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

KULWANT SINGH, Petitioner,	)	
v.	)	Case No. CIV-26-00055-J
SCARLET GRANT, ET AL., Respondents.	)	

FEDERAL RESPONDENTS' RESPONSE IN OPPOSITION TO PETITION FOR WRIT OF HABEAS CORPUS

ROBERT J. TROESTER
United States Attorney

/s/ R. D. Evans, Jr.
R. D. EVANS, JR.
Louisiana Bar No. 20805
Assistant United States Attorney
Office of the United States Attorney
for the Western District of Oklahoma
210 Park Ave., Suite 400
Oklahoma City, OK 73102
(405) 553-8700
Email: Don.Evans@usdoj.gov

Counsel for Respondents Norman Parrish, Todd Lyons, Kristi Noem, and Pamela Bondi

NOW COME Respondents Norman Parrish, Acting Field Office Director, Dallas Immigration and Customs Enforcement Office; Todd Lyons, Acting Director of U.S. Immigration and Customs Enforcement (ICE); Secretary of Homeland Security Kristi Noem; and Attorney General Pamela Bondi (the "Federal Respondents"), who, for response to the Petition for Writ of Habeas Corpus [Doc. 1] deny every allegation of the Petition except as may be specifically admitted herein. The Federal Respondents further submit that the Court should deny the relief requested and should order dismissal.

I. Introduction:

Petitioner Kulwant Singh is a native and citizen of India. On or about November 27, 2021, he entered the United States at an unknown location without admission or parole by an immigration official. Sometime after entering the United States, he was taken into custody. Petition [Doc. 1] at 2, ¶¶ 1-2; Pet. Ex. A [Doc. 1-2] at 2.[1]

On January 6, 2022, he was placed in removal proceedings through the issuance of a Notice to Appear (NTA). He is charged as removable under:

- Section 212(a)(6)(A)(i) of the Immigration and Nationality Act (INA) (codified at 18 U.S.C. § 1182(a)(6)(A)(i)) as an alien who is present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General; and

- INA Section 212(a)(7)(A)(i)(I) (codified at 18 U.S.C. § 1182(a)(7)(i)(I)) as an immigrant, who at the time of application for admission, was not in possession of (1) a valid unexpired entry document as required by the INA, and (2) a valid travel document/document of identity and nationality as required by regulations.

Pet. Ex. A [Doc. 1-2] at 2.

[1] Mr. Singh submits evidence that he entered the United States at San Luis, Arizona. Pet. Ex. E [Doc. 1-6] at 3, block 19.

Petitioner states that he was released from custody on January 11, 2022. Petition [Doc. 1] at 2, ¶ 2. On February 3, 2022, he filed a Form I-589, Application for Asylum and for Withholding of Removal, with the Immigration Court. On September 18, 2025, he filed an amended Form I-589. *Id.* at 5, ¶ 1; Pet. Ex. E [Doc. 1-6].

On December 17, 2025, ICE took him back into its custody. Petition [Doc. 1] at 2, ¶ 3. DHS/ICE reports that Petitioner has not requested a bond hearing.[2] An individual hearing in Petitioner's removal proceedings has been set for April 16, 2026. Att. 1.

II. Law and Argument:

A. Petitioner is statutorily deemed to be an applicant for admission.

In the INA, Congress established rules governing when certain aliens may be detained or removed. As relevant here, 8 U.S.C. § 1225 governs the processes for the detention and removal of "applicants for admission," a category of aliens. Section 1225(a)(1) defines which aliens are "applicants for admission," stating:

> An 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 ...) *shall be deemed for purposes of this chapter an applicant for admission.*

8 U.S.C. § 1225(a)(1) (emphasis added).

Aliens who meet that statutory definition qualify as applicants for admission, whether they arrived at a designated port of arrival or not. An alien's status as an applicant for admission does not turn on where or how he entered the United States. *Buenrostro-Mendez v. Bondi*, No. 25-20496, 2026 WL 323330, at *2 (5th Cir. Feb. 6, 2026).

---

[2] Petitioner indicates that on December 23, 2025, an Immigration Judge determined that he was "ineligible for a bond hearing...." Petition [Doc. 1] at 19, ¶ 67.

Congress "explicitly defined" the phrase "applicant for admission" as "'[a]n alien present in the United States who has not been admitted or who arrives in the United States ...'" *Gutierrez Sosa v. Holt*, No. CIV-25-1257-PRW, 2026 WL 36344, at *3 (W.D. Okla. Jan. 6, 2026) (quoting 8 U.S.C. § 1225(a)(1)). "Congress explicitly said that any alien 'present in the United States who has not been admitted' is deemed an 'applicant for admission.'" *Id.* at *4. Under the plain language of § 1225(a)(1), an alien who is present in the United States and charged with being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i)) as having entered the United States without inspection is deemed an applicant for admission. *Montoya v. Holt*, No. CIV-25-01231-JD, 2025 WL 3733302, at *7 (W.D. Okla. Dec. 26, 2025). An alien who enters the United States without being formally admitted, and who concedes that he was not admitted, "fits neatly into the definition of an 'applicant for admission.'" *Gutierrez Sosa*, 2026 WL 36344, at *3.

"Nothing in the language of § 1225 limits its operation to only those applicants for admission who are arriving." *Montoya*, 2025 WL 3733302, at *7. In sum, Petitioner "is an applicant for admission under the plain language of § 1225(a)(1) because he is present in the United States and charged with being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who entered the United States without inspection." *Id.*

B. As an applicant for admission, Petitioner is subject to detention.

Proceedings for deciding the inadmissibility or deportability of an alien, *i.e.*, removal proceedings, are addressed at 8 U.S.C. § 1229a. Congress provided for the detention of applicants for admission as follows:

[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).[3]

"[A]pplicants for admission fall into one of two categories, those covered by § 1225(b)(1) and those covered by § 1225(b)(2)." *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018). Section 1225(b)(1) applies to aliens initially determined to be inadmissible due to fraud, misrepresentation, or lack of valid documentation, and it also applies to certain other aliens designated by the Attorney General. *Id.* "Section 1225(b)(2) is broader," serving, with limited statutory exceptions, "as a catchall provision that applies to all applicants for admission not covered by § 1225(b)(1)." *Id.*

"Section 1225(b)(2) does not include any exception that permits the government to release detained aliens on bond." *Buenrostro-Mendez*, 2026 WL 323330, at *2. Section 1225(b)(2)(A) "unambiguously provides for mandatory detention." *Id.* at *4.

C. The decision to detain Petitioner while removal proceedings are pending is not subject to judicial review.

An alien may be detained pending a decision on whether he is to be removed from the United States. Pending the removal decision, immigration authorities may continue to detain the alien or may release the alien on bond or conditional parole. 8 U.S.C. § 1226(a).

The Attorney General's discretionary judgment regarding the application of § 1226

[3] "Section 1225(b)(1) lays out an alternative framework for detention and removal of aliens who qualify for expedited removal proceedings." *Buenrostro-Mendez*, 2026 WL 323330, at *2, n. 2, citing 8 U.S.C. § 1225(b)(1)(A)(i)-(iii).

"shall not be subject to review. No court may set aside any action or decision by the Attorney General under this section regarding the detention of any alien or the revocation or denial of bond or parole." 8 U.S.C. § 1226(e).

D. The Court should deny Petitioner's first claim, alleging a Fifth Amendment substantive due process violation.

When the Government deals with deportable aliens, the Fifth Amendment's Due Process Clause does not require it to employ the least burdensome means to accomplish removal. *Demore v. Kim*, 538 U.S. 510, 528 (2003). "Detention during removal proceedings is a constitutionally permissible part of that process." *Id.* at 531.

A Fifth Amendment substantive due process violation occurs when government action (1) infringes on a fundamental right without a compelling government interest, or (2) deprives a person of life, liberty, or property in a way that shocks the conscience. *Maehr v. United States Dep't of State*, 5 F.4th 1100, 1117 (10th Cir. 2021). The Tenth Circuit Court of Appeals applies the fundamental-rights approach when a plaintiff or petitioner challenges legislative action, and it applies the shocks-the-conscience approach when the challenge is to executive action. *Id.*; *Abdi v. Wray*, 942 F.3d 1019, 1027 (10th Cir. 2019).

Petitioner challenges actions undertaken by, and sues officers of, the Executive Branch. Ordinary negligence does not satisfy the shocks-the-conscience standard, and even allowing unreasonable risks to continue is not necessarily conscience shocking. *Ruiz v. McDonnell*, 299 F.3d 1173, 1184 (10th Cir. 2002) (citing cases). To satisfy the shocks-the-conscience standard, Petitioner must do more than show that the Government intentionally or recklessly caused him harm by abusing or misusing its power. Instead, he

"must demonstrate a degree of outrageousness and a magnitude of potential or actual harm that is truly conscience shocking." *Uhlrig v. Harder*, 64 F.3d 567, 574 (10th Cir. 1995). This standard demands a "high level of outrageousness." *Id.*; *Klen v. City of Loveland, Colo.*, 661 F.3d 498, 513 (10th Cir. 2011).

The Tenth Circuit has observed, "Government conduct that would be unacceptable, even outrageous, in another setting may be acceptable, even necessary, in a prison. Consequently, a prisoner claim will often not be plausible unless it recites facts that might well be unnecessary in other contexts." *Gee v. Pacheco*, 627 F.3d 1178, 1185 (10th Cir. 2010). Detention officials "must be accorded considerable deference in establishing policies for the operation of their correctional institutions in furtherance of legitimate objectives" such as public safety, rehabilitation, and orderly administration of the institution. *Doe v. Heil*, 533 F. App'x 831, 843 (10th Cir. 2013). Reasonable rules and conditions in a detention facility are unlikely to rise to the level of conscience-shocking conduct or indifference. *Id.* at 845.

The Federal Respondents acknowledge that Petitioner not a prisoner. He is an immigration detainee. However, the same practical considerations apply. Petitioner claims, "The environment in custody is isolating, noisy, and mentally exhausting." Petition [Doc. 1] at 4, ¶ 9. He alleges that since being detained, he "has struggled with anxiety, sleeplessness, and emotional distress," and that he has "digestion issues" that rise to the level of a "medical condition … that requires attention." *Id.* The Federal Respondents are not indifferent to such complaints, but those complaints do not demonstrate a degree of outrageousness or magnitude of harm that is truly conscience shocking.

Of greater concern is Petitioner's allegation that his "constitutional right to practice his faith is being infringed upon" because, as an Amrit Dhari (baptized) Sikh, he has not been able "to perform Paath (Sikh worship and prayer) in detention." *Id.* (text effects removed). Again drawing on the prison analogy, alleging a constitutional violation based on a free-exercise claim is a two-step inquiry. First, the prisoner must show that a regulation substantially burdens his sincerely held religious belief. Second, prison officials may in response identify legitimate penological interests that justify the impinging conduct. At that point, courts balance four factors to determine reasonableness: (1) whether a rational connection exists between the prison regulation and a legitimate governmental interest advanced to justify it; (2) whether alternative means of exercising the right are available, notwithstanding the regulation; (3) what effect accommodating the exercise of the right would have on staff members, other inmates, and prison resources generally; and (4) whether easy-to-implement alternatives exist that would accommodate the prisoner's rights. *Kay v. Bemis*, 500 F.3d 1214, 1219 (10th Cir. 2007).

Prisoners must be granted reasonable opportunities to exercise their sincerely held beliefs, but their free-exercise rights are subject to restrictions rationally related to legitimate penological interests, including safety and order. *Hammons v. Saffle*, 348 F.3d 1250, 1255 (10th Cir. 2003). "Put more simply, an inmate retains only those rights consistent with proper incarceration." *Bird v. Mertens-Jones*, 755 F. Supp. 3d 1141, 1152 (D.S.D. 2024), citing *Overton v. Bazzetta*, 539 U.S. 126, 131 (2003).

Here, Petitioner offers no information to develop his substantive due process claim based on the alleged infringement of his right to practice his faith. He does not identify the

regulations or policies that supposedly are infringing upon his religious liberty. He does not explain to what degree they are impinging upon his religious practices. Meanwhile, he concedes in his substantive due process claim that "[i]mmigration detention is constitutionally permissible...when it furthers the government's legitimate goals of ensuring the noncitizen's appearance during removal and preventing danger to the community." Petition [Doc. 1] at 15, ¶ 45, *citing Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). *Zadvydas* itself goes further, finding that the Government has a legitimate interest in "assuring that alien's presence at the moment of removal." 533 U.S. at 699. The first claim does not plausibly allege a substantive due process violation.

E. The Court should deny Petitioner's procedural due process claim.

Petitioner's second claim alleges violation of procedural due process under the Fifth Amendment. To state a procedural due process claim, a petitioner "must establish (1) the deprivation of (2) a constitutionally cognizable liberty or property interest, (3) without adequate due process procedures." *Abdi*, 942 F.3d at 1031.

In support of his procedural due process claim, Petitioner asserts that the facts of his case "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...." Petition [Doc. 1] at 16, ¶ 52. Factually and procedurally, *Y.S.G.* is distinguishable.

In *Y.S.G.*, the matters before the court were the petitioner's motion to enforce a preliminary injunction that was issued in July 2025 and the respondents' motion to dismiss the § 2241 petition as moot. 2025 WL 2979309, at *1. No motion for preliminary injunction, no motion to enforce, and no motion to dismiss is before this Court.

Mr. Singh arrived from India when he was 24 years old. Petition [Doc. 1] at 2, ¶ 1. In *Y.S.G.*, the petitioner arrived from Mexico when he was four. He graduated from high school and attended community college in the United States. 2025 WL 2979309, at *1.

In 2022, the petitioner in *Y.S.G.* applied for a U visa because he was the victim of a crime. That application was pending with U.S. Citizenship and Immigration Services (USCIS) when the United States District Court for the Eastern District of California ruled on the two motions before it. *Id.*

The petitioner in *Y.S.G.* applied for and was granted Deferred Action for Childhood Arrivals (DACA) status in 2012. He renewed his DACA application in 2015 and 2018, but USCIS denied his renewal application in 2021 on account of a criminal conviction. *Id.*

The petitioner in *Y.S.G.* "sustained a felony conviction for attempted lewd or lascivious acts…for which he received an eighteen-month sentence." *Id.* That prompted ICE's efforts to remove him, and he was detained pursuant to 8 U.S.C. § 1231. *Id.* Mr. Singh states that he "has no criminal history." Petition [Doc. 1] at 2, ¶ 1.

Petitioner claims that his facts are "materially indistinguishable from *Y.S.G.*," but the differences are legion. The Federal Respondents will not belabor the point further except to note that *Y.S.G.* obviously is not controlling authority in this Court.

For the substance of his claim, Petitioner alleges that he is detained with "no explanation" and "no opportunity to contest" it or be heard. Petition [Doc. 1] at 16, ¶ 51; *see also id.* at 3, ¶ 5 (asserting he has been denied "an opportunity to be heard").

The NTA that he has made part of his pleading sets out the legal grounds for the removal proceedings. Pet. Ex. A [Doc. 1-2] at 2. He has a pending Form 1-589 Application

for Asylum and for Withholding of Removal. Pet. Ex. E [Doc. 1-6]. A hearing has been set for that application. *Id.* at 2. Petitioner is fluent in Punjabi, and in the immigration proceedings he has employed the services of professional interpreter and translator. *Id.* at 20, ¶¶ 17-19; *id.* at 27. An individual hearing in Petitioner's removal proceedings has been set for April 16, 2026. Att. 1. He has been afforded numerous opportunities to be heard.

The Supreme Court decisions Petitioner cites (*see* Petition [Doc. 1] at 15, ¶ 49) involved state prisoners facing revocation of supervised release, probation, or parole. The cases did not involve immigration detention. Otherwise, Petitioner relies on decisions from the Ninth Circuit or district courts in that circuit. *Id.* at 15-16, ¶¶ 49-50. As this Court held in *Montoya*, "In the absence of Supreme Court or Tenth Circuit guidance indicating that the policies set forth by Congress and implemented by DHS are unconstitutional, Petitioner's claim that DHS's policy violates due process must fail." 2025 WL 3733302, at *15.

F. The Court should deny Petitioner's third claim, an APA claim.

Petitioner's third claim makes passing reference to the Fifth Amendment but states that the "Administrative Procedure Act ('APA'), 5 U.S.C. § 706(2), requires courts to hold unlawful and set aside" arbitrary and capricious agency action. Petition [Doc. 1] at 16-17, ¶ 54. The claim urges that DHS has "acted in a manner that is arbitrary, capricious, an abuse of discretion, and not in accordance with law." *Id.* at 18, ¶ 61. Petitioner demands that his detention "must be set aside pursuant to 5 U.S.C. § 706(2)." *Id.*

Johal v. Bondi, Case No. CIV-25-1408-J (W.D. Okla.), found that an APA claim does not lie within habeas. When a petitioner's claims necessarily imply the invalidity of

his confinement, "his claims 'fall within the "core" of the writ of habeas corpus and thus must be brought in habeas.'" *Id.*, Report and Recommendation (01/30/2026) [Doc. 15 therein], *quoting Trump v. J.G.G.*, 604 U.S. 670, 672 (2025); *see also id.* at 674 ("[G]iven 5 U.S.C. § 704, which states that claims under the APA are not available when there is another 'adequate remedy in a court,' I agree with the Court that habeas corpus, not the APA, is the proper vehicle here.") (Kavanaugh, J. concurring).

"Challenges to immigration detention are properly brought directly through habeas." *Soberanes v. Comfort*, 388 F.3d 1305, 1310 (10th Cir. 2004), citing *Zadvydas*, 533 U.S. at 687-88. The Court should therefore deny Petitioner's request for APA relief.

G. The Court should deny Petitioner's equal protection claim.

Petitioner's fourth claim asserts that he is entitled to relief under the implicit guarantee of equal protection embedded within the Due Process Clause. Petition [Doc. 1] at 18, ¶ 63. As with Petitioner's APA claim, because this equal protection claim necessarily implies the invalidity of Petitioner's confinement, it falls within the "core" of the writ of habeas corpus and must be brought in habeas. *Trump v. J.G.G.*, 604 U.S. at 672.

Moreover, Petitioner seems to challenge an IJ's decision. *See* Petition [Doc. 19] at 67. What, specifically, he alleges in that respect is unclear, but if he is challenging an IJ's decision, it seems he could appeal to the Board of Immigration Appeals (BIA), followed by "a petition for review filed with an appropriate court of appeals." 8 U.S.C. § 1252(a)(5).

H. The Court should deny Petitioner's Suspension Clause claim.

Petitioner's fifth claim alleges a violation of the Suspension Clause. "The Suspension Clause 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.'" *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 116 (2020), quoting U.S. Const., Art. I, § 9, cl. 2. The Suspension Clause protects the writ as it existed in 1789 when the Constitution was adopted. *Id.*, citing *INS v. St. Cyr*, 533 U.S. 289, 301 (2001). It guards against arbitrary suspensions of the writ, because the Constitution's framers knew that the writ was suspended with frequency in England in times of political unrest. The Suspension Clause was "designed to protect against these cyclical abuses" by ensuring that, except during periods of formal suspension, the Judiciary will have authority to issue writs of habeas corpus. *Boumediene v. Bush*, 553 U.S. 723, 745 (2008).

This Court has not hesitated to exercise its habeas power in appropriate cases. There has been no suspension of the writ, *de jure* or *de facto*, in the Western District of Oklahoma. Petitioner does not discuss how the writ was understood when the Constitution was adopted, nor does he explain how that understanding might apply to his claims.

Furthermore, in his fifth claim, Petitioner arguably pleads himself out of this Court's jurisdiction. He alleges, "Petitioner, Mr. Singh, is detained solely under civil immigration authority *and is confined in Eloy, Arizona*." Petition [Doc. 1] at 21, ¶ 77 (emphasis added).

"District courts are limited to granting habeas relief 'within their respective jurisdictions.'" *Rumsfeld v. Padilla*, 542 U.S. 426, 442 (2004), quoting 28 U.S.C. § 2241(a). This means that the court must have jurisdiction over the petitioner's custodian. *Id.* If Petitioner is indeed "confined in Eloy, Arizona," then in all likelihood his custodian likewise is in Eloy, Arizona, beyond the territorial jurisdiction of this Court.

The reference to Eloy, Arizona, is probably a scrivener's error. However, that

reference and other matters in the pleading leave the Federal Respondents questioning just how specific or relevant the pleading is to the claims of Petitioner Kulwant Singh.[4]

I. The Court should deny Petitioner's sixth claim, under the *Accardi* doctrine.

Petitioner's final claim alleges a violation of the *Accardi* doctrine with respect to 8 C.F.R. § 287.8(C)(2)(i). Under the *Accardi* doctrine (*see United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954)), an agency must adhere to policies and regulations it promulgates. *Jagers v. Fed. Crop Ins. Corp.*, 758 F.3d 1179, 1186 (10th Cir. 2014).

Under the regulation Petitioner cites, an immigration officer involved in enforcement activities may make an arrest if the officer "has reason to believe that the person to be arrested has committed an offense against the United States or is an alien illegally in the United States." 8 C.F.R. § 287.8(C)(2)(i). In 2022, Petitioner was charged as removable as an alien illegally in the United States. Pet. Ex. A [Doc. 1-2] at 1.

---

[4] A check of ICE's Online Detainee Locator System, https://locator.ice.gov/odls/#/search, on February 10, 2026, indicated that Kulwant Singh, A-Number 220718001, is detained at Cimarron Correctional Facility. The Federal Respondents believe that Petitioner's counsel herein is counsel of record in three § 2241 habeas corpus actions in the District of Arizona, which might account for the reference to Eloy, Arizona: *Singh v. Unknown Party, et al.*, 2:25-cv-04864-DWL-ASB (filed 12/24/25; closed 01/13/26); *Singh v. Unknown Party, et al.*, 2:26-cv-00483-JCH-CDB (filed 01/26/26); and *Brar v. v. Unknown Party, et al.*, 2:26-cv-00490-DJH-JZB (filed 01/27/26). The Petition [Doc. 1] includes, in unredacted form, not only Petitioner's commercial driver's license (Pet. Ex. D [Doc. 1-5]) but also the driver's license of Balwant Singh (Pet. Ex. B [Doc. 1-3] at 4). Many of the allegations in the pleading repeat verbatim allegations made by the petitioner in *Jagit Singh v. Scarlet Grant, et al.*, Case No. CIV-26-00088-G (W.D. Okla.). For example, Kulwant Singh alleges, "Since being detained, Petitioner has struggled with anxiety, sleeplessness, and emotional distress. The environment in custody is isolating, noisy, and mentally exhausting." Petition [Doc. 1] at 4, ¶ 9. Jagit Singh alleges, "Since being detained, Petitioner has struggled with anxiety, sleeplessness, and emotional distress. The environment in custody is isolating, noisy, and mentally exhausting." *Singh*, Case No. CIV-26-00088-G, Petition [Doc. 1 therein] at 6, ¶ 18.

The writ of habeas corpus addresses violations of "the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3). "Habeas relief is reserved for errors constitutional in scale," not regulatory violations. *Bahadorani v. Bondi*, No. CIV-25-1091-PRW, 2025 WL 3048932, at *4 (W.D. Okla. Oct. 31, 2025).

Accardi itself is distinguishable. It relied on a now-superseded version of the habeas corpus statute. The case involved an action by the BIA, and the applicable regulations "supplement[ed] the bare bones" of § 19(c) of the Immigration Act of 1917, so they were read to have the force and effect of law. 347 U.S. at 265. Those regulations pinpointed the decisive fact — the BIA was required "to exercise its own judgment when considering appeals" — and the habeas corpus petitioner charged "the Attorney General with precisely what the regulations forbid him to do: dictating the Board's decision." *Id.* at 266-67. The relief granted in *Accardi* was not release; rather, the matter was remanded to the BIA "to exercise its own independent discretion, after a fair hearing," which was what the regulations required. *Id.* at 268. Petitioner seeks a far different remedy than what was granted in *Accardi*. He demands his immediate release. Petition [Doc. 1] at 24, ¶ 2.

Prayer for Relief

WHEREFORE, the Federal Respondents respectfully pray for an order of this Honorable Court denying the Petition for Writ of Habeas Corpus [Doc. 1] and all claims and demands therein.

Respectfully submitted this 12th day of February, 2026.

ROBERT J. TROESTER
United States Attorney

/s/ R. D. Evans, Jr.
R. D. EVANS, JR.
Louisiana Bar No. 20805
Assistant United States Attorney
Office of the United States Attorney
for the Western District of Oklahoma
210 Park Ave., Suite 400
Oklahoma City, OK 73102
(405) 553-8700
(405) 553-8885 (fax)
Email: Don.Evans@usdoj.gov

Counsel for Respondents Kristi Noem, U.S. Department of Homeland Security, Pamela Bondi, Executive Office for Immigration Review, and Robert Cerna

INDEX OF ATTACHMENTS

Attachment 1: *In re Singh, Kulwant*, Case No. [redacted] Notice of Internet Based Hearing (February 2, 2026, setting a hearing for April 16, 2026)