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10
11 **IN THE UNITED STATES DISTRICT COURT**
12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 SATNAM 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.

23 Civil Action No. '26CV0293 TWR VET

24 **VERIFIED PETITION FOR**
25 **HABEAS CORPUS**

26 **INTRODUCTION**

27 1. Petitioner, Singh is being unlawfully detained by Respondents and deprived of release
28 on bond. Petitioner was born in India and entered the United States on April 3, 2024. 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 July 27, 2025, from his home despite full and voluntary compliance.

5 3. On April 3, 2024, DHS served Petitioner with a Notice to Appear (“NTA”) which
6 designated him as “an alien present in the United States who has not been admitted or paroled” and
7 charged him with removability pursuant to section 212(a)(6)(A)(i) of the Immigration and Nationality
8 Act as an “alien present in the United States without being admitted or paroled, or who arrived in the
9 United States at any time or place other than as designated by the Attorney General.”
10

11 4. Following his release from detention, Petitioner timely filed a Form I-589, Application
12 for Asylum with the immigration court. Petitioner also obtained gainful employment and complied all
13 the conditions of his release. Petitioner has no criminal history.
14

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

25 6. DHS’ contention that Petitioner is subject to mandatory detention under 8 U.S.C. §
26 1225(b) is without merit. DHS’ Policy has upended decades of DHS’ own interpretation of bond
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1 eligibility under sections 1226(a) and 1225(b). The vast majority of district courts across the country
2 that has addressed this issue have rejected DHS' arguments and found that it violates the INA and
3 noncitizens' due process rights.

4 7. Notwithstanding DHS's July 8, 2025 Interim Guidance and the Board's decision in
5 *Matter of Yajure Hurtado*, Petitioner is eligible for release on bond under controlling federal court
6 authority. In *Bautista-Maldonado v. DHS*, (C.D. Cal.), the district court squarely rejected DHS's
7 attempt to reclassify noncitizens like Petitioner—who are in pre-final-order removal proceedings—as
8 subject to mandatory detention under 8 U.S.C. § 1225(b). The court held that such individuals are
9 properly detained, if at all, under 8 U.S.C. § 1226(a) and therefore are entitled to a bond hearing before
10 an Immigration Judge. Because Petitioner is detained under § 1226(a), continued detention without
11 access to bond is unlawful, and Petitioner is statutorily eligible for release on bond pending the
12 resolution of his removal proceedings.
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15 8. For the foregoing reasons, the Court should grant habeas relief and direct Respondents
16 to release Petitioner.
17

18 JURISDICTION

19 9. This action arises under the Constitution of the United States and the INA, 8 U.S.C.
20 § 1101 *et seq.*

21 10. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28
22 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension
23 Clause).
24

25 11. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*,
26 the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.
27

28 VENUE

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

4 **PARTIES**

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

7 14. Respondent Todd Lyons is sued in his official capacity as the Acting Director of U.S.
8 Immigration and Customs Enforcement. Respondent Lyons is a legal custodian of Petitioner and has
9 authority to release him.
10

11 15. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S.
12 Department of Homeland Security. In this capacity, Respondent Noem is responsible for the
13 implementation and enforcement of the INA, and oversees ICE, the component agency responsible for
14 Petitioner’s detention and custody. Respondent Noem is a legal custodian of Petitioner.
15

16 16. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the
17 United States and the senior official of the U.S. Department of Justice. In that capacity, she has the
18 authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review
19 (“EOIR”), which administers the immigration courts and the BIA. Respondent Bondi is a legal
20 custodian of Petitioner.
21

22 **STATEMENT OF FACTS**

23
24 17. Petitioner Satnam Singh is a citizen of India. He entered the United States on April 3,
25 2024, without inspection. On that same date, April 3, 2024, the Department of Homeland
26 Security (“DHS”) served Petitioner with a Notice to Appear (“NTA”), thereby initiating
27 removal proceedings against him.
28

- 1 18. Following service of the NTA, DHS released Petitioner from custody on supervision and
2 placed him in the Alternatives to Detention (“ATD”) program, which required him to
3 report to Immigration and Customs Enforcement (“ICE”) and comply with electronic
4 monitoring requirements, including use of the SmartLink application and later a GPS
5 ankle monitoring device.
- 6 19. From the date of his release in April 2024 until his detention in July 2025, Petitioner fully
7 complied with all conditions imposed by DHS and ICE. He appeared for all required
8 check-ins, remained in continuous contact with ICE, and never absconded, concealed his
9 whereabouts, or missed a scheduled appointment.
- 10 20. At no point during this period did ICE allege that Petitioner posed a danger to the
11 community or a flight risk. Petitioner has no criminal history and has never been arrested,
12 charged, or
- 13 21. Beginning in late 2024 and continuing into 2025, Petitioner began experiencing repeated
14 technical malfunctions with the SmartLink application and, later, with his ankle
15 monitoring device. These issues included battery failures, charging defects, and loss of
16 connectivity.
- 17 22. Petitioner did not ignore or conceal these issues. Instead, he made continuous, good-faith
18 efforts to remain compliant by: Sending repeated messages through the SmartLink
19 application reporting malfunctions; appearing in person at the ICE/ERO office on
20 numerous occasions—often multiple times per month—to report the same problems; and
21 requesting assistance and battery replacements from ICE officers.
- 22 23. ICE personnel were aware that the problems were technical in nature. Despite
23 Petitioner’s repeated reporting and cooperation, the malfunctions persisted.
- 24 24. While on release, Petitioner lived openly in the community and integrated himself as a
25 law-abiding and contributing member of society. He sought lawful employment and
26 structured his daily life around compliance with ICE supervision requirements.
- 27 25. Petitioner even declined multiple employment opportunities out of concern that device
28 malfunctions during work hours could be misinterpreted as non-compliance. He
consistently chose compliance over employment to avoid any misunderstanding with
ICE.

- 1 26. Despite Petitioner's full compliance, lack of criminal history, and repeated cooperation
2 with ICE, ICE detained Petitioner on July 27, 2025, without prior notice and without
3 alleging any violation of release conditions.
- 4 27. The arrest occurred at Petitioner's home, while he was taking a shower. At that time, the
5 battery on his ankle monitoring device had again failed due to the same recurring
6 technical issues he had previously reported to ICE.
- 7 28. Petitioner was not hiding, fleeing, or attempting to evade supervision. When ICE officers
8 arrived, Petitioner answered the door, identified himself, and fully cooperated. He
9 complied with all instructions and was taken into custody without resistance or incident.
- 10 29. ICE did not detain Petitioner based on any missed appointment, willful violation,
11 criminal conduct, or individualized finding of danger or flight risk. Rather, the detention
12 resulted from ICE's unilateral decision to treat technical ATD malfunctions as violations,
13 despite Petitioner's documented reporting and cooperation.
- 14 30. Petitioner received no advance notice, no opportunity to contest the alleged violations,
15 **and** no individualized custody determination before being deprived of his liberty.
- 16 31. Petitioner reasonably relied on the Government's repeated determination that he could
17 remain at liberty while his removal proceedings were pending. He complied with all
18 conditions, reported technical problems in good faith, and structured his life around ICE
19 supervision.
- 20 32. ICE's sudden detention of Petitioner on July 27, 2025, without notice and without an
21 individualized justification, constitutes an arbitrary deprivation of liberty in violation of
22 the Due Process Clause. Each day of continued detention compounds that injury and
23 deprives Petitioner of the process guaranteed by the Constitution and the Immigration and
24 Nationality Act.

STATUTORY FRAMEWORK

25 33. The INA prescribes three basic forms of detention for noncitizens in removal
26 proceedings. First, 8 U.S.C. § 1226(a) authorizes the detention of noncitizens in standard non-expedited
27 removal proceedings before an IJ. *See* 8 U.S.C. § 1226(a); 8 U.S.C. § 1229a. Individuals in section
28

1 1226(a) detention are entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§
2 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain
3 crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

4 34. Second, the INA provides for mandatory detention of noncitizens subject to expedited
5 removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under
6 8 U.S.C. § 1225(b)(2).

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

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

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

11 An “applicant for admission” is an alien present in the United States who has not been admitted
12 or who arrives in the United States, whether or not at a designated port of arrival. INA §
13 235(a)(1) [8 U.S.C. § 1225(a)(1)]. **Effective immediately, it is the position of DHS that such
14 aliens are subject to detention under INA § 235(b) [8 U.S.C. § 1225(b)] and may not be
15 released from ICE custody except by INA § 212(d)(5) parole.** These aliens are also ineligible
16 for a custody redetermination hearing (“bond hearing”) before an immigration judge and may
17 not be released for the duration of their removal proceedings absent a parole by DHS. For
18 custody purposes, these aliens are now treated in the same manner that “arriving aliens” have
19 historically been treated. **The only aliens eligible for a custody determination and release
20 on recognizance, bond, or other conditions under INA § 236(a) [8 U.S.C. § 1226(a)] during
21 removal proceedings are aliens admitted to the United States and chargeable with
22 deportability under INA § 237, with the exception of those subject to mandatory detention
23 under INA § 236(c) [8 U.S.C. § 1226(c)].**

24 Moving forward, ICE will not issue Form I-286, Notice of Custody Determination, to applicants
25 for admission because Form I-286 applies by its terms only to custody determinations under
26 INA § 236 and part 236 of Title 8 of the Code of Federal Regulations. With a limited exception
27 for certain habeas petitioners, on which the Office of the Principal Legal Advisor (OPLA) will
28 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
affirmatively cancel the Form I-286.

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

38. As a result, DHS now considers all noncitizens who have entered the United States
without inspection and are subject to the grounds of inadmissibility, including long-time U.S. residents,

1 to be subject to mandatory detention under section 1225(b) and ineligible for release on bond.
2 Conversely, according to DHS “[t]he only aliens eligible for a custody determination and release on
3 recognizance, bond, or other conditions under INA § 236(a) [8 U.S.C. § 1226(a)] during removal
4 proceedings are aliens admitted to the United States and chargeable with deportability under INA §
5 237, with the exception of those subject to mandatory detention under INA § 236(c) [8 U.S.C. §
6 1226(c)].” *Id.*

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

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

26 **CLAIMS FOR RELIEF**

27 **COUNT ONE**

Violation of Fifth Amendment Right to Substantive Due Process

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

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

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

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

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

COUNT TWO

Violation of Petitioner's Procedural Due Process Rights

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

47. In *Mathews v. Eldridge*, the U.S. Supreme Court set forth the factors to consider in determining if government action deprives an individual's Fifth Amendment right to procedural due process or whether the government process is constitutionally adequate. 424 U.S. 319 (1976) The *Mathews* factors are as follows: First, the private interest that will be affected by the official action;

1 [S]econd, the risk of an erroneous deprivation of such interest through the procedures used, and the
2 probable value, if any, of additional or substitute procedural safeguards; [Third], the Government's
3 interest, including the function involved and the fiscal and administrative burdens that the additional
4 or substitute procedural requirement would entail. *Id.* at 335.

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

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

16 **COUNT THREE**

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

18 50. The allegations in the above paragraphs are realleged and incorporated herein.

19 51. Application of 8 U.S.C. § 1225(b) to Petitioner is a violation of the INA because he is
20 instead subject to discretionary detention under 8 U.S.C. § 1226(a). This deprives noncitizens like
21 Petitioner of the right to a bond hearing that they are statutorily eligible for and eliminates the authority
22 of the IJ to determine who can be released on bond.
23
24

25 **PRAYER FOR RELIEF**

26 Wherefore, Petitioner requests this Court to grant the following:

- 27 1. Assume jurisdiction over this matter;
28

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 17th day of January, 2026.



Gurpreet Kaur, Esq.