

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

SAMANPREET SINGH,

Petitioner,

v.

FREDRICK W. STEVENS, *et al.*,

Respondents.

Case No. 26-cv-133-BYP

Judge Benita Y. Pearson

**MEMORANDUM OF LAW IN
SUPPORT OF MOTION FOR
TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

PRELIMINARY STATEMENT

Petitioner's Petition for Writ of Habeas Corpus has been fully briefed since January 29, 2026, and is ripe for decision. If the Court rules on the Petition (Dkt. 1), this Motion would become moot.

INTRODUCTION

Petitioner Samanpreet Singh fled persecution in India and came to the United States at age 17 as an unaccompanied minor. He was considered such a low risk and low priority that he was previously released into the custody of his sponsor and his immigration case was taken off the docket. Since then, he has lived in this country for more than seven years and built a life for himself. Over two months ago, he was detained in violation of the INA, the Due Process Clause, and regulations governing the detention of former unaccompanied minors, and he remains in custody without bond.

Because of Mr. Singh's unlawful detention, his immigration case was put on a vastly accelerated docket, requiring him to litigate his asylum case from an Ohio jail cell, putting him at

a substantial disadvantage compared with noncitizens who are at liberty and on a standard docket, who have a greater ability to prepare with their counsel. His case is currently set for a final hearing on February 25, 2026, but if this Court orders his release before that date, he would move to a standard, non-detained docket that would allow him a fuller chance to present his claims for relief from removal.

This Court has already repeatedly held that noncitizens like Mr. Singh are not subject to mandatory detention under 8 U.S.C. § 1225. If anything, his case is even stronger than the Court's previous cases because of his status as a former unaccompanied minor.

For the reasons that follow, the Court should grant emergency injunctive relief and require his release from custody.

FACTUAL BACKGROUND

Based on Respondents' Response (Dkt. 8), there does not appear to be any meaningful dispute as to the facts in this case. Petitioner Samanpreet Singh is a 24-year-old Indian national who fled persecution in his homeland based on his political opinions. Dkt. 1 at ¶ 23. Petitioner entered the United States in November 2018. *Id.* at ¶ 24. He was placed in removal proceedings pursuant to 8 U.S.C. § 1229a. *Id.* at ¶ 24. Although Mr. Singh's counsel has no information on this point, Respondents allege that he missed an immigration court hearing in 2019 and was ordered removed; however, this removal order was vacated by the immigration court after he filed a motion to reopen the proceedings. Dkt. 8 at 1. On February 17, 2023, the immigration court issued a "Notice of Intent to Take Case Off of the Court's Calendar," finding that Mr. Singh's case was not a priority because he was eligible to seek asylum before USCIS under the Trafficking Victims Protection Reauthorization Act (TVPRA). Dkt. 1 at ¶ 25. At the time he filed this Petition, Mr.

Singh had no immigration hearings scheduled; however, he has now been scheduled for a merits hearing on an accelerated docket, to be held on February 25, 2026. Dkt. 1 at ¶ 25; EOIR Automated Case Information, <https://acis.eoir.justice.gov/en/caseInformation> (A#  8).

Mr. Singh entered the country as a 17-year-old unaccompanied minor and therefore is entitled to the protections of the TVPRA, including a provision that he be subject only to the least restrictive detention measures possible. Dkt. 1 at ¶¶ 1, 7, 35-42. He filed his habeas petition with this Court on January 20, 2026 (Dkt. 1), Respondents responded on January 28, 2026 (Dkt. 8), and Mr. Singh replied on January 29, 2026 (Dkt. 9).

LEGAL STANDARD

“Four factors are important in determining whether a temporary restraining order is appropriate: (1) whether the movant has a strong likelihood of success on the merits; (2) whether the movant would suffer irreparable injury without the injunction; (3) whether issuance of the injunction would cause substantial harm to others; and (4) whether the public interest would be served by issuance of the injunction.” *E.V. v. Raycraft*, 4:25-cv-2069, 2025 WL 2938594, at *5 (N.D. Ohio Oct. 16, 2025) (Pearson, J.) (quoting *Frisch’s Restaurant, Inc. v. Shoney’s Inc.*, 759 F.2d 1261, 1263 (6th Cir. 1985)).

The test is a flexible one and the factors are not prerequisites to be met, but must be balanced. *E.V.*, 2025 WL 2938594, at *5 (citing *In re DeLorean Motor Co.*, 755 F.2d 1223, 1229 (6th Cir. 1985)). No single factor is determinative except that “a finding that there is simply no likelihood of success on the merits is usually fatal.” *Id.* (citing *Gonzales v. Nat’l Bd. of Med. Examiners*, 225 F.3d 620, 625 (6th Cir. 2000)).

Here, Mr. Singh satisfies all four factors; therefore, the Court should grant relief.

ARGUMENT

I. Mr. Singh has demonstrated a likelihood of success on the merits.

This Court has already granted habeas relief to noncitizens illegally detained under § 1225(b). *Echavarria Morales v. Noem*, 3:25-cv-2691, 2026 WL 100583 (N.D. Ohio Jan. 14, 2026) (Pearson, J.); *Lopez v. Raycraft*, 4:25-cv-2449, 2025 WL 3280344 (N.D. Ohio Nov. 25, 2025) (Pearson, J.); *cf. E.V. v. Raycraft*, 4:25-cv-2069, 2025 WL 3122837 (N.D. Ohio Nov. 7, 2025) (Pearson, J.).

Respondents concede that this Court has addressed these issues in other cases, and they make no attempt whatsoever to distinguish this case from those. Dkt. 8 at 6. Therefore, Mr. Singh respectfully suggests that he has demonstrated a likelihood of success on the merits. Indeed, despite Respondents' attempt to relitigate this issue, "373 federal judges have ruled against the Government's novel interpretation of § 1225(b) in at least 3,500 cases, as opposed to a substantial minority of just 28 judges who have upheld it. Kyle Cheney, *Even Trump's own appointees are ruling against ICE's mass detention strategy*, Politico (Feb. 12, 2026), <https://www.politico.com/news/2026/02/12/donald-trump-judges-mandatory-detention-rulings-00778256>. In other words, not only do Respondents fail to distinguish this Court's other decisions, they also fail to overcome the overwhelming weight of authority against their position.

If anything, Mr. Singh's likelihood of success on the merits is even higher because of his additional claim that former unaccompanied minors cannot be subject to mandatory detention, as a number of courts have held. *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).

If this Court follows its earlier rulings in similar cases, as well as the overwhelming weight of caselaw from around the country, Mr. Singh has a substantial likelihood of success on the merits.

II. Mr. Singh stands to suffer irreparable harm absent relief from this Court.

“[W]here irreparable harm is based upon a violation of a plaintiff’s constitutional rights, that violation, no matter how temporary, is sufficient to show irreparable harm.” *E.V.*, 2025 WL 2938594, at *9 (citing *Hartman v. Acton*, 613 F. Supp. 3d 1015, 1025 (S.D. Ohio 2020); *Planned Parenthood Southwest Ohio Region v. Hodges*, 138 F. Supp. 3d 948, 960 (S.D. Ohio 2015)); *see also Beattie v. Line Mountain School Dist.*, 992 F. Supp. 2d 384, 396 (M.D. Pa. 2014) (“Deprivation of a constitutional right alone constitutes irreparable harm as a matter of law, and no further showing of irreparable harm is necessary.”). Here, denial of Mr. Singh’s due-process rights through his unlawful detention under an inapplicable statute and Respondents’ denial of the opportunity to seek bond constitutes a violation of his constitutional rights and therefore irreparable harm.

In immigration-detention cases, courts have regularly found that unlawful detention constitutes irreparable harm. *See, e.g., Hernandez v. Sessions*, 872 F.3d 976, 1000 (9th Cir. 2017) (noting “irreparable harm to Plaintiffs of detention pursuant to bond amounts determined through a likely unconstitutional process”); *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239, 1261-62 (W.D. Wash. 2025) (denial of bond hearing constituted irreparable harm). “The right to be free from government detention is one of the most basic guarantees of our democracy. [Petitioner’s] confinement inflicts immense stress and fear, which on its own, constitutes irreparable harm.”

Ercelik v. Hyde, 2025 WL 1361543 (D. Mass. May 8, 2025), at *14 (citing *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (recognizing that the fear of being subject to unlawful detention may itself constitute irreparable harm)).

Furthermore, as a result of being detained, Mr. Singh has been placed on an accelerated docket, with his immigration case set to be heard imminently, on February 25. Preparing his asylum case on extraordinarily short notice and while detained puts him at a substantial disadvantage versus his situation if Respondents had not illegally detained him. His detention in an Ohio jail, far from his out-of-state counsel, makes it extremely difficult for him to assist in preparation for his asylum hearing and puts him at a heightened risk of being returned to face persecution in India. *Cf. E.V.*, 2025 WL 2938594, at *9 (irreparable harm where petitioners were unlawfully put into expedited removal proceedings and faced imminent deportation).

III. The balance of equities and public interest factors favor Petitioner.

The third and fourth TRO factors “merge when the Government is the opposing party.” *Nken v. Holder*, 556 U.S. 418, 435 (2009). The public interest weighs in favor of injunctive relief, since “DHS has no ‘interest in the perpetuation of unlawful agency action.’” *Texas v. United States*, 40 F.4th 205, 229 (5th Cir. 2022) (quoting *League of Women Voters of United States v. Newby*, 838 F.3d 1, 12 (D.C. Cir. 2016)). “To the contrary, there is a substantial public interest in having governmental agencies abide by the federal laws that govern their existence and operations.” *Id.* (internal quote marks omitted). Furthermore, “neither equity nor the public’s interest are furthered by allowing violations of federal law to continue.” *Galvez v. Jaddou*, 52 F.4th 821, 832 (9th Cir. 2022); see also *E. Bay Sanctuary Covenant v. Biden*, 993 F.3d 640, 678-79 (9th Cir. 2021) (public interest weighs “sharply” against unlawful agency or executive action). Conversely, Respondents

have no legitimate interest in detaining Mr. Singh in violation of the INA and his due process rights. *See, e.g., Zepeda v. I.N.S.*, 753 F.2d 719, 727 (9th Cir. 1983) (“INS cannot reasonably assert that it is harmed in any legally cognizable sense by being enjoined from constitutional violations.”). “In the absence of legitimate, countervailing concerns, the public interest clearly favors the protection of constitutional rights.” *Council of Alternative Political Parties v. Hooks*, 121 F.3d 876, 883-84 (3d Cir. 1997).

A temporary restraining order is in the public interest because “it would not be equitable or in the public’s interest to allow [a party] . . . to violate the requirements of federal law, especially when there are no adequate remedies available.” *Ariz. Dream Act Coal. v. Brewer*, 757 F.3d 1053, 1069 (9th Cir. 2014). If a TRO is not granted, the government would effectively be allowed to detain Mr. Ochoa in violation of the regulation, the IJ’s order, and due process. “The public interest and the balance of the equities favor ‘prevent[ing] the violation of a party’s constitutional rights.’” *Ariz. Dream Act Coal.*, 757 F.3d at 1069 (quoting *Melendres*, 695 F.3d at 1002); *see also Hernandez*, 872 F.3d 976, 996 (9th Cir. 2017) (“The public interest benefits from an injunction that ensures that individuals are not deprived of their liberty and held in immigration detention because of bonds established by a likely unconstitutional process”).

Weighing the balance of hardships, Respondents face little or no hardship if required to release Mr. Singh or conduct a bond hearing. By contrast, the hardships imposed on Mr. Singh by the deprivation of his liberty and his inability to assist meaningfully in the preparation of his immigration case are substantial.

In short, all four TRO factors weigh strongly in Mr. Singh’s favor.

IV. The Court should order Mr. Singh's immediate release.

Mr. Singh acknowledges that in prior cases, this Court has ordered a bond hearing as a remedy for Respondents' violation of petitioners' statutory and constitutional rights. *See, e.g., Echavarria Morales*, 2026 WL 100583, at *5. However, as the Government continues to violate the law and flout judges' decisions, an increasing number of federal judges have begun ordering immediate release as a remedy instead. *See, e.g., Villafranca Lara v. Ladwig*, 2026 WL 401204, at *10 (W.D. Tenn. Feb. 12, 2026) ("Because ICE's violations of § 1226(a) and of [petitioner's] procedural due process rights deprived him of his liberty for three months ... immediate, unconditional release is the appropriate remedy. If the Government later decides to detain [petitioner] under § 1226(a), they must do so lawfully, in conjunction with a bond hearing"); *Colina-Rojas v. Noem*, 2026 WL 412138, at *12 (W.D. Ky. Feb. 13, 2026) ("The United States is directed to release Petitioner ... immediately because of the unlawful detention in violation of her due process rights"); *Avilez Aguinaga v. Warden*, 2026 WL 266510, at *2 (S.D. Tex. Feb. 2, 2026) (noting that "[h]abeas is at its core a remedy for unlawful executive detention" and the "remedy for unlawful detention 'is, of course, release'"); *Villa Hernandez v. Kunes*, 2026 WL 411726, at *7 (M.D. Pa. Feb. 12, 2026) (granting immediate release); *Singh v. Carnes*, 2026 WL 446579, at *1-2 (D.N.M. Feb. 17, 2026) ("Respondents failed to articulate a legitimate interest in Petitioner's continued detention and therefore [the Court] orders his immediate release"). Petitioner could cite any number of additional, similar cases.

If, however, the Court orders a bond hearing, Petitioner respectfully requests that it be ordered to be held within two days, so that he has a chance of release before his next scheduled

immigration hearing on February 25. *See, e.g., Choudhary v. Swearingen*, 2026 WL 205513 (S.D. Ind. Jan. 26, 2026) (ordering bond hearing within 3 days).

CONCLUSION

The Court should grant Mr. Singh's Petition for Writ of Habeas Corpus and order injunctive relief requiring his immediate release or a prompt bond hearing.

Dated: February 18, 2026

Respectfully submitted,

/s/ James D. Jenkins

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was filed via the Court's CM/ECF system this 18th day of February, 2026, which sent notice of such filing to all parties receiving electronic notice.

/s/ James D. Jenkins

Attorney for Petitioner