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**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

VIKRAMJEET SINGH

Petitioner,

v.

JEREMY CASEY, Warden of the Imperial  
Regional Detention Center; TODD LYONS,  
Acting Director of Immigration and Customs  
Enforcement; KRISTI NOEM, Secretary of the  
U.S. Department of Homeland Security; PAMELA  
BONDI, Attorney General of the United States

Respondents.

Civil Action No. **'26CV0291 BAS SBC**

**VERIFIED PETITION FOR  
HABEAS CORPUS**

**INTRODUCTION**

1. Petitioner, Singh is being unlawfully detained by Respondents and deprived of release on bond. Petitioner was born in India and entered the United States on May 29, 2023. He entered the U.S. without inspection and was briefly detained by Department of Homeland Security (“DHS”) based on a Form I-200 Warrant for Arrest of Alien. Petitioner was released by DHS on an Order of Release on Recognizance (“ROR”). The conditions of release required Petitioner to be placed on Alternative to Detention (“ATD”) monitoring and mandated that Petitioner check in with Immigration and Customs Enforcement (“ICE”).

1           2.       The conditions of Petitioner’s release required him to comply with all terms and  
2 conditions imposed by DHS, which Petitioner fully and faithfully satisfied. Despite years of full  
3 compliance and without any prior notice, changed circumstances, or alleged violation, ICE suddenly  
4 arrested Petitioner on January 7, 2026, during the course of his employment. Petitioner is commercial  
5 truck driver and was stopped at an inspection point and turned over to ICE without any violation.

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7           3.       On May 29, 2023, DHS served Petitioner with a Notice to Appear (“NTA”) which  
8 designated him as “an alien present in the United States who has not been admitted or paroled” and  
9 charged him with removability pursuant to section 212(a)(6)(A)(i) of the Immigration and Nationality  
10 Act as an “alien present in the United States without being admitted or paroled, or who arrived in the  
11 United States at any time or place other than as designated by the Attorney General.”

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13           4.       Following his release from detention, Petitioner timely filed a Form I-589, Application  
14 for Asylum with the immigration court. Petitioner also obtained gainful employment and complied all  
15 the conditions of his release. Petitioner has no criminal history. Nonetheless, on January 7, 2026, ICE  
16 detained Petitioner without prior notice during the normal course of his employment as a commercial truck  
17 driver.

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19           5.       Petitioner is subject to pre-final order of removal detention under 8 U.S.C. § 1226(a).  
20 Noncitizens detained under section 1226(a) are subject to discretionary detention and can request a  
21 change in custody redetermination (i.e. bond hearing) with an Immigration Judge (“IJ”). However, on  
22 July 8, 2025, DHS issued an internal Interim Guidance (“Policy”) that took the baseless position that  
23 —contrary to statutory principles and governing case law—noncitizens like Petitioner who entered  
24 the United States without permission or parole are subject to mandatory detention under 8 U.S.C. §  
25 1225(b) instead of discretionary detention under section 1226(a). On September 5, 2025, the  
26 Board of Immigration Appeals (“BIA”) issued a decision in *Matter of Yajure Hurtado*, 29 I&N Dec.  
27 216 (BIA 2025) that sided with DHS’ position.  
28



1 the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

2 **VENUE**

3 12. Venue is proper because Petitioner is detained in California City Correctional Facility,  
4 which is within the jurisdiction of this District. Venue is also proper in this District because  
5 Respondents are officers, employees, or agencies of the United States. *See* 28 U.S.C. § 1391(e).  
6

7 **PARTIES**

8 13. Respondent Jeremy Casey is sued in his official capacity as Warden of the Imperial  
9 Regional Detention Center. Respondent Casey is the physical custodian of Petitioner.  
10

11 14. Respondent Todd Lyons is sued in his official capacity as the Acting Director of U.S.  
12 Immigration and Customs Enforcement. Respondent Lyons is a legal custodian of Petitioner and has  
13 authority to release him.

14 15. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S.  
15 Department of Homeland Security. In this capacity, Respondent Noem is responsible for the  
16 implementation and enforcement of the INA, and oversees ICE, the component agency responsible for  
17 Petitioner’s detention and custody. Respondent Noem is a legal custodian of Petitioner.  
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19 16. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the  
20 United States and the senior official of the U.S. Department of Justice. In that capacity, she has the  
21 authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review  
22 (“EOIR”), which administers the immigration courts and the BIA. Respondent Bondi is a legal  
23 custodian of Petitioner.  
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25 **STATEMENT OF FACTS**

26 17. Petitioner was born in India and entered the United States on May 29, 2023. He entered  
27 the U.S. without inspection and was briefly detained by Department of Homeland Security (“DHS”)  
28

1 based on a Form I-200 Warrant for Arrest of Alien. *See* Ex. A, Notice to Appear.

2 18. Petitioner entered the United States on May 29, 2023, and on that same date was served  
3 with a Notice to Appear (“NTA”) placing him into removal proceedings. From the outset of his case,  
4 Petitioner complied with all directives issued by the Department of Homeland Security (“DHS”) and  
5 Immigration and Customs Enforcement (“ICE”). He was released from custody and placed on  
6 supervision, with conditions requiring regular reporting and continued compliance with immigration  
7 proceedings.  
8

9 19. For more than two years, Petitioner lived openly and transparently in the  
10 community. During this entire period, ICE never alleged a single violation of any condition of release.  
11 Petitioner appeared for all required check-ins, complied with all supervision requirements, and  
12 remained fully available to immigration authorities at all times. He did not abscond, conceal his  
13 whereabouts, or miss any appointment. At no point did ICE issue a warning, violation notice, or custody  
14 alert indicating that Petitioner was at risk of re-detention.  
15

16 20. During his release, Petitioner established himself as a law-abiding, contributing member  
17 of the community. He obtained lawful employment, paid taxes, and supported himself through honest  
18 work. His employment was continuous and stable, reflecting both reliability and community  
19 integration. Employers entrusted him with responsibility, and Petitioner structured his daily life around  
20 lawful employment and compliance with government requirements. His work was not clandestine or  
21 informal; it was open, verifiable, and known to the Government.  
22

23 21. Critically, Petitioner has no criminal history whatsoever. He has never been arrested,  
24 charged, or convicted of any crime. ICE does not allege that he poses a danger to the community, and  
25 the record contains no evidence—past or present—suggesting dangerousness or flight risk. Indeed,  
26 ICE’s own prolonged decision to allow Petitioner to remain at liberty constitutes a repeated, implicit  
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1 determination that detention was unnecessary.

2 22. Despite this unblemished record of compliance, ICE suddenly detained Petitioner on  
3 January 7, 2026, without prior notice and without identifying any changed circumstances. The arrest  
4 occurred during the course of Petitioner's employment, underscoring the arbitrary nature of the  
5 detention. Petitioner was not engaged in unlawful conduct, was not evading supervision, and was not  
6 accused of any violation at the time of arrest. ICE did not provide Petitioner with advance notice, an  
7 explanation, or an opportunity to contest custody before his liberty was taken.

9 23. ICE's action was not triggered by anything Petitioner did. There was no missed  
10 appointment, no supervision violation, no new evidence, and no individualized custody determination.  
11 Rather, the detention resulted solely from ICE's unilateral decision to re-detain Petitioner after years  
12 of compliance, based on a categorical legal position—not on Petitioner's conduct.

14 24. This sequence of events highlights the core constitutional defect in this case. Petitioner  
15 reasonably relied on the Government's repeated determination that he could remain at liberty while his  
16 immigration proceedings were pending. He built his life around that reliance—working, integrating  
17 into the community, and complying with every requirement imposed upon him. Due process does not  
18 permit the Government to revoke liberty in this manner: without notice, without explanation, and  
19 without individualized justification, particularly where the individual has done everything the  
20 Government required.

22 25. The facts therefore establish not merely a technical detention dispute, but an arbitrary  
23 deprivation of liberty. ICE detained Petitioner after more than two years of flawless  
24 compliance, in the absence of any violation, during lawful employment, and despite his complete lack  
25 of criminal history. These undisputed facts weigh heavily in favor of immediate relief and underscore  
26 the absence of any legitimate governmental interest in continued detention.  
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**STATUTORY FRAMEWORK**

1  
2 26. The INA prescribes three basic forms of detention for noncitizens in removal  
3 proceedings. First, 8 U.S.C. § 1226(a) authorizes the detention of noncitizens in standard non-expedited  
4 removal proceedings before an IJ. *See* 8 U.S.C. § 1226(a); 8 U.S.C. § 1229a. Individuals in section  
5 1226(a) detention are entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§  
6 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain  
7 crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

9 27. Second, the INA provides for mandatory detention of noncitizens subject to expedited  
10 removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under  
11 8 U.S.C. § 1225(b)(2).

13 28. Finally, the INA also provides for detention of noncitizens who are subject to final  
14 orders of removal, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).  
15 The detention provisions at section 1226(a) and 1225(b)(2) were enacted as part of the Illegal  
16 Immigration Reform and Immigrant Responsibility Act (“IIRIRA”) of 1996, Pub. L. No. 104-208, Div.  
17 C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Section 1226(c) was most  
18 recently amended earlier this year by the Laken Riley Act (“LRA”), Pub. L. No. 119-1, 139 Stat. 3  
19 (2025).

21 29. Following enactment of the IIRIRA, the EOIR drafted new regulations explaining that,  
22 in general, people who entered the country without inspection were not considered detained under  
23 section 1225 and that they were instead detained under section 1226(a). *See* Inspection and Expedited  
24 Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum  
25 Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997). In the decades that followed, most noncitizens  
26 who entered without inspection—unless they were subject to some other detention authority—received  
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1 bond hearings. This practice was also consistent with the practice prior to the enactment of the IIRIRA,  
2 in which noncitizens who were not deemed “arriving” were entitled to a custody hearing before an IJ  
3 or other hearing officer. See 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229  
4 (1996) (noting that section 1226(a) simply “restates” the detention authority previously found at section  
5 1252(a)).

6  
7 30. On July 8, 2025, DHS issued a memo to all employees of ICE stating that “[t]his  
8 message serves as notice that DHS, in coordination with the Department of Justice (DOJ), has revisited  
9 its legal position on detention and release authorities. DHS has determined that section 235 of the  
10 Immigration and Nationality Act (INA) [8 U.S.C. § 1225], rather than section 236 [8 U.S.C. § 1226],  
11 is the applicable immigration detention authority for all applicants for admission. The following interim  
12 guidance is intended to ensure immediate and consistent application of the Department’s legal  
13 interpretation while additional operational guidance is developed.” The memo further stated DHS’ new  
14 position with regard to custody determinations as follows:  
15

16 An “applicant for admission” is an alien present in the United States who has not been admitted  
17 or who arrives in the United States, whether or not at a designated port of arrival. INA §  
18 235(a)(1) [8 U.S.C. § 1225(a)(1)]. **Effective immediately, it is the position of DHS that such**  
19 **aliens are subject to detention under INA § 235(b) [8 U.S.C. § 1225(b)] and may not be**  
20 **released from ICE custody except by INA § 212(d)(5) parole.** These aliens are also ineligible  
21 for a custody redetermination hearing (“bond hearing”) before an immigration judge and may  
22 not be released for the duration of their removal proceedings absent a parole by DHS. For  
23 custody purposes, these aliens are now treated in the same manner that “arriving aliens” have  
24 historically been treated. **The only aliens eligible for a custody determination and release**  
**on recognizance, bond, or other conditions under INA § 236(a) [8 U.S.C. § 1226(a)] during**  
**removal proceedings are aliens admitted to the United States and chargeable with**  
**deportability under INA § 237, with the exception of those subject to mandatory detention**  
**under INA § 236(c) [8 U.S.C. § 1226(c)].**

25 Moving forward, ICE will not issue Form I-286, Notice of Custody Determination, to applicants  
26 for admission because Form I-286 applies by its terms only to custody determinations under  
27 INA § 236 and part 236 of Title 8 of the Code of Federal Regulations. With a limited exception  
28 for certain habeas petitioners, on which the Office of the Principal Legal Advisor (OPLA) will  
individually advise, if Enforcement and Removal Operations (ERO) previously conducted a  
custody determination for an applicant for admission still detained in ICE custody, ERO will

1 affirmatively cancel the Form I-286.

2 *See* [https://www.aila.org/ice-memo-interim-guidance-regarding-detention-authority-for-](https://www.aila.org/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission)  
3 [applications-for-admission](https://www.aila.org/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission) (last accessed October 18, 2025) (emphasis original).

4 31. As a result, DHS now considers all noncitizens who have entered the United States  
5 without inspection and are subject to the grounds of inadmissibility, including long-time U.S. residents,  
6 to be subject to mandatory detention under section 1225(b) and ineligible for release on bond.  
7 Conversely, according to DHS “[t]he only aliens eligible for a custody determination and release on  
8 recognizance, bond, or other conditions under INA § 236(a) [8 U.S.C. § 1226(a)] during removal  
9 proceedings are aliens admitted to the United States and chargeable with deportability under INA §  
10 237, with the exception of those subject to mandatory detention under INA § 236(c) [8 U.S.C. §  
11 1226(c)].” *Id.*

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13 32. On September 5, 2025, the BIA issued a decision in *Matter of Yajure Hurtado*, 29 I&N  
14 Dec. 216 (BIA 2025) holding that, based on the plain language of section 1225(b)(2)(A), IJs lack  
15 authority to hear bond requests or to grant bond to aliens who are present in the United States without  
16 admission.

17  
18 33. Subsequent federal court authority has rejected DHS’s interpretation and confirmed that  
19 individuals in Petitioner’s position remain eligible for bond under § 1226(a). In *Bautista–Maldonado*  
20 v. DHS, the district court held that DHS may not reclassify noncitizens who are already placed in  
21 removal proceedings and detained pre-final order as subject to mandatory detention under § 1225(b).  
22 The court concluded that such detention contravenes the statutory scheme and unlawfully deprives  
23 noncitizens of their right to a bond hearing. Under *Bautista–Maldonado*, noncitizens like Petitioner—  
24 who are in removal proceedings and lack a final order of removal—are properly detained, if at all,  
25 pursuant to § 1226(a) and must be afforded an individualized bond hearing before an IJ. Accordingly,  
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28 Petitioner’s continued detention without access to bond violates the INA and the Due Process Clause,

1 and Petitioner is statutorily and constitutionally eligible for release on bond pending the resolution of  
2 his removal proceedings.

3 **CLAIMS FOR RELIEF**

4 **COUNT ONE**

5 **Violation of Fifth Amendment Right to Substantive Due Process**

6  
7 34. The allegations in the above paragraphs are realleged and incorporated herein.

8 35. Petitioner is challenging DHS' unlawful custody determination that Petitioner is subject  
9 to detention under 8 U.S.C. § 1225(b) and is ineligible for bond and his continued detention under the  
10 automatic stay provision at 8 C.F.R. § 1003.19(i)(2), which violates Petitioner's right to substantive  
11 due process of law afforded him through the Fifth Amendment to the United States Constitution.  
12

13 36. The Fifth Amendment provides in pertinent part: "No person shall be . . . deprived of  
14 life, liberty, or property, without due process of law[.]" U.S. Const. amend. V. "Freedom from  
15 imprisonment—from government custody, detention, or other forms of physical restraint—lies at the  
16 heart of the liberty that Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).  
17

18 37. Petitioner is clearly detained pursuant to 8 U.S.C. § 1226(a) and is eligible for release  
19 on bond. Petitioner is not subject to mandatory detention under 8 U.S.C. § 1225(b). Respondents have  
20 violated Petitioner's due process rights under the Fifth Amendment by detaining him without the  
21 possibility of release on bond.  
22

23 38. As a remedy, the Court should order him released from detention, or alternatively direct  
24 that an IJ hold a constitutionally adequate bond hearing.

25 **COUNT TWO**

26 **Violation of Petitioner's Procedural Due Process Rights**

27 39. The allegations in the above paragraphs are realleged and incorporated herein.  
28

1 40. In *Mathews v. Eldridge*, the U.S. Supreme Court set forth the factors to consider in  
2 determining if government action deprives an individual's Fifth Amendment right to procedural due  
3 process or whether the government process is constitutionally adequate. 424 U.S. 319 (1976) The  
4 *Mathews* factors are as follows: First, the private interest that will be affected by the official action;  
5 [S]econd, the risk of an erroneous deprivation of such interest through the procedures used, and the  
6 probable value, if any, of additional or substitute procedural safeguards; [Third], the Government's  
7 interest, including the function involved and the fiscal and administrative burdens that the additional  
8 or substitute procedural requirement would entail. *Id.* at 335.

10 41. As to the private interest factor, it is the "most elemental of liberty interests." *Hamdi v.*  
11 *Rumsfeld*, 542 U.S. 507, 529 (2004). Petitioner has perhaps the most acute private interest known to  
12 personkind short of life itself: bodily freedom.

14 42. With respect to the second factor, erroneous deprivation of Petitioner's liberty is at risk.  
15 Petitioner is not subject to detention under 8 U.S.C. § 1225(b) as DHS claims. As to the third factor,  
16 there is no significant governmental interest in continuing to hold Petitioner in custody, particularly  
17 because an IJ has already found that Petitioner has satisfied his burden that he is not a danger to the  
18 community or risk of flight when it released him on ROR, and he has no criminal history or violations  
19 of the conditions of his release.

21 **COUNT THREE**

22 **Violation of the Immigration and Nationality Act**

23 43. The allegations in the above paragraphs are realleged and incorporated herein.

24 44. Application of 8 U.S.C. § 1225(b) to Petitioner is a violation of the INA because he is  
25 instead subject to discretionary detention under 8 U.S.C. § 1226(a). This deprives noncitizens like  
26 Petitioner of the right to a bond hearing that they are statutorily eligible for and eliminates the authority  
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of the IJ to determine who can be released on bond.

**PRAYER FOR RELIEF**

Wherefore, Petitioner requests this Court to grant the following:

1. Assume jurisdiction over this matter;
2. Enjoin Respondents from transferring Petitioner during the pendency of the instant action;
3. Declare that Petitioner’s continued detention violates the Immigration and Nationality Act, 8 U.S.C. § 1226(a); and/or the Fifth Amendment to the U.S. Constitution;
4. Order Petitioner released from detention;
5. Grant Equal Access to Justice Act (“EAJA”) fees and costs; and
6. Grant any other further relief this Court deems just and proper.

Respectfully,

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

I represent Petitioner, and I submit this verification on his behalf. Because Petitioner is detained at the California City Correctional Facility and immediate relief is sought, counsel verifies this petition on his behalf pursuant to 28 U.S.C. § 2242. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 17<sup>th</sup> day of January, 2026



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Gurpreet Kaur, Esq.

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