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6
7 UNITED STATES DISTRICT COURT
8 SOUTHERN DISTRICT OF CALIFORNIA
9 SAN DIEGO DIVISION

10 JAGROOP SINGH,
11 *Petitioner,*

12 v.

13 GREGORY J. ARCHAMBEAULT, ICE
Field Office Director for San Diego, in his
14 official capacity;

15 SIXTO MARRERO, Warden, Imperial
Regional Detention Facility, in his official
16 capacity,

17 *Respondents.*

Case No. '26CV0334 TWR MMP

PETITION FOR WRIT OF HABEAS
CORPUS PURSUANT TO 28 U.S.C. §
2241

[EMERGENCY RELIEF REQUESTED]

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PRELIMINARY STATEMENT

1. Petitioner Jagroop Singh, through counsel, brings this Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 to challenge his unlawful immigration detention. Mr. Singh is currently detained at the Imperial Regional Detention Facility in Calexico, California, despite having been previously released from immigration custody under the discretionary detention provisions of 8 U.S.C. § 1226(a) after an Immigration Judge set bond at \$25,000 in October 2019.

2. In October 2025, Immigration and Customs Enforcement (ICE) re-arrested Mr. Singh and is now attempting to classify him as subject to mandatory detention under 8 U.S.C. § 1225(b)(1), thereby denying him access to a bond hearing. This reclassification is based on the Board of Immigration Appeals’ decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), which held that all noncitizens present without admission are “applicants for admission” subject to mandatory detention.

3. The BIA’s interpretation in *Yajure Hurtado* has been **near-unanimously rejected** by federal district courts across the country. Most significantly, in *Maldonado Bautista v. Noem*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal. Dec. 18, 2025), the Central District of California granted partial summary judgment and entered final judgment declaring that noncitizens who entered without inspection and were not apprehended upon arrival “are detained under 8 U.S.C. § 1226(a) and are not subject to mandatory detention under § 1225(b)(2).”

4. Moreover, Mr. Singh’s case presents an even stronger basis for bond eligibility than the class members in *Maldonado Bautista*: he was **previously released under § 1226(a)** after an Immigration Judge determined he was not a flight risk or danger to the community. The government cannot now retroactively re-categorize him as subject to mandatory detention under § 1225(b)(2) when it previously acknowledged his detention authority fell under § 1226(a).

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PARTIES

5. Petitioner Jagroop Singh is a native and citizen of India. His Alien Registration Number is [REDACTED] He is currently detained at the Imperial Regional Detention Facility, 1572 Gateway Rd., Calexico, CA 92231.

6. Respondent Gregory J. Archambeault is the ICE Field Office Director for the San Diego Field Office, located at 880 Front Street, Suite 2242, San Diego, CA 92101. As ICE Field Office Director, Respondent Archambeault has authority over ICE operations in the Southern District of California, including the detention of Petitioner. He is sued herein in his official capacity.

7. Respondent Sixto Marrero is the Warden (also referred to as Facility Administrator) of the Imperial Regional Detention Facility, located at 1572 Gateway Rd., Calexico, CA 92231. As Warden, Respondent Marrero has immediate physical custody of Petitioner and is sued herein in his official capacity.

JURISDICTION AND VENUE

8. This Court has subject-matter jurisdiction over this habeas corpus petition pursuant to 28 U.S.C. § 2241, which authorizes federal district courts to grant writs of habeas corpus to persons “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3).


9. The jurisdictional bar in 8 U.S.C. § 1252(a)(2)(B)(ii) does not apply to this petition because Petitioner does not challenge a discretionary determination but rather the statutory basis of his detention—specifically, whether he is detained under 8 U.S.C. § 1226(a), which permits bond, or 8 U.S.C. § 1225(b)(2), which does not. *See Demore v. Kim*, 538 U.S. 510, 517 (2003) (reviewing constitutional challenge to mandatory detention); *Jennings v. Rodriguez*, 583 U.S. 281 (2018).

1 10. Venue is proper in this district pursuant to 28 U.S.C. § 2241(a) because Petitioner is
2 detained within the Southern District of California.

3 **FACTUAL BACKGROUND**

4 **A. Initial Entry and Credible Fear Determination (2019)**

5 11. Petitioner Jagroop Singh is a native and citizen of India. He was born on 

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8 12. Petitioner entered the United States without inspection on or about 2019 and was
9 apprehended shortly after his entry.

10 13. Because Petitioner was in the United States without being admitted and did not
11 possess documents that would have allowed him to be admitted, he was initially subjected to an
12 expedited removal order pursuant to 8 U.S.C. § 1225(b)(1).

13 14. On September 10, 2019, a USCIS asylum officer conducted a credible fear interview
14 and concluded that Petitioner had established a credible fear of persecution.

15 15. Thereafter, on September 11, 2019, ICE issued a Notice to Appear (NTA) and placed
16 Petitioner in regular removal proceedings under INA § 240, 8 U.S.C. § 1229a.

17 **B. Release on Bond Under 8 U.S.C. § 1226(a) (2019)**

18 16. On or about September 20, 2019, Petitioner requested a custody redetermination
19 hearing pursuant to INA § 236(a), 8 U.S.C. § 1226(a).


20 17. On October 7, 2019, DHS served Petitioner with a Warrant of Arrest (Form I-200)
21 and a Notice of Custody Determination, *both of which indicated that Petitioner was being*
22 *detained pursuant to INA § 236* (8 U.S.C. § 1226)—the discretionary detention provision that
23 permits bond hearings.
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25 18. On October 8, 2019, Petitioner requested an Immigration Judge review of DHS's
26 finding that he should be detained pending a final administrative determination.
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1 19. On October 15, 2019, an Immigration Judge conducted a custody redetermination
2 hearing and **ordered that Petitioner be released from custody on a \$25,000 bond.** DHS
3 waived its right to appeal this decision.

4 20. On October 23, 2019, DHS served Petitioner with a Notice of Release Pursuant to
5 *Padilla v. ICE*. That same day, Petitioner posted the required \$25,000 bond and was released
6 from custody.

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8 **C. Asylum Proceedings and Dismissal (2019-2024)**

9 21. Following his release, Petitioner resided at 

10 22. Petitioner filed an application for asylum, withholding of removal, and relief under
11 the Convention Against Torture (Form I-589) with the Immigration Court.

12 23. On January 22, 2020, Petitioner also filed an affirmative asylum application (Form
13 I-589) with USCIS, which was acknowledged by a receipt notice dated April 11, 2025.

14 24. Petitioner was subsequently granted employment authorization pursuant to 8 C.F.R.
15 § 274a(c)(8), with category code C08, valid from September 2, 2023, through September 1,
16 2025.

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18 25. Petitioner's individual hearing on his applications for asylum, withholding of
19 removal, and relief under the Convention Against Torture was eventually scheduled for October
20 7, 2024.

21 26. On September 4, 2024, however, DHS moved to dismiss Petitioner's removal
22 proceedings pursuant to its prosecutorial discretion.

23 27. Petitioner opposed DHS's motion to dismiss, as dismissal would deprive him of the
24 opportunity to have his asylum claim adjudicated by the Immigration Court, where he had
25 already prepared his case.

26
27 28. On September 9, 2024, Immigration Judge Colin P. Eichenberger granted DHS's
28 motion to dismiss and terminated Petitioner's removal proceedings without prejudice.

1 29. Unable to pursue his applications for relief in removal proceedings, Petitioner then
2 filed an affirmative application for asylum (Form I-589) with USCIS and pursued that
3 application until his re-arrest.

4 **D. Re-Arrest and Current Detention (October 2025)**

5 30. In October 2025, ICE re-arrested Petitioner.

6 31. On October 18, 2025, ICE issued a new Notice to Appear alleging that Petitioner is
7 removable under INA § 212(a)(7)(A)(i)(I) and INA § 212(a)(6)(A)(i).

8 32. The new NTA erroneously alleges that Petitioner “entered the United States at an
9 unknown location on or about 2022-12-06.” This date is inconsistent with the documented
10 record, which establishes that Petitioner entered in 2019, passed his credible fear interview in
11 September 2019, and was in removal proceedings from September 2019 through September
12 2024.

13 33. Petitioner has been in ICE custody since his re-arrest in October 2025 and is
14 currently detained at Imperial Regional Detention Facility, 1572 Gateway Rd, Calexico, CA
15 92231.

16 34. Petitioner has been denied access to a bond hearing based on the government’s
17 position, derived from *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), that he is subject
18 to mandatory detention under 8 U.S.C. § 1225(b)(2).

19 **LEGAL ARGUMENT**

20 **I. PETITIONER IS DETAINED UNDER 8 U.S.C. § 1226(a) AND IS ENTITLED TO
21 A BOND HEARING**

22 **A. The Government Previously Acknowledged Petitioner’s Detention Under §
23 1226(a).**

24 35. In October 2019, DHS expressly acknowledged that Petitioner was detained
25 pursuant to INA § 236 (8 U.S.C. § 1226). The Warrant of Arrest (Form I-200) and Notice of
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1 Custody Determination served on Petitioner both indicated detention under this discretionary
2 authority.

3 36. An Immigration Judge conducted a custody redetermination hearing pursuant to 8
4 C.F.R. § 1236.1(d) and ordered Petitioner released on a \$25,000 bond. DHS waived its right to
5 appeal this determination, acquiescing to the Immigration Judge’s jurisdiction to conduct such a
6 hearing under § 1226(a).
7

8 37. The government cannot now retroactively re-categorize Petitioner as subject to
9 mandatory detention under § 1225(b)(2) when it previously (a) expressly indicated he was
10 detained under § 1226; (b) permitted an Immigration Judge to conduct a bond hearing; (c)
11 waived appeal of the bond order; and (d) released him upon posting of bond.

12 **B. Federal Courts Have Near-Unanimously Rejected the BIA’s Interpretation in**
13 ***Matter of Yajure Hurtado*.**

14 38. In *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), the Board of
15 Immigration Appeals held that all noncitizens present in the United States without admission are
16 “applicants for admission” subject to mandatory detention under INA § 235(b)(2), 8 U.S.C. §
17 1225(b)(2), regardless of how long they have resided in the United States.

18 39. This interpretation represents a radical departure from nearly thirty years of agency
19 practice, during which DHS and EOIR treated noncitizens apprehended in the interior of the
20 United States as detained under the discretionary authority of INA § 236(a), 8 U.S.C. § 1226(a),
21 and thus eligible for bond hearings.
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23 40. Following *Yajure Hurtado*, numerous federal district courts have rejected the BIA’s
24 interpretation as contrary to the plain text and structure of the Immigration and Nationality Act.

25 **1. Textual Analysis: “Seeking Admission” Requires Present Action**

26 41. The mandatory detention provision at 8 U.S.C. § 1225(b)(2)(A) applies to an alien
27 “seeking admission.” The present progressive tense of this phrase indicates present, ongoing
28 action—not a static status.

1 42. Courts have employed the “movie theater” analogy to illustrate this distinction: A
2 person who sneaks into a movie theater without a ticket holds the *status* of an unadmitted person,
3 but once they sit down to watch the movie, they are no longer “seeking admission.” They are
4 already present within the interior. *See, e.g., Maldonado Bautista v. Noem*, No.
5 5:25-CV-01873-SSS-BFM (C.D. Cal. Nov. 20, 2025).

6 43. A long-term resident arrested at home or work is not “seeking admission” at a port
7 of entry; therefore, § 1225(b)(2) does not apply.

9 2. Structural Analysis: The Laken Riley Act Confirms § 1226 as the Default

10 44. The Laken Riley Act, enacted in January 2025, amended 8 U.S.C. § 1226(c) to
11 mandate detention for noncitizens who entered without inspection (EWIs) *only if* they commit
12 specific crimes such as theft, burglary, or assault of a law enforcement officer.

13 45. If the BIA’s interpretation in *Yajure Hurtado* were correct—that *all* EWIs are already
14 subject to mandatory detention under § 1225(b)(2)—then Congress performed a useless act in
15 passing the Laken Riley Act. The statute would be entirely superfluous.

16
17 46. The canon against surplusage requires courts to give effect to every provision of a
18 statute. *See, e.g., Corley v. United States*, 556 U.S. 303, 314 (2009). The Laken Riley Act’s
19 targeted expansion of mandatory detention to EWIs with specific criminal histories confirms that
20 Congress understood § 1226(a) (discretionary detention with bond eligibility) to be the default
21 for EWIs without such histories.

23 3. The End of Chevron Deference Under *Loper Bright*

24 47. In *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024), the Supreme Court
25 overruled *Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837 (1984),
26 holding that courts must exercise independent judgment in determining the best reading of a
27 statute and owe no deference to agency interpretations.
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1 48. Under *Loper Bright*, this Court must independently determine whether the BIA’s
2 interpretation in *Yajure Hurtado* reflects the best reading of the INA’s detention provisions. As
3 the overwhelming majority of federal courts have concluded, it does not.

4 **C. Maldonado Bautista Establishes Bond Eligibility for EWIs Not**
5 **Apprehended at Entry.**

6 49. On December 18, 2025, the U.S. District Court for the Central District of California
7 entered Final Judgment in *Maldonado Bautista v. Noem*, No. 5:25-CV-01873-SSS-BFM.

8 50. The Court certified a “Bond Eligible Class” consisting of:

9 *All noncitizens in the United States without lawful status who (1) have entered or*
10 *will enter the United States without inspection; (2) were not or will not be*
11 *apprehended upon arrival; and (3) are not or will not be subject to detention*
12 *under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of*
Homeland Security makes an initial custody determination.

13 51. The Final Judgment declared that members of the Bond Eligible Class “are detained
14 under 8 U.S.C. § 1226(a) and are not subject to mandatory detention under § 1225(b)(2),” and
15 that class members “are entitled to consideration for release on bond by immigration officers
16 and, if not released, a custody redetermination hearing before an immigration judge.”

17 52. The Court also *vacated* the DHS policy described in the July 8, 2025, “Interim
18 Guidance Regarding Detention Authority for Applicants for Admission” under the
19 Administrative Procedure Act as “not in accordance with law.”

20 53. Although *Maldonado Bautista* specifically concerns noncitizens who were not
21 apprehended upon arrival, its reasoning supports Mr. Singh’s contention that he is not subject to
22 mandatory detention. The court’s textual and structural analysis of the INA applies equally to
23 noncitizens like Mr. Singh who were released under § 1226(a) after a bond hearing.

24 **D. Petitioner’s Prior Release Under § 1226 Bars Mandatory Detention Under §**
25 **1225.**

26 54. Even if *Maldonado Bautista*’s holding were limited to noncitizens not apprehended
27 upon entry, Petitioner’s case presents an even stronger basis for bond eligibility.
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1 55. Petitioner was **actually released** under 8 U.S.C. § 1226(a) after an Immigration
2 Judge determined, in a custody redetermination hearing, that he was neither a flight risk nor a
3 danger to the community. The government acquiesced to this determination by waiving its
4 appeal.

5 56. For nearly six years (October 2019 to October 2025), the government treated
6 Petitioner as detained under § 1226. The government cannot now claim—based on a belated
7 reinterpretation of the statute—that Petitioner was actually subject to mandatory detention under
8 § 1225(b)(2) all along.

9 57. Such retroactive reclassification would render meaningless the bond hearing, the
10 Immigration Judge’s determination, and the posting of the \$25,000 bond. It would also raise
11 serious due process concerns by depriving Petitioner of the liberty interest he reasonably relied
12 upon when complying with all conditions of his release for nearly six years.

13
14 **II. EXHAUSTION IS EXCUSED BECAUSE AN APPEAL TO THE BIA WOULD BE**
15 **FUTILE.**

16 58. Although habeas petitioners generally must exhaust administrative remedies before
17 seeking federal court review, exhaustion is not required when it would be futile. *See McCarthy v.*
18 *Madigan*, 503 U.S. 140, 146–47 (1992).

19 59. Here, any appeal to the BIA would be futile because the BIA has already
20 definitively ruled on the legal question presented in this petition. In *Matter of Yajure Hurtado*,
21 the BIA held that immigration judges lack jurisdiction to conduct bond hearings for noncitizens
22 classified as “applicants for admission” under § 1225(b)(2).

23 60. An appeal to the BIA would serve no purpose other than to delay Petitioner’s access
24 to federal court review while he remains detained. Multiple federal courts have waived
25 the exhaustion requirement in similar cases challenging *Yajure Hurtado* precisely because the
26 outcome before the BIA is predetermined.
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1 **PRAYER FOR RELIEF**

2 WHEREFORE, Petitioner respectfully requests that this Court:

- 3 1. Issue a writ of habeas corpus;
- 4 2. Declare that Petitioner is detained pursuant to 8 U.S.C. § 1226(a) and is not subject to
- 5 mandatory detention under 8 U.S.C. § 1225(b)(2);
- 6 3. Order Respondents to provide Petitioner with a custody redetermination hearing
- 7 before an Immigration Judge within seven (7) days of the Court’s order;
- 8 4. In the alternative, order Petitioner’s immediate release from custody;
- 9 5. Award Petitioner his reasonable costs and attorneys’ fees; and
- 10 6. Grant such other and further relief as this Court deems just and proper.
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- 12

13 Dated: January 20, 2026

Respectfully submitted,

14 **LAW OFFICE OF ROBERT B. JOBE**

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