

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

SAMANPREET SINGH,

Petitioner,

v.

FREDRICK W. STEVENS, et al.,

Respondents.

Case No. 3:26-cv-133-BYP

JUDGE BENITA Y. PEARSON

**REPLY IN SUPPORT OF PETITION
FOR WRIT OF HABEAS CORPUS**

INTRODUCTION¹

Respondents offer nothing but boilerplate in their Response (Dkt. 8). The crux of Mr. Singh's Petition is that, as a former unaccompanied minor, he cannot possibly be subject to mandatory detention under 8 U.S.C. § 1225(b)(2). This allegation was not hidden in his Petition: it is in the very first paragraph. Dkt. 1 at ¶ 1. Yet, Respondents offer not one word of response to his argument, instead providing nothing but copy-and-paste boilerplate arguments that this Court has already rejected in other cases. Specifically, Respondents argue (1) that the Court lacks jurisdiction over this case; (2) the Court should require Mr. Singh to pursue futile administrative remedies; and (3) that Mr. Singh is an "applicant for admission" mandatorily detained under

¹ Based on this Court's earlier decisions, the Court seems likely to grant relief in this case. However, Mr. Singh notes that in *E.V. v. Raycraft*, 25-cv-2069, 2025 WL 3122837, *13 (N.D. Ohio Nov. 7, 2025), this Court ordered the Government to bear the burden by clear and convincing evidence at a bond hearing, while in *Echavarria Morales v. Noem*, 3:25-cv-2691, 2026 WL 100583 (N.D. Ohio Jan. 14, 2026), the Court did not specify a burden-shift. Anecdotal reports from immigration attorneys show a pattern of immigration judges denying bond for pretextual reasons after habeas petitions have been granted; therefore, Mr. Singh respectfully asks that the Court impose the clear-and-convincing evidentiary burden on the Government at any bond hearing.

§ 1225(b). As discussed below, this Court has already rejected these same arguments and should do so again.

ARGUMENT

I. Mr. Singh's habeas claims are not barred by any provision of 8 U.S.C. § 1252.

First, Respondents argue that 8 U.S.C. § 1252(g) strips this Court of jurisdiction because it bars jurisdiction over “any cause or claim by or on behalf of an alien arising from the decision or action by the [Secretary of Homeland Security] to commence proceedings, adjudicate cases, or execute removal orders against any alien.” Dkt. 8 at 2 (citing 8 U.S.C. § 1252(g)).

This Court has already rejected this argument: “Respondents misunderstand § 1252(g). It does not bar judicial review over Petitioner’s constitutional due process claims or allegations that Respondents violated the INA and its implementing regulations. Numerous courts agree.” *E.V. v. Raycraft*, 4:25-cv-2069, 2025 WL 3122837, at *5 (N.D. Ohio Nov. 7, 2025) (Pearson, J.) (collecting cases). As the Court noted in *E.V.*, Petitioner is not “challenging a removal order, or the Department of Homeland Security’s [] discretionary authority to commence or adjudicate removal proceedings against [him] ... Section 1252(g) also does not bar the Court’s jurisdiction to consider [Petitioner’s] claims concerning [his] continued detention without a bond hearing.” *Id.* As this Court pointed out, the Sixth Circuit has held that a “district court’s jurisdiction over the detention-based claims is independent of its jurisdiction over the removal-based claims.” *Id.* (citing *Hamama v. Adducci*, 912 F.3d 869, 877 (6th Cir. 2018)). Because Mr. Singh’s habeas petition does not “require the Court to address the merits of [his] removal proceedings, the Court has jurisdiction to consider [his] habeas petition.” *E.V.*, 2025 WL 3122837, at *6.

Next, Respondents rely on a recent Third Circuit case to argue that Mr. Singh's claims are barred by 8 U.S.C. § 1252(b)(9), which limits "judicial review of all questions of law ... arising from any action taken ... to remove an alien from the United States" to a petition for review of a removal order in the court of appeals. Dkt. 8 at 3-4 (citing *Khalil v. President, United States*, -- F.4th --, 2026 WL 111933 (3d Cir. Jan. 15, 2026)). However, as courts have found, *Khalil* has no application in cases like this one. In *Khalil*, a lawful permanent resident was detained under 8 U.S.C. § 1227(a) and sued to "enjoin [his] detention and removal as illegal" under the First and Fifth Amendments. *Id.* at *2. However, a petitioner's "argument that he was unlawfully detained without a bond hearing under 8 U.S.C. § 1225(b)(2) does not repackage a contention against removal; the present petition does not challenge removal at all. Because the question of whether [the petitioner] is entitled to a bond hearing is not one on 'which the validity of the final order is contingent,' it is unfit to be raised in a PFR." *Giyosov v. Jamison*, 2026 WL 209839, at *3 (E.D. Pa. Jan. 27, 2026). "Therefore, this Court's review of [the petitioner's] request for release or a bond hearing does not encourage 'piecemeal litigation' but rather serves as his only opportunity for review of a legal question that cannot be channeled into a PFR. For those reasons, *Khalil* is distinguishable and § 1252(b)(9) does not apply." *Id.* at *4; *see also Kourouma v. Jamison*, 2026 WL 120208, at *3 (E.D. Pa. Jan. 15, 2026) (similar).

This Court, too, has found that § 1252(b)(9) does not bar Mr. Singh's claims. *E.V.*, 2025 WL 3122837, at *6-7. Put simply, "The question of whether statutory provisions require detention without bond hearings [does] not 'arise from' actions to remove noncitizens." *Id.* at *7 (citing *Ochoa Ochoa v. Noem*, 2025 WL 2938779, at *3 (N.D. Ill. Oct. 16, 2025); *Jennings v. Rodriguez*, 583 U.S. 281, 292-93 (2018)). Indeed, the Supreme Court has cautioned against an overbroad

application of § 1252(b)(9), noting that it “does not present a jurisdictional bar” where those bringing suit “are not asking for review of an order of removal,” “the decision to detain them in the first place or to seek removal,” or “the process by which their removability will be determined.” *Jennings*, 583 U.S. at 294-95; *see also DHS v. Regents of the Univ. of California*, 591 U.S. 1, 19 (2020). In short, Respondents offer no compelling reason for the Court to depart from its ruling in *E.V.*, which is amply supported by case law, including from the Supreme Court.

II. The Court should not require exhaustion, which would be futile.

Respondents next argue that the Court should require Mr. Singh to file a futile appeal with the BIA before seeking habeas relief. This Court has properly rejected this argument in other cases and should do so again here. *See Echavarria Morales v. Noem*, 3:25-cv-2691, 2025 WL 100583, at *2-3 (N.D. Ohio Jan. 14, 2026); *Lopez v. Raycraft*, 4:25-cv-2449, 2025 WL 3280344, at *2-3 (N.D. Ohio Nov. 25, 2025).

In *Lopez*, this Court articulated a three-part test used by district courts in the Sixth Circuit to determine when prudential exhaustion applies: “(1) agency expertise makes agency consideration necessary to generate a proper record and reach a proper decision; (2) relaxation of the requirement would encourage the deliberate bypass of the administrative scheme; and (3) administrative review is likely to allow the agency to correct its own mistakes and to preclude the need for judicial review.” *Id.* at *3 (citing *Diego v. Raycraft*, 2025 WL 3159106, at *3 (E.D. Mich. Nov. 12, 2025)). This Court analyzed the factors and correctly concluded that prudential exhaustion should not be required in cases like this one because “the issues raised in the habeas petition are purely legal in nature,” “the administrative scheme ... is likely futile,” and “requiring Petitioner to go through the administrative process would be fruitless and a waste of time.” *Id.*

Noting the BIA's binding decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), the long processing time for BIA bond appeals, and the BIA's lack of authority to review constitutional challenges, the Court found that "it is clear that administrative exhaustion should be waived in this case." *Id.* at *4. Respondents offer no compelling justification for a different outcome here.

III. Mr. Singh is not detained under § 1225.

As a threshold matter, Respondents totally ignore Mr. Singh's argument that as a former unaccompanied minor, he cannot be subject to mandatory detention under § 1225(b). *See* Dkt. 1 at ¶¶ 1, 35-42. Accordingly, they have waived any opposition to this argument. *See, e.g., F.B. v. Noem*, 25-cv-4271-JJT-JZB, 2025 WL 3628652, at *1 (D. Ariz. Dec. 4, 2025) ("Respondents' response ... is a boilerplate response ... Respondents do not acknowledge or address Petitioner's actual arguments. The Court therefore finds that Respondents have waived any challenge to them.").

Independent of whether § 1225(b)(2) *ever* allows mandatory detention of petitioners like Mr. Singh, as a matter of law, it cannot apply in his case in particular. As Mr. Singh argued in his Petition, a number of courts have found that former unaccompanied minors cannot be subject to mandatory detention under § 1225(b), since the law requires that they be subjected to the least restrictive detention measures possible, which necessarily implies alternatives to mandatory detention without bond in a county jail. *See, e.g., F.S.S.M. v. Wofford*, 2025 WL 3526671, at *4 (E.D. Cal. Dec. 9, 2025); *Garcia Ramirez v. U.S. Immigr. & Customs Enforcement*, -- F. Supp. 3d --, 2025 WL 3563183, at *2 (D.D.C. Dec. 12, 2025); *A.C.J. v. Hermosillo*, 2026 WL 73857, at *5 (W.D. Wash. Jan. 9, 2026).

In any case, this Court has already rejected Respondents' arguments in several previous cases and should do so again here. *See Echavarria Morales*, 3:25-cv-2691, 2025 WL 100583;

Lopez, 4:25-cv-2449, 2025 WL 3280344; *E.V.*, 4:25-cv-2069, 2025 WL 3122837. Most recently, in *Echavarria Morales*, this Court again rejected the same arguments Respondents make here. 2025 WL 100583, at *4 (“As Respondents acknowledge, the undersigned has previously rejected the government’s interpretation ... Other district courts within the Sixth Circuit to consider Respondents’ argument have also not accepted the government’s interpretation.”). Respondents offer nothing new to refute the arguments in Mr. Singh’s Petition or this Court’s prior decisions, and therefore the Court should follow those earlier decisions again here.

IV. The Court need not address Respondents’ remaining arguments.

Respondents argue that Mr. Singh’s due-process rights have not been violated. Dkt. 8 at 15-16. However, numerous courts have found that denying a person a bond hearing to which they are entitled is a violation of procedural due process. *See, e.g., Delgado Avila v. Crowley*, -- F. Supp. 3d --, 2025 WL 3171175, at *4-5 (S.D. Ind. Nov. 13, 2025) (collecting cases); *see also* Dkt. 1 at ¶¶ 75-83. Nonetheless, if this Court grants relief based on Petitioner’s statutory textual arguments under the INA, it need not reach the due-process issue.

Finally, Respondents argue that the Central District of California’s ruling in *Maldonado Bautista v. Santacruz* is not binding on this Court. Dkt. 8 at 16-18. But since there is ample support in this Court’s own precedents for granting relief here, Petitioner concedes that the Court need not consider whether *Maldonado Bautista* offers additional or alternative grounds for relief.

CONCLUSION

The Court should grant habeas relief and order immediate release or a prompt bond hearing at which Respondents bear the burden of proof by clear and convincing evidence.

Dated: January 29, 2026

Respectfully submitted,

/s/ James D. Jenkins

James D. Jenkins (MO #57258; WA#63234)

P.O. Box 6373

Richmond, VA 23230

Tel.: (804) 873-8528

jjenkins@valancourtbooks.com

Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was filed via the Court's CM/ECF system this 29th day of January, 2026, which sent notice of such filing to all parties receiving electronic notice.

/s/ James D. Jenkins

Attorney for Petitioner