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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
14 Field Office Director for San Diego;
15 SIXTO MARRERO, Warden, Imperial
16 Regional Detention Facility,
Respondents.

Case No.

REQUEST FOR TEMPORARY
RESTRAINING ORDER AND ORDER
TO SHOW CAUSE

[EMERGENCY RELIEF REQUESTED]

1 INTRODUCTION

2 Petitioner Jagroop Singh respectfully requests that this Court issue a Temporary
3 Restraining Order (TRO) and Order to Show Cause enjoining Respondents from continuing to
4 detain him without providing access to a bond hearing. Petitioner is currently detained at the
5 Imperial Regional Detention Facility in Calexico, California, based on the government’s
6 erroneous classification of him as subject to mandatory detention under 8 U.S.C. § 1225(b).
7

8 This classification is unlawful for two independent reasons. First, Petitioner was
9 previously **released under 8 U.S.C. § 1226(a)** after an immigration judge set bond in October
10 2019, which the government did not appeal. The government cannot now retroactively reclassify
11 him as subject to mandatory detention. Second, the legal basis for his current classification—the
12 BIA’s decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025)—has been
13 **near-unanimously rejected** by federal district courts, including in *Maldonado Bautista v. Noem*,
14 No. 5:25-CV-01873-SSS-BFM (C.D. Cal. Dec. 18, 2025), where the Central District of
15 California granted partial summary judgment declaring that noncitizens in Petitioner’s
16 circumstances are detained under § 1226(a).
17

18 STATEMENT OF FACTS


19 1. Petitioner Jagroop Singh is a native and citizen of India who entered the United States
20 without inspection in 2019.


21 2. On September 10, 2019, a USCIS asylum officer determined that Petitioner had
22 established a credible fear of persecution, and he was placed in regular removal proceedings
23 under INA § 240.

24 3. On October 7, 2019, DHS served Petitioner with a warrant of arrest (Form I-200) and
25 Notice of Custody Determination, both indicating detention under **INA § 236 (8 U.S.C. § 1226)**.

26 4. On October 15, 2019, after a custody redetermination hearing under 8 U.S.C. §
27 1226(a), an immigration judge ordered Petitioner released on a \$25,000 bond. **DHS waived its**
28 **appeal.**

1 5. On October 23, 2019, Petitioner posted the \$25,000 bond and was released from
2 custody.

3 6. For nearly six years, Petitioner complied with all conditions of his release. He filed an
4 asylum application, was granted employment authorization (C08 category), and resided at 

5 
6
7 7. On September 9, 2024, DHS moved to dismiss Petitioner's removal proceedings,
8 which an immigration judge granted without prejudice.

9 8. In October 2025, ICE re-arrested Petitioner and issued a new Notice to Appear on
10 October 18, 2025.

11 9. Petitioner is currently detained at Imperial Regional Detention Facility and has been
12 denied a bond hearing based on ICE's position that he is subject to mandatory detention under §
13 1225(b)(2) pursuant to *Matter of Yajure Hurtado*.

14 **LEGAL STANDARD FOR TEMPORARY RESTRAINING ORDER**

15 To obtain a TRO, Petitioner must demonstrate: (1) a likelihood of success on the merits;
16 (2) a likelihood of irreparable harm in the absence of preliminary relief; (3) that the balance of
17 equities tips in his favor; and (4) that an injunction is in the public interest. *Winter v. Natural*
18 *Resources Defense Council, Inc.*, 555 U.S. 7, 20 (2008). As demonstrated below and in the
19 accompanying Memorandum of Points and Authorities, Petitioner satisfies each of these factors.
20

21 **ARGUMENT**

22 **I. PETITIONER IS LIKELY TO SUCCEED ON THE MERITS.**

23 Petitioner is likely to succeed on the merits for two independent reasons.

24 **First**, Petitioner was previously released under § 1226(a) after a bond hearing. The
25 government acknowledged its detention authority under § 1226 through (a) the warrant of arrest
26 citing INA § 236; (b) the Notice of Custody Determination citing INA § 236; (c) the custody
27 redetermination hearing; (d) the Immigration Judge's bond order; and (e) DHS's decision to
28 waive appeal. The government cannot now retroactively reclassify Petitioner as subject to

1 mandatory detention after treating him as detained under discretionary authority for nearly six
2 years.

3 **Second**, the BIA’s interpretation in *Yajure Hurtado* has been near-unanimously rejected
4 by federal courts. In *Maldonado Bautista v. Noem*, the Central District of California granted
5 partial summary judgment declaring that noncitizens who entered without inspection and were
6 not apprehended upon arrival “are detained under 8 U.S.C. § 1226(a) and are not subject to
7 mandatory detention under § 1225(b)(2).” The court engaged in a comprehensive textual and
8 structural analysis, finding that “seeking admission” requires a present action, not mere presence
9 without prior admission.
10

11 **II. PETITIONER WILL SUFFER IRREPARABLE HARM.**

12 Continued unlawful detention constitutes irreparable harm as a matter of law. *See*
13 *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (“Freedom from imprisonment—from government
14 custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the
15 Due Process] Clause protects.”). Each day Petitioner remains detained without access to a bond
16 hearing, he suffers ongoing deprivation of his liberty. This harm cannot be remedied by money
17 damages.
18

19 **III. THE BALANCE OF EQUITIES TIPS IN THE PETITIONER’S FAVOR.**

20 The balance of equities strongly favors Petitioner. He seeks only a bond hearing—not
21 release—to determine whether he is a flight risk or danger to the community. An immigration
22 judge already determined in 2019 that he was neither, and he complied with all conditions of his
23 release for nearly six years. The government, by contrast, has no legitimate interest in detaining
24 Petitioner without process, given that it previously acknowledged his bond eligibility and waived
25 its appeal of the bond order.
26

27 **IV. A TRO IS IN THE PUBLIC INTEREST**

28 The public interest favors granting the TRO. There is a strong public interest in ensuring
that the government complies with immigration laws and provides constitutionally adequate

1 procedures before depriving individuals of liberty. *See Melendres v. Arpaio*, 695 F.3d 990, 1002
2 (9th Cir. 2012) (“[I]t is always in the public interest to prevent the violation of a party’s
3 constitutional rights.”).

4
5 **REQUEST FOR RELIEF**

6 WHEREFORE, Petitioner respectfully requests that this Court:

- 7 1. Issue a Temporary Restraining Order requiring Respondents to provide Petitioner
8 with a custody redetermination hearing before an immigration judge within seven (7) days;
9 2. Issue an Order to Show Cause why a preliminary injunction should not issue;
10 3. In the alternative, order Petitioner’s immediate release from custody pending a bond
11 hearing; and
12 4. Grant such other relief as the Court deems just and proper.

13 Dated: January 20, 2026

14 Respectfully submitted,

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