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

13 VIKRAMJEET SINGH

14 Petitioner,

15 v.

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

22 Respondents.

Civil Action No.

23 **MOTION FOR TEMPORARY**
24 **RESTRAINING ORDER**

25 **MOTION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE**
26 **PRELIMINARY INJUNCTION**
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1 I. INTRODUCTION

2 Petitioner Singh respectfully moves for an emergency Temporary Restraining Order (“TRO”) to prevent
3 ongoing and irreparable constitutional harm resulting from Respondents’ arbitrary and unlawful re-
4 detention of Petitioner without notice, without any alleged violation of release conditions, and without
5 access to bond.
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7 Petitioner entered the United States on May 29, 2023, and was served with a Notice to Appear on
8 that same date, placing him into removal proceedings. DHS released Petitioner from custody and
9 permitted him to remain at liberty in the community while his case proceeded. From May 29, 2023 until
10 January 7, 2026, Petitioner fully complied with all conditions imposed by DHS and ICE. He appeared
11 for all required reporting, committed no violations, and was never accused of flight risk or
12 dangerousness.
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14 Despite this unbroken record of compliance—and despite the absence of any changed
15 circumstances—ICE detained Petitioner on January 7, 2026, without prior notice and without identifying
16 any violation, while Petitioner was lawfully employed and working. ICE did not allege that Petitioner
17 missed any appointment, violated supervision, committed any crime, or engaged in any conduct
18 warranting detention. The re-detention was not based on Petitioner’s actions, but solely on DHS’s
19 categorical detention position.
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21 This sudden deprivation of liberty—after more than two years of government-authorized
22 freedom and reliance—constitutes an arbitrary deprivation of physical liberty in violation of the Fifth
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Amendment. Immediate injunctive relief is necessary to halt ongoing constitutional harm and to preserve this Court's jurisdiction.

II. FACTUAL BACKGROUND

A. Entry, Proceedings, and Release

Absent a TRO, Petitioner will continue to suffer irreparable loss of liberty and faces the risk of Petitioner entered the United States on May 29, 2023. On that same date, DHS served Petitioner transfer outside this District. With a **Notice to Appear**, initiating removal proceedings. Petitioner has remained in **pre-final-order removal proceedings** at all times relevant to this action.

Following his initial detention, DHS **released Petitioner from custody** and placed him on supervision. ICE required Petitioner to comply with reporting and supervision conditions while his immigration case remained pending.

B. Full Compliance and Community Integration

From May 29, 2023 through January 7, 2026, Petitioner fully and faithfully complied with every condition imposed by DHS and ICE. During this entire period: Petitioner appeared for all required ICE check-ins; he remained continuously available to DHS and ICE; he committed no violations of supervision; ICE never issued a warning, violation notice, or custody alert; and ICE never alleged that Petitioner posed a danger or flight risk.

While on release, Petitioner integrated into the community and became a productive, contributing member of society. He obtained and maintained steady employment, supported himself through lawful work, and structured his life around compliance with immigration requirements. His presence in the community was open, stable, and known to the Government.

C. No Criminal History

Petitioner has no criminal history. He has never been arrested, charged, or convicted of any criminal offense. ICE does not allege dangerousness, criminal conduct, or public-safety concerns.

D. Arbitrary Re-Detention Without Notice or Violation

1 Despite more than two years of flawless compliance, ICE detained Petitioner on January
2 7, 2026, without prior notice, without alleging any violation, and without identifying any changed
3 circumstances. The arrest occurred during the course of Petitioner’s lawful employment,
4 underscoring the arbitrary nature of the detention.

5 ICE did not provide Petitioner with advance notice, an explanation, or an individualized custody
6 determination. The detention was not triggered by anything Petitioner did. Rather, it resulted solely from
7 ICE’s unilateral decision to re-detain Petitioner despite his compliance and lack of risk.
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III. LEGAL STANDARD

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10 The standards governing a TRO and a preliminary injunction are “substantially identical.”
11 *Stuhlbarg Int’l Sales Co. v. John D. Bush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001).
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13 A TRO may issue where the movant demonstrates: A likelihood of success on the merits, a
14 likelihood of irreparable harm absent relief, that the balance of equities tips in his favor, and that an
15 injunction is in the public interest. *Winter v. NRDC*, 555 U.S. 7, 20 (2008).
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17 Alternatively, a TRO may issue where serious questions go to the merits and the balance of
18 hardships tips sharply in the movant’s favor. *Friends of the Wild Swan v. Weber*, 767 F.3d 936, 942 (9th
19 Cir. 2014).

III. ARGUMENT

A. Petitioner Is Likely to Succeed on the Merits

1. Petitioner Is Detained Under § 1226(a), Not § 1225(b)

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Petitioner is in pre-final-order removal proceedings and has been living in the interior of the

United States pursuant to DHS authorization since May 29, 2023. For decades, DHS and EOIR consistently treated individuals in Petitioner’s position as detained, if at all, under 8 U.S.C. § 1226(a).

1 For nearly three decades, DHS and EOIR consistently treated individuals in Petitioner’s position
2 as detained under § 1226(a). DHS’s July 8, 2025 policy abruptly reversed that interpretation and
3 unlawfully stripped Immigration Judges of bond authority.

4 District courts nationwide—including multiple courts in the Eastern District of California—have
5 rejected DHS’s interpretation as inconsistent with: The statutory text, the structure of §§ 1225 and 1226,
6 Congressional intent, and Due process. Because Petitioner is detained under § 1226(a), continued
7 detention without access to bond is unlawful.
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9 **2. Arbitrary Re-Detention After Prolonged Compliance Violates Due Process**

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11 Even apart from the statutory violation, ICE’s conduct independently violates the Fifth
12 Amendment. Petitioner was allowed to remain at liberty for more than two years, during which the
13 Government repeatedly and implicitly determined that detention was unnecessary. Petitioner relied on
14 that determination to work, integrate into the community, and comply with all requirements. Due
15 process does not permit the Government to revoke liberty without notice, without violation, and
16 without individualized justification, particularly where the individual has done everything required of
17 him.
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19 20 **B. Petitioner Is Suffering Irreparable Harm**

21 Loss of physical liberty constitutes irreparable harm as a matter of law. *Melendres v. Arpaio*, 695
22 F.3d 990, 1002 (9th Cir. 2012).
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24 The conditions of Petitioner’s release required him to comply with all terms and conditions
25 imposed by DHS, which Petitioner fully and faithfully satisfied. Petitioner remained in full compliance
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1 for more than two years, reporting as required, committing no violations, and posing no danger or flight
2 risk. At no point during this period did DHS allege noncompliance or changed circumstances. ICE
3 detained Petitioner without notice, without changed circumstances, and without any lawful justification,
4 and thereafter failed to provide any valid reason for his detention.

5 This arbitrary re-detention—after years of compliance—constitutes an unlawful deprivation of
6 liberty and establishes irreparable harm as a matter of law. See *Melendres*, 695 F.3d at 1002 (deprivation
7 of constitutional rights “unquestionably constitutes irreparable injury”). Each additional day of detention
8 inflicts ongoing constitutional injury that cannot be remedied by monetary damages, forces Petitioner to
9 litigate his immigration case from confinement, separates him from his family and employment, and
10 exposes him to the risk of transfer outside this District, thereby threatening this Court’s jurisdiction.

11 Accordingly, immediate injunctive relief under Federal Rule of Civil Procedure 65 is warranted
12 to prevent further irreparable harm.

13 **C. The Balance of Equities and Public Interest Favor Relief**

14 The balance of equities weighs sharply in Petitioner’s favor. DHS previously determined
15 Petitioner posed no danger or flight risk when it released him on bond. Respondents cannot credibly
16 claim harm from either: Releasing Petitioner under conditions, or providing a constitutionally adequate
17 bond hearing.

18 Petitioner has demonstrated a clear likelihood of success on the merits and ongoing irreparable
19 deprivation of physical liberty, immediate injunctive relief is warranted. Under Federal Rule of Civil
20 Procedure 65(c), the Court may issue injunctive relief without requiring a bond where, as here, the
21 injunction serves to halt unconstitutional government action and the enjoined party faces no cognizable
22 monetary harm. Continued detention is unlawful, Respondents suffer no financial injury from
23 compliance with federal law, and any bond requirement would be inappropriate. Accordingly, the Court
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should order Petitioner's immediate release, or alternatively immediate bond eligibility under 8 U.S.C. § 1226(a), without security.

1 The public interest is served by ensuring that federal agencies comply with the Constitution and
2 the INA. Because the injunction sought would merely halt unconstitutional government action and
3 restore the status quo ante, Rule 65(c) permits waiver of any bond requirement, as Respondents face no
4 cognizable monetary harm from compliance with the Constitution and the INA.

5 **IV. REQUESTED RELIEF**

6 Petitioner respectfully requests that the Court:

- 7 1. Issue a Temporary Restraining Order Prohibiting Respondents from transferring Petitioner
8 outside the Eastern District of California during the pendency of this action;
- 9 2. Order Petitioner's immediate release, or in the alternative,
- 10 3. Order Respondents to provide an individualized bond hearing before an Immigration Judge
11 within a fixed time period, with the burden on DHS; and
- 12 4. Set an Order to Show Cause re preliminary injunction.

13 **V. CONCLUSION**

14 Respondents' continued detention of Petitioner without bond violates the INA, the Fifth
15 Amendment, and binding federal court authority. Immediate injunctive relief is necessary to prevent
16 further irreparable harm and to preserve this Court's jurisdiction.
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18 Respectfully,

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25 Dated this 17th day of January, 2026.

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