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7  
8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 **In the Matter of**

11 **SINGH, Sukhsagar**

12 ~~XXXXXXXXXXXXXXXXXXXX~~  
13 Petitioner

)  
) **Case No. 3:26-cv-00401-DMS-KSC**  
)  
)  
)

**PETITIONER'S REPLY TO  
RESPONDENTS' RETURN TO  
HABEAS PETITIONION**

**ORAL ARGUMENT  
REQUESTED**

**EXPEDITED HEARING  
REQUESTED**

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17 **Warden of Imperial Regional Detention Facility )**  
18 **Kristi Noem, Secretary of the U.S. Department )**  
19 **of Homeland Security )**  
20 **Pamela Bondi, Attorney General of the United )**  
21 **States )**  
22 **U.S Immigration Customs Enforcement )**  
23 **U.S. Department of Homeland Security )**  
24 **In their official capacities )**  
25 **Respondents )**

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28 **PETITIONER'S REPLY TO RESPONDENTS' RETURN TO HABEAS PETITION**

1 I. INTRODUCTION

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3 Respondents' Return rests on two legally incorrect premises: (1) that this Court lacks jurisdiction  
4 to review Petitioner's prolonged detention, and (2) that Petitioner is subject to mandatory  
5 detention under 8 U.S.C. § 1225(b) without any constitutional limitation. Both arguments fail as a  
6 matter of law.

7  
8 Petitioner does not challenge the commencement of removal proceedings, the adjudication of  
9 removability, or the execution of a removal order. Rather, he challenges his ongoing, prolonged  
10 civil detention without an individualized bond hearing, which is a claim squarely cognizable in  
11 habeas. Supreme Court and Ninth Circuit precedent make clear that such detention claims fall  
12 outside the jurisdiction-stripping provisions relied upon by Respondents.

13  
14 Moreover, even assuming arguendo that Petitioner is detained pursuant to § 1225(b), the  
15 Constitution does not permit indefinite or unreasonably prolonged detention without procedural  
16 safeguards. Due process requires, at minimum, an individualized hearing at which the  
17 government bears the burden of justifying continued detention.

18  
19 II. THIS COURT HAS JURISDICTION OVER PETITIONER'S HABEAS CLAIM

20  
21 *A. Sections 1252(g) and 1252(b)(9) Do Not Bar Review of Prolonged Detention Claims*

22 Respondents argue that 8 U.S.C. §§ 1252(g) and 1252(b)(9) deprive this Court of jurisdiction  
23 because Petitioner's detention "arises from" the decision to commence removal proceedings. That  
24 argument misstates the law.  
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1 Section 1252(g) is narrowly limited to three discrete actions: the decision to commence  
2 proceedings, adjudicate cases, or execute removal orders. Petitioner challenges none of those  
3 actions. He challenges only the legality of his continued detention without a bond hearing.  
4

5 Likewise, § 1252(b)(9) does not bar jurisdiction here. The Supreme Court has made clear that §  
6 1252(b)(9) does not sweep in all claims that merely relate to removal proceedings. Rather, it  
7 applies only to claims that are inextricably intertwined with the merits of removal itself.  
8

9 Detention challenges are different in kind.

10 In *Jennings v. Rodriguez*, the Supreme Court expressly recognized that habeas jurisdiction  
11 remains available where noncitizens challenge the statutory or constitutional basis for their  
12 detention, as opposed to the removal process. 583 U.S. 281, 294–95 (2018). Petitioner’s claim  
13 falls squarely within that category.  
14

15 Numerous Ninth Circuit decisions confirm that prolonged detention claims are independently  
16 reviewable in habeas, even where removal proceedings are ongoing. Respondents’ attempt to  
17 collapse detention into commencement of proceedings would eliminate habeas review entirely—  
18 an outcome the Supreme Court has rejected.  
19

#### 20 B. Petitioner Is Not Challenging Discretionary Enforcement Decisions

21  
22 Respondents repeatedly characterize Petitioner’s claim as a challenge to DHS’s “decision to  
23 detain him in the first place.” That framing is incorrect.  
24

25 Petitioner does not dispute DHS’s authority to initially detain him. He challenges the duration and  
26 conditions of that detention—specifically, detention that has become prolonged and  
27 constitutionally excessive without any individualized determination of flight risk or danger.  
28

1 Courts routinely distinguish between: challenges to whether DHS may detain; and challenges  
2 to how long detention may continue without process.

3  
4 Only the former implicates § 1252(g). Petitioner’s claim involves the latter.

5  
6 III. PETITIONER IS NOT SUBJECT TO UNREVIEWABLE MANDATORY

7 DETENTION

8 *A. DHS’s Reliance on § 1225(b) Is Overbroad and Misapplied*

9  
10 Respondents assert that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(2)  
11 because his parole expired and he is an “applicant for admission.” This argument ignores the  
12 procedural posture of Petitioner’s case.

13  
14 Petitioner: Was issued a Notice to Appear placing him in § 240 removal proceedings; was paroled  
15 into the United States for over one year; complied with all conditions of release; and was later re-  
16 detained without any individualized custody determination.

17  
18 By initiating full removal proceedings and releasing Petitioner into the United States, DHS  
19 treated him as a § 240 respondent, not as an arriving alien subject to unreviewable border  
20 detention. Courts have repeatedly rejected DHS’s attempt to reimpose § 1225(b) detention after  
21 parole and prolonged presence in the United States.

22  
23 At minimum, this posture removes Petitioner from the category of individuals subject to  
24 categorical, unreviewable detention without procedural safeguards.

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1 *B. Even If § 1225(b) Applies, Due Process Requires a Bond Hearing*

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3 Even assuming arguendo that § 1225(b) governs Petitioner's detention, Respondents' position  
4 still fails because the Constitution imposes independent limits on civil detention.

5  
6 The Supreme Court has consistently held that civil immigration detention must bear a reasonable  
7 relationship to its purpose and may not continue indefinitely without procedural  
8 protections. *Zadvydas v. Davis*, 533 U.S. 678 (2001). The Ninth Circuit has applied these  
9 principles to require individualized hearings once detention becomes prolonged.

10  
11 Petitioner has now been detained for a significant period without any hearing at which the  
12 government bears the burden of proving that continued detention is justified. There has been no  
13 finding—let alone proof—that Petitioner poses a danger to the community or a flight risk.

14  
15 Due process demands more. At minimum, Petitioner is entitled to an individualized bond hearing  
16 before a neutral decisionmaker.

17  
18 IV. THE GOVERNMENT CANNOT JUSTIFY CONTINUED DETENTION UNDER  
19 ANY STANDARD

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21 Respondents do not allege: any criminal history; any history of violence; any prior failures to  
22 appear; any danger to the community.

23  
24 To the contrary, the record reflects that Petitioner was previously trusted with release, complied  
25 with all conditions, and has substantial incentives to appear and pursue his pending asylum case.

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27 Absent an individualized hearing, continued detention serves no legitimate regulatory purpose  
28 and amounts to impermissible punishment.

1 V. EXHAUSTION IS NOT REQUIRED AND WOULD BE FUTILE

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Respondents briefly argue that exhaustion bars relief. That argument fails.

There is no available administrative mechanism through which Petitioner can obtain the constitutional relief he seeks—namely, a bond hearing with the government bearing the burden of proof. Immigration Judges lack authority to provide such hearings for detainees DHS classifies under § 1225(b).

Where administrative remedies are unavailable or inadequate, exhaustion is not required. Habeas relief is therefore appropriate.

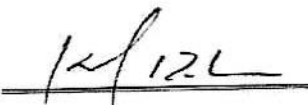
VI. RELIEF REQUESTED

For the foregoing reasons, Petitioner respectfully requests that this Court:

- 1. Grant the Petition for Writ of Habeas Corpus;
- 2. Order Petitioner’s immediate release under reasonable conditions of supervision.

Respectfully Submitted,

Dated this 3rd day of February 2026.



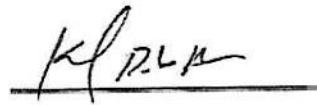
Kamal D. Mann  
THE MANN LAW OFFICES, P.C.  
*Attorney for Petitioner*

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**VERIFICATION PURSUANT TO 28 U.S.C 2242**

I am submitting this verification on behalf of the Petitioner because I am the attorney for  
Petitioner. I or my co-counsel have discussed with the Petitioner the events described in this  
Petition. Based on those discussions, I hereby verify that the statements made in the attached  
Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 3rd day of February 2026.



Kamal D. Mann  
THE MANN LAW OFFICES, P.C.  
*Attorney for Petitioner*