

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

JAGJIT SINGH,	)	
Petitioner,	)	
	)	
v.	)	Case No. CIV-26-00088-G
	)	
SCARLET GRANT, ET AL.,	)	
Respondents.	)	

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**FEDERAL RESPONDENTS' RESPONSE IN  
OPPOSITION TO PETITION FOR WRIT OF HABEAS CORPUS**

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NOW COME Respondents Norman Parrish, Acting Field Office Director, Dallas Immigration and Customs Enforcement Office; Todd Lyons, Acting Director of U.S. Immigration and Customs Enforcement (ICE); Secretary of Homeland Security Kristi Noem; and Attorney General Pamela Bondi (the “Federal Respondents”), who, for response to the Petition for Writ of Habeas Corpus [Doc. 1] deny every allegation of the Petition except as may be specifically admitted herein. The Federal Respondents further submit that the Court should deny the relief Petitioner requests and should order dismissal.

**I. Introduction:**

Petitioner Jagjit Singh is a citizen of India who is in immigration detention at the Cimmaron Correctional Facility in Cushing, Oklahoma. Petition [Doc. 1] at 7, ¶ 1. He entered the United States at an unknown location on an unknown date, without admission or parole after inspection by an immigration official. Pet. Ex. A [Doc. 1-1] at 2.<sup>1</sup>

On September 30, 2019, he was placed in removal proceedings through the issuance of a Notice to Appear (NTA). He is charged as removable under:

- Section 212(a)(6)(A)(i) of the Immigration and Nationality Act (INA) (codified at 18 U.S.C. § 1182(a)(6)(A)(i)) as an alien who is present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General; and
- INA Section 212(a)(7)(A)(i)(I) (codified at 18 U.S.C. § 1182(a)(7)(i)(I)) as an immigrant, who at the time of application for admission, was not in possession of (1) a valid unexpired entry document as required by the INA, and (2) a valid travel document/document of identity and nationality as required by regulations.

*Id.*

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<sup>1</sup> Mr. Singh states that he entered the United States on August 4, 2019. Petition [Doc. 1] at 1, ¶ 1; *see also* Att. 1 at 2, block 19 (indicating that Mr. Singh entered the United States on August 4, 2019, at an unknown location in Texas).

On November 13, 2019, he was released from DHS custody pursuant to a \$3,000 immigration bond. Petition [Doc. 1] at 1, ¶ 2; Pet. Ex. E [Doc. 1-5].

On February 5, 2020, Petitioner submitted a Form I-589, Application for Asylum and Withholding of Removal, in the San Francisco Immigration Court. Att. 1; Petition [Doc. 1] at 7, ¶ 1.

On December 16, 2025, an Oklahoma Highway Patrol Trooper observed a tractor-trailer on Interstate 44 following too closely. The Trooper made a traffic stop, and the driver, Petitioner Jagjit Singh, appeared unable to comprehend the Trooper's questions. Based on the totality of the circumstances, the Trooper contacted an ICE officer, who authorized the Trooper to arrest Petitioner. The Trooper then transported Petitioner to an ICE facility in Tulsa. Att. 2.

DHS/ICE reports that Petitioner has not made a new request for bond since re-entering immigration custody. He is represented by counsel in the immigration court proceedings, and a hearing in his removal case was set for February 11, 2026. Att. 3.

## **II. Law and Argument:**

### **A. Petitioner is statutorily deemed to be an applicant for admission.**

In the INA, Congress established rules governing when certain aliens may be detained or removed. As relevant here, 8 U.S.C. § 1225 governs the processes for the detention and removal of “applicants for admission,” a category of aliens. Section 1225(a)(1) defines which aliens are “applicants for admission,” stating:

An alien present in the United States who has not been admitted or who arrives in the United States (whether or not at a designated port of arrival ...) *shall be deemed for purposes of this chapter an applicant for admission.*

8 U.S.C. § 1225(a)(1) (emphasis added).

Aliens who meet that statutory definition qualify as applicants for admission, whether they arrived at a designated port of arrival or not. An alien’s status as an applicant for admission does not turn on where or how he entered the United States. *Buenrostro-Mendez v. Bondi*, No. 25-20496, 2026 WL 323330, at \*2 (5th Cir. Feb. 6, 2026).

Congress “explicitly defined” the phrase “applicant for admission” as “[a]n alien present in the United States who has not been admitted or who arrives in the United States ...” *Gutierrez Sosa v. Holt*, No. CIV-25-1257-PRW, 2026 WL 36344, at \*3 (W.D. Okla. Jan. 6, 2026) (quoting 8 U.S.C. § 1225(a)(1)). “Congress explicitly said that any alien ‘present in the United States who has not been admitted’ is deemed an ‘applicant for admission.’” *Id.* at \*4. Under the plain language of § 1225(a)(1), an alien who is present in the United States and charged with being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as having entered the United States without inspection is deemed an applicant for admission. *Montoya v. Holt*, No. CIV-25-01231-JD, 2025 WL 3733302, at \*7 (W.D. Okla. Dec. 26, 2025). An alien who enters the United States without being formally admitted, and who concedes that he was not admitted, “fits neatly into the definition of an ‘applicant for admission.’” *Gutierrez Sosa*, 2026 WL 36344, at \*3.

“Nothing in the language of § 1225 limits its operation to only those applicants for admission who are arriving.” *Montoya*, 2025 WL 3733302, at \*7. In sum, Petitioner “is an applicant for admission under the plain language of § 1225(a)(1) because he is present in the United States and charged with being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i)

as someone who entered the United States without inspection.” *Id.*

**B. As an applicant for admission, Petitioner is subject to detention.**

Proceedings for deciding the inadmissibility or deportability of an alien, *i.e.*, removal proceedings, are addressed at 8 U.S.C. § 1229a. Congress provided for the detention of applicants for admission as follows:

[I]n the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a proceeding under section 1229a of this title.

8 U.S.C. § 1225(b)(2)(A).<sup>2</sup>

“[A]pplicants for admission fall into one of two categories, those covered by § 1225(b)(1) and those covered by § 1225(b)(2).” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018). Section 1225(b)(1) applies to aliens initially determined to be inadmissible due to fraud, misrepresentation, or lack of valid documentation, and it also applies to certain other aliens designated by the Attorney General. *Id.* “Section 1225(b)(2) is broader,” serving, with limited statutory exceptions, “as a catchall provision that applies to all applicants for admission not covered by § 1225(b)(1).” *Id.*

“Section 1225(b)(2) does not include any exception that permits the government to release detained aliens on bond.” *Buenrostro-Mendez*, 2026 WL 323330, at \*2. Section 1225(b)(2)(A) “unambiguously provides for mandatory detention.” *Id.* at \*4.

**C. The decision to detain Petitioner pending removal is not subject to review.**

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<sup>2</sup> “Section 1225(b)(1) lays out an alternative framework for detention and removal of aliens who qualify for expedited removal proceedings.” *Buenrostro-Mendez*, 2026 WL 323330, at \*2, n. 2, citing 8 U.S.C. § 1225(b)(1)(A)(i)-(iii).

An alien may be detained pending a decision on whether he is to be removed from the United States. Pending the removal decision, immigration authorities may continue to detain the alien or may release the alien on bond or conditional parole. 8 U.S.C. § 1226(a).

The Attorney General’s discretionary judgment regarding the application of § 1226 “shall not be subject to review. No court may set aside any action or decision by the Attorney General under this section regarding the detention of any alien or the revocation or denial of bond or parole.” 8 U.S.C. § 1226(e).

**D. The Court should deny Petitioner’s first claim, alleging a Fifth Amendment substantive due process violation.**

Petitioner describes his arrest and detention as “arbitrary” and “unlawful.” Petition [Doc. 1] at 8, Part A; *id.* at 14, Part C. On December 16, 2025, an Oklahoma Highway Patrol Trooper observed a traffic violation as it was occurring. He observed Petitioner’s vehicle, a Freightliner tractor-trailer, in interstate highway traffic following too closely, prompting a traffic stop. When the Trooper conversed with Petitioner and explained the reason for the stop, “Singh gave [the Trooper] a blank stare, as if he didn’t understand English.” Att. 2. When the Trooper asked Petitioner other routine questions, Petitioner “was still unable to understand.” *Id.* The Trooper called an ICE agent, who authorized the Trooper to arrest Petitioner, leading to his detention by DHS/ICE. *Id.*

A Fifth Amendment substantive due process violation occurs when government action (1) infringes on a fundamental right without a compelling government interest, or (2) deprives a person of life, liberty, or property in a way that shocks the conscience. *Maehr v. United States Dep’t of State*, 5 F.4th 1100, 1117 (10th Cir. 2021). The Tenth Circuit

Court of Appeals applies the fundamental-rights approach when a plaintiff or petitioner challenges legislative action, and it applies the shocks-the-conscience approach when the challenge is to executive action. *Id.*; *Abdi v. Wray*, 942 F.3d 1019, 1027 (10th Cir. 2019).

Petitioner challenges actions undertaken by, and sues officers of, the Executive Branch. Ordinary negligence does not satisfy the shocks-the-conscience standard, and even allowing unreasonable risks to continue is not necessarily conscience shocking. *Ruiz v. McDonnell*, 299 F.3d 1173, 1184 (10th Cir. 2002) (citing cases). To satisfy the shocks-the-conscience standard, Petitioner must do more than show that the Government intentionally or recklessly caused him harm by abusing or misusing its power. Instead, he “must demonstrate a degree of outrageousness and a magnitude of potential or actual harm that is truly conscience shocking.” *Uhlrig v. Harder*, 64 F.3d 567, 574 (10th Cir. 1995). This standard demands a “high level of outrageousness.” *Id.*; *Klen v. City of Loveland, Colo.*, 661 F.3d 498, 513 (10th Cir. 2011).

The Federal Respondents understand Petitioner’s substantive due process claim to encompass the traffic stop, his arrest, and his detention. Summarizing Tenth Circuit law regarding traffic stops, the U.S. District Court for the District of New Mexico explained:

“A traffic stop is valid under the Fourth Amendment if the stop is based on an observed traffic violation or if the police officer has reasonable articulable suspicion that a traffic or equipment violation has occurred or is occurring.” *United States v. Botero–Ospina*, 71 F.3d 783, 787 (10th Cir.1995). *See United States v. Winder*, 557 F.3d 1129, 1134 (10th Cir.2009). Whether the police officer making the stop had any other motivation for the stopping the vehicle is irrelevant. *See United States v. Cervine*, 347 F.3d 865, 870 (10th Cir.2003); *United States v. Botero–Ospina*, 71 F.3d at 787; *United States v. Hunnicutt*, 135 F.3d 1345, 1348 (10th Cir.1998).

*United States v. Reyes-Vencomo*, 866 F. Supp. 2d 1304, 1329 (D.N.M. 2012).

No person shall drive a commercial motor vehicle unless he or she is qualified to drive it. 49 C.F.R. § 391.11(a). Among the general qualifications of commercial vehicle operators is the requirement that he/she “[c]an read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries, and to make entries on reports and records[.]” *Id.*, § 391.11(b)(2); *see also* 49 U.S.C. § 31502(b) (the Secretary of Transportation may prescribe requirements for the qualifications of employees of motor carriers and motor private carriers).

Pursuant to an August 28, 2025, Executive Order, President Donald J. Trump has directed his Administration to enforce commonsense rules of the road for America’s truck drivers, including the English-proficiency requirement. According to the President, professional drivers “should be able to read and understand traffic signs, communicate with traffic safety, border patrol, agricultural checkpoints, and cargo weight-limit station officers.” Exec. Order No. 14268, *Enforcing Commonsense Rules of the Road for America’s Truck Drivers*, 90 Fed. Reg. 18759 (April 28, 2025). The President’s decision to prioritize such rules is intended to “help ensure a safe, secure, and efficient motor carrier industry.” *Id.*; *see also* Federal Motor Carrier Safety Administration (FMCSA), *English Language Proficiency Under 49 C.F.R. § 391.11(b)(2) (MC-SEE-2025-0001)* (May 20, 2025) (available at [https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/2025-05/FMCSA%20ELP%20Guidance%20with%20Attachments%20Final%20%285-20-2025%29\\_Redacted.pdf](https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/2025-05/FMCSA%20ELP%20Guidance%20with%20Attachments%20Final%20%285-20-2025%29_Redacted.pdf)) at 3 (“FMCSA believes a driver’s failure to comply with the [English Language Proficiency] qualification requirements constitutes a safety risk and that

this risk was underestimated in previous agency enforcement discretion”).

According to Governor Kevin Stitt, “Oklahoma was ahead of the curve on this,” because in early summer 2025, he signed a law requiring Oklahoma Commercial Driver’s License holders to speak proficient English. Governor Kevin Stitt, August 27, 2025 (<https://www.facebook.com/GovStitt/posts/oklahoma-was-ahead-of-the-curve-on-this-at-the-beginning-of-the-summer-i-signed-/1316302653186177/>). As of May 27, 2025, an operator of a commercial motor vehicle within the State of Oklahoma “shall be able to demonstrate proficiency of the English language sufficient to ... Converse with the general public ... [and] Respond to official inquiries[.]” Okla. Stat. Ann. tit. 47, § 6-126.2(A)(1), (3).

Under the circumstances, the Trooper’s decisions to stop Petitioner’s vehicle, to communicate with ICE, and to arrest Petitioner do not demonstrate the “high level of outrageousness” required to state a claim for a Fifth Amendment substantive due process violation. To ensure the safety of the Nation’s and Oklahoma’s roads and highways and to promote efficiency in the motor carriage industry, the President of the United States, the U.S. Department of Transportation (acting on the direction of the President), Oklahoma’s Governor, and the Oklahoma Legislature have determined that commercial vehicle operators must be proficient in the English language such that they can communicate effectively with and respond to traffic safety officers.

As for Petitioner’s detention, when the Government deals with deportable aliens, the Due Process Clause does not require it to employ the least burdensome means to accomplish removal. *Demore v. Kim*, 538 U.S. 510, 528 (2003). “Detention during removal proceedings is a constitutionally permissible part of that process.” *Id.* at 531.

**E. The Court should deny Petitioner’s procedural due process claim.**

Petitioner’s second claim alleges violation of procedural due process under the Fifth Amendment. To state a procedural due process claim, a petitioner “must establish (1) the deprivation of (2) a constitutionally cognizable liberty or property interest, (3) without adequate due process procedures.” *Abdi v. Wray*, 942 F.3d 1019, 1031 (10th Cir. 2019).

In support of his procedural due process claim, Petitioner asserts that the facts of his case “are materially indistinguishable from *Y.S.G. v. Andrews*, No. 2:25-cv-01884-SCR (E.D. Cal. Oct. 22, 2025), where the Court granted a writ of habeas corpus....” Petition [Doc. 1] at 18, ¶ 54. Factually and procedurally, *Y.S.G.* is distinguishable.

In *Y.S.G.*, the matters before the court were the petitioner’s motion to enforce a preliminary injunction that was issued in July 2025 and the respondents’ motion to dismiss the § 2241 petition as moot. 2025 WL 2979309, at \*1. No motion for preliminary injunction, no motion to enforce, and no motion to dismiss is before this Court.

Mr. Singh arrived from India when he was 22 years old. Petition [Doc. 1] at 2, ¶ 1. In *Y.S.G.*, the petitioner arrived from Mexico when he was four. He graduated from high school and attended community college in the United States. 2025 WL 2979309, at \*1.

In 2022, the petitioner in *Y.S.G.* applied for a U visa because he was the victim of a crime. That application was pending with U.S. Citizenship and Immigration Services (USCIS) when the U.S. District Court for the Eastern District of California ruled on the two motions before it. *Id.*

The petitioner in *Y.S.G.* applied for and was granted Deferred Action for Childhood Arrivals (DACA) status in 2012. He renewed his DACA application in 2015 and 2018,

but USCIS denied his renewal application in 2021 on account of a criminal conviction. *Id.*

The petitioner in *Y.S.G.* “sustained a felony conviction for attempted lewd or lascivious acts...for which he received an eighteen-month sentence.” *Id.* That prompted ICE’s efforts to remove him, and he was detained pursuant to 8 U.S.C. § 1231. *Id.* Mr. Singh states that he “has no criminal history.” Petition [Doc. 1] at 2, ¶ 1.

Petitioner claims that his facts are “materially indistinguishable from *Y.S.G.*,” but the differences are legion. The Federal Respondents will not belabor the point further except to note that *Y.S.G.* obviously is not controlling authority in this Court.

For the substance of his claim, Petitioner alleges that he is detained with “no explanation,” Petition [Doc. 1] at 18, ¶ 53, “without ... an opportunity to be heard.” *Id.* at 4, ¶ 9. The NTA that he has made part of his pleading sets out the legal grounds for the removal proceedings. Pet. Ex. A [Doc. 1-1] at 3. He has a pending Form I-589 Application for Asylum and for Withholding of Removal. Petition [Doc. 1] at 7, ¶ 1; Att. 1. In the immigration proceedings, communications with Mr. Singh have been in the Punjabi language. Pet. Ex. A [Doc. 1-1] at 4, 5, & 6. He has been represented by attorney Pardeep Singh Grewall throughout those proceedings. Att. 1 at 1; Att. 3 at 1. Petitioner has had, and he continues to have, opportunities to be heard.

The Supreme Court decisions he cites (*see* Petition [Doc. 1] at 17, ¶ 51) involved state prisoners facing revocation of supervision, probation, or parole. The cases did not involve immigration detention. Otherwise, Petitioner relies on decisions from the Ninth Circuit or district courts in that circuit. *Id.* at 17-18, ¶¶ 51-52, 54. As this Court held in *Montoya*, “In the absence of Supreme Court or Tenth Circuit guidance indicating that the

policies set forth by Congress and implemented by DHS are unconstitutional, Petitioner's claim that DHS's policy violates due process must fail." 2025 WL 3733302, at \*15.

**Prayer for Relief**

WHEREFORE, the Federal Respondents respectfully pray for an order of this Honorable Court denying the Petition for Writ of Habeas Corpus [Doc. 1] and all claims and demands therein.

Respectfully submitted this 12th day of February, 2026.

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**INDEX OF ATTACHMENTS**

- Attachment 1: *In the matter of: Jagjit Singh, A [REDACTED] Form I-589 Application for Asylum and Withholding of Removal (cover sheet and first page)*
- Attachment 2: Oklahoma Highway Patrol Trooper Warning Notice (December 16, 2025)
- Attachment 3: *In re: [REDACTED] Singh, Jagjit, Notice of Internet-Based Hearing (January 28, 2026, setting a hearing on February 11, 2026)*