitioner's summary arrest and detention violate substantive and procedural due process because they lack any individualized finding of danger or flight risk and were imposed without notice or an opportunity to be heard. His arrest reflects the broader pattern of ICE's quota-driven enforcement practices, which prioritize arrest numbers over individualized determinations. Petitioner respectfully seeks immediate relief from this Court to halt the ongoing harm and unlawful deprivation of his liberty.

6. This arrest is part of a new, nationwide initiative by ICE to arbitrarily arrest individuals. Since mid-May, DHS has implemented a coordinated practice of leveraging immigration detention to strip people like Petitioner of their substantive and procedural rights and pressure them into deportation. Immigration detention is civil, and thus is permissible for only two reasons: to ensure a noncitizen's appearance at immigration hearings and to prevent danger to the community. But ICE did not arrest and detain Petitioner—who demonstrably poses no risk of absconding from immigration proceedings or danger to the community—for either of these reasons. Instead, as part of its broader enforcement campaign, DHS detained Petitioner to strip him of his procedural rights, force him to forfeit his applications for relief, and pressure him into fast-track removal.

7. In immigration court, noncitizens have the right to pursue claims for relief from

removal (including asylum), be represented by counsel, gather and present evidence, and pursue appeals. 8 U.S.C. § 1229(a). By dismissing an ongoing case, DHS—in its view—can transfer a noncitizen’s case from removal proceedings in immigration court, governed by 8 U.S.C. § 1229a, to cursory proceedings under 8 U.S.C. § 1225(b)(1) called “expedited removal,” where the procedural protections and opportunities to pursue relief from removal built into regular immigration-court proceedings do not apply. DHS in concert with ICE is detaining people with the goal of accelerating removals (detained dockets move faster than non-detained dockets, though they’re still slow when you’re detained). DHS is also definitely doing this to demoralize people and get them to give up their immigration cases

8. Petitioner’s arrest and detention have caused him tremendous and ongoing harm. Every additional day Petitioner spends in unlawful detention subjects him to further irreparable harm.

9. Since being detained, Petitioner has struggled with anxiety, sleeplessness, and emotional distress. The environment in custody is isolating, noisy, and mentally exhausting. He has a medical condition involving digestion issues that requires attention. **As an Amrit Dhari (baptized) Sikh, he is unable to practice his faith and is not permitted to perform Paath (Sikh worship and prayer) in detention. His constitutional right to practice his faith is being infringed upon.** The Constitution protects Petitioner—and every other person present in this country—from arbitrary deprivations of his liberty and guarantees him due process of law. The government’s power over immigration is broad, but as the Supreme Court has declared, it “is subject to important constitutional limitations.” *Zadvydas v. Davis*, 533 U.S. 678, 695 (2001). “Freedom from bodily restraint has always been at the core of the liberty protected by the Due Process Clause from arbitrary governmental action.” *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992).

10. Petitioner respectfully seeks a writ of habeas corpus ordering the government to immediately release him from his ongoing, unlawful detention, and prohibiting his re-arrest

without a hearing to contest that re-arrest before a neutral decisionmaker. In addition, to preserve this Court's jurisdiction, Petitioner also requests that this Court order the government not to transfer him outside of the district or deport him for the duration of this proceeding.

### **JURISDICTION AND VENUE**

The Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§ 2201–02 (Declaratory Judgment Act), 28 U.S.C. § 2241 (habeas corpus), Article I, § 9, cl. 2 of the U.S. Constitution (the Suspension Clause), the Fourth and Fifth Amendments to the U.S. Constitution, and 5 U.S.C. §§ 701-706 (Administrative Procedure Act).

Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(a) and 28 U.S.C. § 1391(b)(2) and (e)(1) because Petitioner is physically detained within this district.

### **PARTIES**

1) Petitioner, Kulwant Singh, is a 28-year-old citizen of India who follows the Sikh faith. He was born on [REDACTED] in Jand village, Tarn Taran, Punjab, India. He entered the United States on November 27, 2021. He entered the United States seeking safety and freedom while fleeing persecution in India. His Form I-589 asylum application was timely filed on February 3, 2022, and an amended I-589 was filed on September 18, 2025. His removal proceedings remain pending before the Aurora Immigration Court. Petitioner has no criminal history. Before detention, he lived at [REDACTED] Stockton, CA 95219, and is presently in civil immigration detention at Cimarron Correctional Facility in Cushing, Oklahoma.

2) Respondent Scarlet Grant is the Warden of Cimarron Correctional Facility, a facility that contracts with ICE to detain individuals suspected of civil immigration violations. Respondent Grant is Petitioner's immediate physical custodian and is sued in her official capacity.

3) Respondent Norman Parrish is the Field Office Director of the Dallas ICE Field Office. In this capacity, he is responsible for the administration and enforcement of immigration laws within ICE's Dallas Area of Responsibility, which includes Oklahoma, and decisions relating

to Petitioner's arrest, detention, and custody. Respondent Parrish maintains an office and regularly conducts business in this District and is sued in his official capacity.

4) Respondent Todd M. Lyons is the Acting Director of ICE. As the Senior Official Performing the Duties of the Director of ICE, he is responsible for the administration and enforcement of the immigration laws of the United States; routinely transacts business in this District; and is legally responsible for pursuing any effort to detain and remove the Petitioner. Respondent Lyons is sued in his official capacity.

5) Respondent Kristi Noem is the Secretary of Homeland Security and has ultimate authority over DHS. In that capacity and through her agents, Respondent Noem has broad authority over and responsibility for the operation and enforcement of the immigration laws; routinely transacts business in this District; and is legally responsible for pursuing any effort to detain and remove the Petitioner. Respondent Noem is sued in her official capacity.

6) Respondent Pamela Bondi is the Attorney General of the United States and the most senior official at the Department of Justice. In that capacity and through her agents, she is responsible for overseeing the implementation and enforcement of the federal immigration laws. The Attorney General delegates this responsibility to the Executive Office for Immigration Review, which administers the immigration courts and the BIA. Respondent Bondi is sued in her official capacity.

#### **EXHAUSTION**

7) There is no requirement to exhaust because no other forum exists in which Petitioner can raise the claims herein. There is no statutory exhaustion requirement prior to challenging the constitutionality of an arrest or detention or challenging a policy under the Administrative Procedure Act. Prudential exhaustion is not required here because it would be futile, and Petitioner will "suffer irreparable harm if unable to secure immediate judicial consideration of [their] claim." *McCarthy v. Madigan*, 503 U.S. 140, 147 (1992). Any further exhaustion requirements would be unreasonable. Courts have been routinely denying bonds based on lack of jurisdiction for individuals similarly situated as Petitioner.

## LEGAL BACKGROUND

### *A. The Constitution Protects Noncitizens Like Petitioner from Arbitrary Arrest and Detention.*

8) The Constitution establishes due process rights for “all ‘persons’ within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Hernandez v. Sessions*, 872 F.3d 976, 990 (9th Cir. 2017) (quoting *Zadvydas*, 533 U.S. at 693). These due process rights are both substantive and procedural.

9) *First*, “[t]he touchstone of due process is protection of the individual against arbitrary action of government,” *Wolff v. McDonnell*, 418 U.S. 539, 558 (1974), including “the exercise of power without any reasonable justification in the service of a legitimate government objective,” *Cnty. of Sacramento v. Lewis*, 523 U.S. 833, 846 (1998).

10) These protections extend to noncitizens facing detention, as “[i]n our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception.” *United States v. Salerno*, 481 U.S. 739, 755 (1987). Accordingly, “[f]reedom 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*, 533 U.S. at 690.

11) Substantive due process thus requires that all forms of civil detention—including immigration detention—bear a “reasonable relation” to a non-punitive purpose. *See Jackson v. Indiana*, 406 U.S. 715, 738 (1972). The Supreme Court has recognized only two permissible non-punitive purposes for immigration detention: ensuring a noncitizen’s appearance at immigration proceedings and preventing danger to the community. *Zadvydas*, 533 U.S. at 690–92; *see also Demore v. Kim*, 538 U.S. 510 at 519–20, 527–28, 31 (2003).

12) *Second*, the procedural component of the Due Process Clause prohibits the government from imposing even permissible physical restraints without adequate procedural safeguards.

13) Generally, “the Constitution requires some kind of a hearing *before* the State deprives a person of liberty or property.” *Zinermon v. Burch*, 494 U.S. 113, 127 (1990). This is so even in cases where that freedom is lawfully revocable. *See Hurd v. D.C., Gov’t*, 864 F.3d at 683

(citing *Young v. Harper*, 520 U.S. 143, 152 (1997) (re-detention after pre-parole conditional supervision requires pre-deprivation hearing)); *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973) (same, in probation context); *Morrissey v. Brewer*, 408 U.S. 471 (1972) (same, in parole context).

14) After an initial release from custody on conditions, even a person paroled following a conviction for a criminal offense for which they may lawfully have remained incarcerated has a protected liberty interest in that conditional release. *Morrissey* at 408 U.S. at 482. As the Supreme Court recognized, “[t]he parolee has relied on at least an implicit promise that parole will be revoked only if he fails to live up to the parole conditions.” *Id.* “By whatever name, the liberty is valuable and must be seen within the protection of the [Constitution].” *Id.*

15) This reasoning applies with equal if not greater force to people released from civil immigration detention at the border, like Petitioner. After all, noncitizens living in the United States like Petitioner have a protected liberty interest in their ongoing freedom from confinement. *See Zadvydas*, 533 U.S. at 690. And, “[g]iven the civil context [of immigration detention], [the] liberty interest [of noncitizens released from custody] is arguably greater than the interest of parolees.” *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 970 (N.D. Cal. 2019).

## **FACTUAL ALLEGATIONS**

### ***A. DHS Dramatically Expands the Scope of Expedited Removal.***

16) For decades, DHS applied expedited removal exclusively in the border enforcement context, with only narrow exceptions to that general rule. From 1997 until 2002, expedited removal applied only to inadmissible noncitizens arriving at ports of entry. *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures; Final Rule, 62 Fed. Reg. 10312 (Mar. 6, 1997).

17) In 2002, the government for the first time invoked its authority to apply expedited removal to persons already inside the country, but only for a narrow group of people who arrived by sea, were not admitted or paroled, and were apprehended within two years of entry. *See* Notice Designating Aliens Subject to Expedited Removal Under Section 235(b)(1)(A)(iii) of the Immigration and Nationality Act, 67 Fed. Reg. 68924 (Nov. 13, 2002).

18) In 2004, the government authorized the application of expedited removal to individuals who entered by means other than sea, but only if they were apprehended within 100 miles of a land border and were unable to demonstrate that they had been continuously physically present in the United States for 14 days. *See* Designating Aliens for Expedited Removal, 69 Fed. Reg. 48877 (Aug. 11, 2004).

19) In 2019, at the direction of President Trump, DHS published a Federal Register Notice authorizing the application of expedited removal to certain noncitizens arrested anywhere in the country who could not affirmatively show that they had been continuously present for two years. *See* Designating Aliens for Expedited Removal, 84 Fed. Reg. 35409 (July 23, 2019). The District Court for the District of Columbia entered a preliminary injunction preventing the rule from taking effect, which the D.C. Circuit later vacated. *Make the Rd. New York v. McAleenan*, 405 F. Supp. 3d 1, 11 (D.D.C. 2019), *vacated sub nom. Make the Rd. New York v. Wolf*, 962 F.3d 612, 618 (D.C. Cir. 2020).

20) In 2021, President Biden directed the DHS Secretary to review the rule expanding expedited removal and consider whether it comported with legal and constitutional requirements, including due process. In 2022, DHS rescinded the rule. *See* Rescission of the Notice of July 23, 2019, Designating Aliens for Expedited Removal, 87 Fed. Reg. 16022 (Mar. 21, 2022).

21) While the 2019 expansion was in effect, the government applied expedited removal to persons inside the country in an exceedingly small number of cases. Thus, from 1997 to 2025, with limited exceptions, immigration authorities generally did not apply expedited removal to noncitizens apprehended far from the border, or individuals anywhere in the United States (including near the border) who had been residing in the country for more than fourteen days.

22) This state of affairs changed drastically on January 20, 2025, the day that President Trump took office for his second term. That day, President Trump signed Executive Order 14159, “Protecting the American People Against Invasion,” the purpose of which was “to faithfully execute the immigration laws against all inadmissible and removable aliens, particularly those aliens who threaten the safety or security of the American people.” Exec. Order No. 14,159, 90 C.F.R. § 8443 (Jan. 20, 2025). The order directed the Secretary of Homeland Security to take

various actions “to ensure the efficient and expedited removal of aliens from the United States.”  
*Id.*

23) To implement this Executive Order, DHS issued a notice immediately authorizing application of expedited removal to certain noncitizens arrested anywhere in the country who cannot show “to the satisfaction of an immigration officer” that they have been continuously present in the United States for at least two years. 90 Fed. Reg. 8139 (published Jan. 24, 2025).

24) On January 23, 2025, the Acting Secretary of Homeland Security issued a memorandum providing guidance regarding how to exercise enforcement discretion in implementing” the new expedited-removal rule. The guidance directed federal immigration officers to “consider . . . whether to apply expedited removal” to “any alien DHS is aware of who is amenable to expedited removal but to whom expedited removal has not been applied.” As part of that process, the guidance encourages officers to “take steps to terminate any ongoing removal proceeding and/or any active parole status.”<sup>1</sup>

25) Under the administration’s expanded approach to expedited removal, hundreds of thousands of noncitizens who have lived in the country for less than two years are at imminent risk of summary removal without any hearing, meaningful process, access to counsel, or judicial review—regardless of the strength of their ties to the United States.

***B. To Place More People in Expedited Removal, DHS Undertakes New Campaign of Arrests and Detention.***

26) Since mid-May 2025, DHS has initiated an aggressive new enforcement campaign targeting people who are in regular removal proceedings in immigration court, many of whom have pending applications for asylum or other relief. This “coordinated operation” is “aimed at dramatically accelerating deportations” by arresting people at the courthouse or other places and placing them into expedited removal.<sup>2</sup>

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<sup>1</sup> Benjamine C. Huffman, *Guidance Regarding How to Exercise Enforcement Discretion*, Dep’t of Homeland Sec. (Jan. 23, 2025), [https://www.dhs.gov/sites/default/files/2025-01/25\\_0123\\_er-and-parole-guidance.pdf](https://www.dhs.gov/sites/default/files/2025-01/25_0123_er-and-parole-guidance.pdf).

<sup>2</sup> Arelis R. Hernández & Maria Sacchetti, *Immigrant Arrests at Courthouses Signal New Tactic in Trump’s Deportation Push*, Wash. Post, May 23, 2025,

27) The first step of this enforcement operation typically takes place inside the immigration court or with ICE agents due to baseless ISAP violations. When people arrive in court for their master calendar hearings, DHS attorneys orally file a motion to dismiss the proceedings—without any notice to the affected individual. Although DHS regulations do not permit such motions to dismiss absent a showing that the “[c]ircumstances of the case have changed,” 8 C.F.R. § 239.2(a)(7), (c), DHS attorneys do not conduct any case-specific analysis of changed circumstances before filing these motions to dismiss. Or in circumstances, as with the petitioner, where they are being called by ICE for check-ins and being arrested there.

28) Even though individuals are supposed to have ten days to respond to a motion to dismiss, some IJs have granted the government’s oral motion on the spot and immediately dismissed the case. This is consistent with recent instructions from the Department of Justice to immigration judges stating that they may allow the government to move to dismiss cases orally, in court, without a written motion, and to decide that motion without allowing the noncitizen an opportunity to file a response.

29) Despite these instructions, some IJs have still asked DHS to re-file the motion as a written motion and continued proceedings to allow individuals to file their response. A smaller group of IJs have expressly denied the motion to dismiss on the record or in a written order.

30) The next step of DHS’s new campaign takes place outside the courtroom. ICE officers, in consultation with DHS attorneys and officials, station themselves in courthouse waiting rooms, hallways, and elevator banks. When an individual exits their immigration hearings, ICE officers—typically masked and in plainclothes—immediately arrest the person and detain them. ICE officers execute these arrests regardless of how the IJ rules on the government’s motion to dismiss. On information and belief, they typically do not have an arrest warrant.

31) Once the person has been transferred to a detention facility, the government places the individual in expedited removal. In cases in which the IJ did not dismiss the person’s removal

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<https://www.washingtonpost.com/immigration/2025/05/23/immigration-court-arrests-ice-trump/>; see also Hamed Aleaziz, Luis Ferré-Sadurní, & Miriam Jordan, *How ICE is Seeking to Ramp Up Deportations Through Courthouse Arrests*, N.Y. Times, May 30, 2025, <https://www.nytimes.com/2025/05/30/us/politics/ice-courthouse-arrests.html>.

proceedings, DHS attorneys unilaterally transfer venue of the case to a “detained” immigration court, where they renew their motions to dismiss—again with the goal of putting the person in expedited removal.

32) DHS is aggressively pursuing this arrest and detention campaign at courthouses throughout the country and with the help of ICE agents at check ins. In New York City, for example, “ICE agents have apprehended so many people showing up for routine appointments this month that the facilities” are “overcrowded,” with “[h]undreds of migrants . . . sle[eping] on the floor or sitting upright, sometimes for days.”<sup>3</sup>

33) DHS’s and ICE’s aggressive tactics appear to be motivated by the Administration’s imposition of a new daily quota of 3,000 ICE arrests.<sup>4</sup> In part as a result of this campaign, ICE’s arrests of noncitizens with no criminal record have increased more than 800% since before January.<sup>5</sup>

34) The government’s new campaign is also a significant shift from previous DHS practice of re-detaining noncitizens only after a material change in circumstances. *See Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1197 (N.D. Cal. 2017), *aff’d sub nom. Saravia for A.H. v. Sessions*, 905 F.3d 1137 (9th Cir. 2018) (describing prior practice).

**C. Petitioner is Unlawfully Arrested and Detained Pursuant.**

35) Petitioner, Kulwant Singh, is a follower of the Sikh faith and was targeted in India due to his political beliefs supporting the Shiromani Akali Dal Amritsar (Mann Party) and religious persecution as a Sikh. He fled India due to political and religious persecution and

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<sup>3</sup> Luis Ferré-Sadurní, *Inside a Courthouse, Chaos and Tears as Trump Accelerates Deportations*, N.Y. Times, June 12, 2025, <https://www.nytimes.com/2025/06/12/nyregion/immigration-courthouse-arrests-trump-deportation.html>.

<sup>4</sup> Ted Hesson & Kristina Cooke, *ICE’s Tactics Draw Criticism as it Triples Daily Arrest Targets*, Reuters, June 10, 2025, <https://www.reuters.com/world/us/ices-tactics-draw-criticism-it-triples-daily-arrest-targets-2025-06-10/>; Alayna Alvarez & Brittany Gibson, *ICE Ramps Up Immigration Arrests in Courthouses Across the U.S.*, Axios, June 12, 2025, <https://www.axios.com/2025/06/12/ice-courthouse-arrests-trump>.

<sup>5</sup> José Olivares & Will Craft, *ICE Arrests of Migrants with No Criminal History Surging under Trump*, The Guardian, June 14, 2025, <https://www.theguardian.com/us-news/2025/jun/14/ice-arrests-migrants-trump-figures>.

entered the United States. He was born on June 19, 1997, in Jand village, Tarn Taran, Punjab, India, and is a citizen of India. Before his detention, he lived a peaceful and stable life in Stockton, California.

36) Petitioner entered the United States on November 27, 2021, near Yuma, Arizona. He was apprehended at the border and detained for approximately 45 days. During that time, he received a positive credible fear determination. An officer made a determination that he was eligible to be released based on his fear of persecution. He was released from custody on January 11, 2022. Following his release, DHS instructed Petitioner to check in with ICE. Petitioner complied. His removal proceedings remain pending before the Aurora Immigration Court. Petitioner's Form I-589 asylum application was timely filed on February 3, 2022, and an amended application was filed on September 18, 2025

37) Petitioner complied with all ICE instructions for three years. He attended scheduled check-ins every six months and consistently completed photo uploads through the ICE mobile application (weekly initially, then monthly after approximately one year). He never intentionally missed a scheduled ICE appointment and never attempted to evade supervision.

38) On December 17, 2024, ICE arrested Petitioner. He was driving his truck in Oklahoma en route to Arizona for work when he stopped at a weigh station for a routine vehicle inspection. Authorities contacted ICE, and ICE requested custody. Petitioner was not provided advance notice, a written explanation, or an opportunity to contest the basis for his arrest. He was transported and booked into Cimarron Correctional Facility in Cushing, Oklahoma.

39) During the arrest and transfer, Petitioner was never informed of his rights or given any explanation for his detention. He was frightened, confused, and unable to understand why he was being taken into custody after three years of compliance. ICE officers told him that the

Trump administration wants cases completed quickly and that his case would be processed within four to five weeks.

40) Petitioner has never intentionally violated any ICE directive, supervision requirement, or court order. His detention serves no legitimate government purpose and represents an unlawful deprivation of liberty inconsistent with the Fifth Amendment. Petitioner's arrest was based entirely on an administrative misunderstanding created by ICE's own instructions not on any evidence of dangerousness or risk of flight.

***D. As a Result of His Arrest and Detention, Petitioner is Suffering Ongoing and Irreparable Harm.***

41) Petitioner is being deprived of his liberty without any permissible justification. The government previously released him on his own recognizance because he did not pose sufficient risk of flight or danger to the community to warrant detention.

42) None of that has changed. Petitioner has no criminal record, and there is no basis to believe that he poses any public-safety risk. Nor is Petitioner, who was arrested *while appearing to ICE*, conceivably a flight risk. To the contrary, Petitioner appeared for every immigration court hearing and supervision check-in, and he has consistently informed the court about any change in his address or other circumstances.

**CLAIMS FOR RELIEF**

**FIRST CLAIM FOR RELIEF**

**Violation of the Fifth Amendment to the United States Constitution**

**(Substantive Due Process—Detention)**

43) Petitioner repeats and re-alleges the allegations contained in the preceding paragraphs of this Petition as if fully set forth herein.

44) The Due Process Clause of the Fifth Amendment protects all "person[s]" from deprivation of liberty "without due process of law." U.S. Const. amend. V. "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*, 533 U.S. at 690.

45) Immigration detention is constitutionally permissible only when it furthers the government’s legitimate goals of ensuring the noncitizen’s appearance during removal proceedings and preventing danger to the community. *See id.*

46) Petitioner is not a flight risk or danger to the community. Respondents’ detention of Petitioner is therefore unjustified and unlawful. Accordingly, Petitioner is being detained in violation of the Due Process Clause of the Fifth Amendment.

47) Moreover, Petitioner’s detention is punitive as it bears no “reasonable relation” to any legitimate government purpose. *Id.* (finding immigration detention is civil and thus ostensibly “nonpunitive in purpose and effect”). Here, the purpose of Petitioner’s detention appears to be “not to facilitate deportation, or to protect against risk of flight or dangerousness, but to incarcerate for other reasons”—namely, to meet newly-imposed DHS quotas and transfer immigration court venue away from an IJ who refused to facilitate DHS’s new expedited removal scheme. *Demore*, 538 U.S. at 532–33 (Kennedy, J., concurring).

## **SECOND CLAIM FOR RELIEF**

### **Violation of the Fifth Amendment to the United States Constitution**

#### **(Procedural Due Process—Detention)**

48) Petitioner repeats and re-alleges the allegations contained in the preceding paragraphs of this Petition as if fully set forth herein.

49) As part of the liberty protected by the Due Process Clause, Petitioner has a weighty liberty interest in avoiding re-incarceration after his release. *See Young v. Harper*, 520 U.S. 143, 146–47 (1997); *Gagnon v. Scarpelli*, 411 U.S. 778, 781–82 (1973); *Morrissey v. Brewer*, 408 U.S. 471, 482–83 (1972); *see also Ortega*, 415 F. Supp. 3d at 969–70 (holding that a noncitizen has a protected liberty interest in remaining out of custody following an IJ’s bond determination).

50) Accordingly, “[i]n the context of immigration detention, it is well-settled that due process requires adequate procedural protections to ensure that the government’s asserted justification for physical confinement outweighs the individual’s constitutionally protected

interest in avoiding physical restraint.” *Hernandez*, 872 F.3d at 990 (cleaned up); *Zinermon*, 494 U.S. at 127 (Generally, “the Constitution requires some kind of a hearing *before* the State deprives a person of liberty or property.”). In the immigration context, for such hearings to comply with due process, the government must bear the burden to demonstrate, by clear and convincing evidence, that the noncitizen poses a flight risk or danger to the community. *See Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011); *see also Martinez v. Clark*, 124 F.4th 775, 785, 786 (9th Cir. 2024).

51) Petitioner's re-detention without a pre-deprivation hearing violated due process. Approximately 4 years after Petitioner was first released from custody on his own recognizance, Respondents re-detained him with no advance notice, no explanation of the justification for re-detention, and no opportunity to contest his re-detention before a neutral adjudicator. He was arrested on December 17, 2025, at a routine weigh station while working as a truck driver

52) These facts are materially indistinguishable from *Y.S.G. v. Andrews*, No. 2:25-cv-01884-SCR (E.D. Cal. Oct. 22, 2025), where the Court granted a writ of habeas corpus after finding that ICE violated due process by re-detaining a previously released individual without advance notice or a pre-deprivation hearing. In *Y.S.G.*, as here, DHS claimed a technical violation of supervision conditions but offered no proof that the individual posed a danger or flight risk. The court held that any re-detention requires a pre-deprivation hearing before a neutral adjudicator, at which the government bears the burden to establish danger or flight risk by clear and convincing evidence. Petitioner, who has fully complied with ICE and court requirements and poses no danger, was similarly re-detained in violation of his constitutional rights.

### **THIRD CLAIM FOR RELIEF**

#### **Violation of the Fifth Amendment to the United States Constitution**

#### **(Arbitrary And Capricious Agency Action)**

53) Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.

54) The Administrative Procedure Act (“APA”), 5 U.S.C. § 706(2), requires courts to hold

unlawful and set aside” agency action that is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. Under this standard, an agency must examine the relevant data, articulate a rational connection between the facts found and the choices made, and provide a reasoned explanation consistent with statutory authority. *Judulang v. Holder*, 565 U.S. 42, 55 (2011).

55) The Department of Homeland Security has acted arbitrarily and capriciously in arresting and continuing to detain Petitioner Singh without any individualized justification. Petitioner has no criminal history, no record of violence or misconduct, and for more than two and a half years fully complied with all ICE supervision requirements, immigration court obligations, and conditions imposed by the government. Nothing Petitioner's record establishes that he presents a danger to the community or a flight risk.

56) Despite these undisputed facts, DHS has maintained Petitioner's detention for an extended and potentially indefinite period without providing any reasoned explanation or evidence that continued confinement serves a legitimate statutory purpose. DHS has failed to articulate why release under supervision, parole, recognizance, bond, or other alternatives to detention would be insufficient in Petitioner's case.

57) DHS's apparent reliance on *Matter of Q. Li*, 29 I. & N. Dec. 66 (BIA 2025), to justify Petitioner's continued detention is arbitrary, overbroad, and contrary to law. *Q. Li* addresses the jurisdiction of Immigration Judges to conduct bond hearings in certain cases involving alleged arriving noncitizens; it does not mandate prolonged or indefinite detention, nor does it eliminate DHS's longstanding discretionary authority to release noncitizens on parole, supervision, or other conditions under the Immigration and Nationality Act.

58) By treating *Matter of Q. Li* as an absolute bar to any form of custody review or discretionary release, DHS has effectively adopted a blanket detention policy that substitutes categorical rules for the individualized determinations required under the

Immigration and Nationality Act and the Administrative Procedure Act.

- 59) DHS has not conducted any meaningful custody assessment of Petitioner, nor has it provided a rational explanation for refusing to exercise discretion in his case. Its failure to consider Petitioner's lack of criminal history, his prolonged compliance with ICE supervision, his pending asylum proceedings, his lawful employment authorization, and his eligibility for alternatives to detention constitutes arbitrary and capricious decision-making.
- 60) DHS's actions are inconsistent with the limited statutory purpose of civil immigration detention, which is confined to ensuring appearance at future proceedings and protecting public safety. Petitioner's continued confinement advances neither objective.
- 61) DHS has therefore acted in a manner that is arbitrary, capricious, an abuse of discretion, and not in accordance with law. Its continued detention of Petitioner must be set aside pursuant to 5 U.S.C. § 706(2)(A).

Habeas relief is warranted to remedy this unlawful agency conduct. Petitioner respectfully requests that this Court order his immediate release or, in the alternative, direct DHS to provide a constitutionally adequate, individualized, and reasoned custody determination consistent with the requirements of the Administrative Procedure Act and the Immigration and Nationality Act.

#### **FOURTH CLAIM FOR RELIEF**

##### **Violation of the Fifth Amendment to the United States Constitution** **(Violation Of The Equal Protection Guarantee)**

- 62) Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.
- 63) The Due Process Clause of the Fifth Amendment contains an implicit guarantee of equal protection that prohibits the federal government from treating similarly situated individuals differently without a rational and legitimate governmental purpose. *Reno v. Flores*, 507 U.S.

292, 302 (1993); *Plyler v. Doe*, 457 U.S. 202, 210 (1982); *Bolling v. Sharpe*, 347 U.S. 497, 499 (1954).

- 64) Petitioner is placed in removal proceedings under section 240 of the Immigration and Nationality Act, a statutory framework under which noncitizens ordinarily receive an individualized custody determination before an Immigration Judge pursuant to section 236(a) of the INA.
- 65) Petitioner, Mr. Singh, is a citizen and national of India who fled his country seeking protection in the United States. He has no criminal history, no record of violence or dangerous behavior, and has fully cooperated with immigration authorities since his initial entry into ICE custody and throughout more than two years of supervision in the community.
- 66) Despite being similarly situated to other respondents in § 240 removal proceedings, Petitioner has been categorically denied access to any bond hearing based solely on DHS's assertion—drawn from disputed and unreviewed allegations—that he was apprehended “as an arriving alien,” resulting in DHS's unilateral classification of Petitioner under section 235(b) of the INA.
- 67) On December 23, 2025, the Immigration Court with jurisdiction over Petitioner's detained proceedings concluded that it lacked authority to conduct a custody redetermination hearing, relying on *Matter of Q. Li*, 29 I. & N. Dec. 66 (BIA 2025). The Immigration Judge determined that because Petitioner was allegedly apprehended “while arriving,” he was subject to mandatory detention under section 235(b) and therefore ineligible for a bond hearing under section 236(a), notwithstanding his placement in § 240 proceedings.
- 68) The government's treatment of Petitioner creates an unjustifiable disparity between him and other similarly situated noncitizens in § 240 proceedings who receive individualized bond hearings and custody determinations. The Fifth Amendment prohibits the government from treating similarly situated persons differently without a rational basis. *Village of*

*Willowbrook v. Olech*, 528 U.S. 562, 564 (2000); *Bolling v. Sharpe*, 347 U.S. 497, 499 (1954).

- 69) DHS's categorical reliance on section 235(b) to foreclose Petitioner's access to custody review—despite his placement in § 240 proceedings, his long-term release into the community, and his perfect compliance with ICE supervision—lacks a rational connection to any legitimate governmental purpose. Disparate treatment based solely on disputed and untested allegations regarding the manner of entry is arbitrary and not rationally related to the goals of ensuring appearance at proceedings or protecting public safety. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
- 70) Federal courts have recognized that immigration detention classifications must comport with fundamental fairness and may not be applied in an arbitrary or discriminatory manner. See *Singh v. Holder*, 638 F.3d 1196, 1203–05 (9th Cir. 2011) (government must justify detention with individualized evidence); *Rodriguez v. Robbins*, 804 F.3d 1060, 1074–76 (9th Cir. 2015) (due process prohibits prolonged detention without meaningful review
- 71) DHS has provided no individualized or rational explanation for why Petitioner— unlike other noncitizens in the same statutory posture—has been denied access to an individualized custody determination. This unequal treatment violates the equal protection component of the Fifth Amendment.
- 72) Petitioner's continued incarceration under a discriminatory and arbitrary detention classification violates constitutional guarantees of equal protection and further underscores the unreasonableness and unlawfulness of his confinement.
- 73) Habeas relief is therefore warranted to remedy this unconstitutional disparate treatment by ordering Petitioner's immediate release or, in the alternative, directing DHS to provide him with the same procedural protections and individualized custody review afforded to similarly situated noncitizens.

**FIFTH CLAIM OF RELIEF**

**Violation of the Fifth Amendment to the United States Constitution (Violation of The Suspension Clause)**

- 74) Petitioner re-alleges and incorporates by reference all preceding paragraphs as though fully set forth herein.
- 75) The Suspension Clause of the United States Constitution provides that “[t]he Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.” U.S. Const. art. I, § 9, cl. 2. The Clause guarantees the availability of judicial review to challenge the legality of executive detention. *Boumediene v. Bush*, 553 U.S. 723, 745–46 (2008); *INS v. St. Cyr*, 533 U.S. 289, 300–05 (2001).
- 76) Habeas corpus remains available to all individuals detained by executive authority within the United States, including noncitizens held in civil immigration custody. The Supreme Court has made clear that Congress and the Executive may not eliminate all avenues of meaningful judicial review of the legality of detention. *St. Cyr*, 533 U.S. at 305–06.
- 77) Petitioner, Mr. Singh, is detained solely under civil immigration authority and is confined in Eloy, Arizona. He has no criminal convictions, no history of violence, and is pursuing his asylum and related protection claims in good faith.
- 78) The Immigration Judge categorically denied jurisdiction to consider bond or conduct any individualized custody determination, relying exclusively on *Matter of Q. Li*, 29 I. & N. Dec. 66 (BIA 2025). This classification—based on disputed and unreviewed allegations regarding Petitioner’s manner of entry—has foreclosed access to the custody redetermination process otherwise available to respondents placed in removal proceedings under section 240 of the Immigration and Nationality Act.

- 79) Because the Immigration Judge concluded that he lacked jurisdiction to review custody, Petitioner has no administrative pathway to challenge the legality, necessity, or length of his detention. DHS has likewise failed to provide any discretionary parole review, individualized custody assessment, or meaningful explanation for continued confinement.
- 80) As a result, no alternative remedy exists outside of habeas corpus through which Petitioner may obtain judicial review of the legality of his detention. Neither the Immigration Courts nor the Board of Immigration Appeals possesses jurisdiction to review custody challenges arising from DHS's unilateral detention classification decisions.
- 81) The Suspension Clause forbids the government from implementing a detention scheme that eliminates all meaningful opportunity for detainees to test the legality of their confinement. *Boumediene*, 553 U.S. at 779 ("The writ must be effective."). Where no adequate and effective substitute for habeas review exists, judicial review through habeas corpus is constitutionally required. *St. Cyr*, 533 U.S. at 305.
- 82) Petitioner's detention—prolonged, potentially indefinite, and wholly insulated from individualized custody review—implicates the core protections of the Suspension Clause. Absent habeas corpus, Petitioner would have no mechanism, judicial or administrative, to contest the legality of his civil confinement.
- 83) The government's application of *Matter of Q. Li* to categorically bar all custody review in Petitioner's case therefore violates the Suspension Clause by depriving him of an effective and constitutionally required means to challenge unlawful detention.
- 84) Accordingly, habeas corpus relief is required. Petitioner respectfully requests that his Court order his immediate release or, in the alternative, direct Respondents to provide him with a prompt, meaningful, and individualized custody hearing before a neutral adjudicator with authority to grant release.

**SIXTH CLAIM FOR RELIEF**

**Violation of the Fifth Amendment to the United States Constitution**  
**(Violation Of The Accardi Doctrine With Respect To 8 C.F.R. §**  
**287.8(C)(2)(I)**

- 85) Petitioner repeats and incorporates by reference each allegation contained in the preceding paragraphs as if fully set forth herein.
- 86) Federal agencies are required to follow their own regulations, and failure to do so renders agency action unlawful under the Accardi doctrine. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 266–68 (1954). Regulations governing immigration enforcement require that warrantless arrests by immigration officers comply with the standards set forth in 8 C.F.R. § 287.8(c).
- 87) Specifically, for any warrantless arrest, immigration officers must have reason to believe that the individual has committed an offense against the United States or is present in the United States in violation of law. 8 C.F.R. § 287.8(c)(2)(i). In addition, officers must have reason to believe that the individual is likely to escape before a warrant can be obtained. 8 C.F.R. § 287.8(c)(2)(ii).
- 88) At the time of his arrest, and at all times relevant thereafter, Petitioner Singh had fully complied with all immigration requirements. He attended all required ICE check-ins, appeared at all scheduled immigration court hearings, timely filed and maintains a pending Form I-589 application for asylum and related relief, and possessed valid employment authorization. Petitioner never absconded, never attempted to evade authorities, and posed no danger to any person or to the community.
- 89) ICE officers arrested Petitioner without a warrant while he was lawfully present and working, without identifying any offense, violation, or noncompliance, and without any basis to believe that he was likely to flee before a warrant could be obtained. Indeed, Petitioner's long

history of perfect compliance and stability in the community affirmatively negated any reasonable belief that he posed a risk of flight.

90) Because the arrest was effectuated in direct contravention of the requirements of 8 C.F.R. § 287.8(c)(2)(i) and (ii), DHS failed to follow its own binding regulations. Under the Accardi doctrine, such regulatory violations render the arrest and resulting detention unlawful.

91) Petitioner's continued detention, which flows directly from this unlawful arrest, therefore violates the Accardi doctrine and cannot be sustained. Habeas relief is required to remedy the government's failure to adhere to its own mandatory arrest regulations.

#### **PRAYER FOR RELIEF**

Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this matter;
2. Issue a writ of habeas corpus ordering Respondents to immediately release Petitioner from custody;
3. Declare that Petitioner's arrest and detention violate the Due Process Clause of the Fifth Amendment.
4. Enjoin Respondents from transferring Petitioner outside this District or deporting Petitioner pending these proceedings;
5. Enjoin Respondents from re-detaining Petitioner unless his re-detention is ordered at a custody hearing before a neutral arbiter in which the government bears the burden of proving, by clear and convincing evidence, that Petitioner is a flight risk or danger to the community;
6. Award Petitioner his costs and reasonable attorneys' fees in this action as provided for by the Equal Access to Justice Act and 28 U.S.C. § 2412; and
7. Grant such further relief as the Court deems just and proper.

Date: January 09, 2026

Respectfully Submitted,

  
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Simranjit Kaur (SBN 309239)  
Info@kaurlawyer.com  
The Law Office of Simran Kaur  
122 East 12<sup>th</sup> Street,  
Tracy, CA. 95376  
Telephone: (925)817-0209

*Attorneys for Petitioner*

**VERIFICATION PURSUANT TO 28 U.S.C. 2242**

I am submitting this verification on behalf of the Petitioner because I am one of Petitioner's attorneys. I have discussed with Petitioner, Kulwant Singh, the events described in the Petition. Based on those discussions, I hereby verify that the factual statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Executed on this January 09, 2026, in Tracy, CA.

/s/()

Attorney for Petitioner

**CERTIFICATE OF SERVICE**

I hereby certify that on January 08, 2026, I filed the foregoing petition for Writ of Habeas Corpus and attachments electronically through the CM/ECF system, which caused all parties or counsel to be served by electronic means as more fully reflected on the Notice of Electronic Filing.

I further certify that on January 08, 2026, a true and correct copy of the Petition was served by UPS, Overnight Service upon the following:

**Pamela Bondi, Attorney General of the United States**

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, DC 20530

**Kristi Noem, Secretary of the Department of Homeland Security**

2707 Martin Luther King Jr. Avenue SE

Washington, DC 20528

**Todd Lyons, Acting Director of ICE**

500 12<sup>th</sup> Street SW

Washington DC, DC. 20536

**Field Office Director**

U.S. Immigration and Customs Enforcement

Dallas Immigration and Customs Office

8101 N Stemmons Freeway

Dallas, TX 75247

United States

**Warden**

3200 South Kings Highway

Cushing, OK 74023

United States

DATED: January 09, 2026

*Simranjit Kaur*

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Attorney for Petitioner