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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

RANJIT SINGH,



Petitioner,

v.

JEREMY CASEY, Warden, Imperial Regional
Detention Facility, **DANIEL A. BRIGHTMAN**,
Field Office Director, San Diego Field
Office, U.S. Immigration and Customs
Enforcement; **KRISTI NOEM**, Secretary of the
U.S. Department of Homeland Security; and
PAMELA BONDI, Attorney General of the
United States,
in their official capacities,

Respondents.

Case No. '26CV496 LL SBC

**PETITION FOR WRIT OF
HABEAS CORPUS**

Oral Argument Requested

INTRODUCTION

1. Ranjit Singh (“Petitioner”) is a 26 year-old citizen of India who entered the United States in 2022 and was released by Department of Homeland Security (“DHS”) under the Intensive Supervision Appearance Program (ISAP) pending his removal proceedings. Exh. I, B. The Petitioner continued to report to DHS until he was detained by DHS on December 16, 2025. Exh. III, E. An Immigration Judge refused to conduct a new bond hearing under 8 U.S.C. § 1226, claiming lack of jurisdiction under a recent Board of Immigration Appeals decision, *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), which treats noncitizens like Petitioner as subject

to mandatory detention under 8 U.S.C. § 1225(b). Exh. II, B. As a result, Petitioner is now held at Imperial Regional Adult Detention Facility, California, with no opportunity to seek release through the immigration courts. Exh. I, A; Exh. II, B. Absent intervention by this Court, Petitioner faces prolonged and potentially indefinite civil detention despite adjudication that he is not a flight risk or a danger to the community. Exh. II, B. In fact, the Immigration Judge, while claiming lack of jurisdiction, rendered alternative findings that the Petitioner would be released on a Bond of USD 2000 if she has jurisdiction, subject to other conditions. *Id.*

2. Through this Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241, Petitioner challenges his unlawful detention as contrary to the Immigration and Nationality Act (“INA”), in violation of the Administrative Procedure Act (“APA”), and in violation of the Fifth Amendment’s Due Process Clause. Petitioner requests that this Court declare his continued detention without an individualized bond hearing unlawful and order his immediate release or, in the alternative, order Respondents to provide a prompt bond hearing with appropriate due process protections.

JURISDICTION

3. This action arises under the United States Constitution and federal immigration laws, including the INA, 8 U.S.C. § 1101 *et seq.* This Court has subject-matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), and 28 U.S.C. § 1331 (federal question jurisdiction). Petitioner invokes this Court’s jurisdiction also under the Suspension Clause, U.S. Const. Art. I, § 9, cl. 2, as his petition challenges the legality of executive detention. (“The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public safety may require.”).

4. The relief requested is within the Court's habeas authority (28 U.S.C. § 2241 *et seq.*), as well as its authority to grant declaratory relief (28 U.S.C. §§ 2201-2202) and all writs necessary to protect its jurisdiction (28 U.S.C. § 1651).

VENUE

5. Venue is proper in the Southern District of California because Petitioner is detained at Imperial Regional Adult Detention Facility, California, which is within this District. Under *Rumsfeld v. Padilla*, 542 U.S. 426, 442 (2004), a habeas petition challenging present physical confinement must be filed in the district of confinement. Petitioner accordingly has filed here.

REQUIREMENTS OF 28 U.S.C. § 2243

6. Federal law mandates that habeas petitions receive swift judicial attention. Under 28 U.S.C. § 2243, a court "shall forthwith award the writ or issue an order to show cause why it should not be granted," unless it plainly appears that the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return "within *three days* unless for good cause additional time, not exceeding twenty days, is allowed." *Id.* (emphasis added).

7. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Writ has been referred to as "perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). "The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the

four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

8. Petitioner is a citizen of India. Exh. I, B. He is currently detained at the Imperial Regional Adult Detention Facility, California, under the direct custody and control of Respondents and their agents. Exh. I, A.

9. Respondent Jeremy Casey, sued in her official capacity, is the Warden of the Imperial Regional Adult Detention Facility, and Petitioner’s immediate custodian.

10. Respondent Daniel A. Brightman, sued in his official capacity, is the Director of the San Diego Field Office of U.S. Immigration and Customs Enforcement, which has authority over Petitioner’s detention and the power to release him.

11. Respondent Kristi Noem, sued in her official capacity as Secretary of the Department of Homeland Security, is responsible for implementing and enforcing the INA. DHS (through ICE) is the agency with custody of Petitioner.

12. Respondent Pamela Bondi, sued in her official capacity as the Attorney General of the United States, oversees the Executive Office for Immigration Review (EOIR) and the Board of Immigration Appeals (BIA). She is a legal custodian of Petitioner in her role administering the Immigration Courts and BIA.

STATEMENT OF FACTS

13. Petitioner is a practicing Sikh and asylum-seeker who fled India and entered the United States without inspection on January 26, 2022, near San Luis, AZ. Exh. I, B.

14. Shortly after entry, the Department of Homeland Security issued a Warrant for Arrest of Alien (Form I-200) for Petitioner, explicitly citing its authority under INA § 236 (8 U.S.C. § 1226) to arrest and detain him pending removal proceedings.

15. DHS served Petitioner with a Notice to Appear and placed him in removal proceedings under INA § 240 (8 U.S.C. § 1229a) on January 27, 2022. DHS also released the Petitioner under the Intensive Supervision Appearance Program (ISAP), on his undertaking to report to DHS.

16. Petitioner continued to report to DHS as required until he was detained again by DHS on December 16, 2025. Over the next three years, Petitioner complied with the conditions of his release and continued to litigate his immigration case, with removal proceedings ongoing.

17. The petitioner has no criminal history. On December 16, 2025, DHS abruptly took Petitioner back into immigration custody and transferred him to the Imperial Regional Adult Detention Facility, California,, where he remains detained to this day. Exh. I, A.

18. After his re-detention, Petitioner (through counsel) promptly requested a new custody redetermination hearing (bond hearing) before an Immigration Judge. Exh. II, B. However, on January 13, 2026, an Immigration Judge considered Petitioner's bond request but concluded that she lacked jurisdiction to grant any bond because of Petitioner's manner of entry. Exh. II, B. Citing the BIA's intervening decision in *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), the Immigration Judge found that, since Petitioner had entered without inspection, he must be treated as an "applicant for admission" subject to mandatory detention under INA § 235(b)(2)(A), 8 U.S.C. § 1225(b)(2)(A). *Id.*

19. The Immigration Judge therefore concluded that he had no legal authority to release Petitioner or grant bond, and on that purely jurisdictional basis denied Petitioner's bond

request. *Id.* However, the Immigration Judge alternatively found that if she had Jurisdiction, the Petitioner would be released on a Bond of \$2,000 subject to other conditions.

20. Petitioner's friend, Mr. Divjot Singh Ghotra, is a U.S. citizen who has been by Petitioner's side throughout this ordeal. Exh. IV, B, C. Mr. Ghotra is Petitioner's financial sponsor. *Id.* In anticipation of Petitioner's release, Mr. Ghotra executed a sworn Affidavit of Support for Petitioner. *Id.* In his affidavit, Mr. Ghotra affirmed that he is willing and able to provide Petitioner with housing, food, and financial support so that he will not become a burden to the public. *Id.* He noted that he met the Petitioner last on December 7, 2025 (just before Petitioner's detention) and expressed his earnest wish for Petitioner to be released. *Id.*

21. To demonstrate his financial wherewithal, Mr. Ghotra submitted extensive supporting documentation, including proof of his U.S. citizenship, recent federal tax returns, several months of pay stubs, and household bill statements in his name. Exh. IV, B-F. Further, the Petitioner also presented evidence of his own ability to work in the form of his latest federal tax return, work permit, and social security number. The Petitioner also has strong ties to the United States as he is married to an Indian National and they have a U.S. Citizen son. In sum, Petitioner has a strong support system and deep community ties, factors which underscore that he would not pose any flight risk or danger to the community if released. In fact, the Immigration Judge did find in the alternative that the Petitioner would be released on a Bond of \$2000, implicitly also finding that he is not a flight risk or a danger to the community. Nevertheless, due to the government's actions, Petitioner has been categorically denied any opportunity to present these favorable equities in a bond hearing.

LEGAL FRAMEWORK

22. At issue in this case are two provisions of the Immigration and Nationality Act that govern the detention of noncitizens in removal proceedings: 8 U.S.C. §§ 1225 and 1226. Generally speaking § 1225(b) “authorizes the Government to detain certain aliens seeking admission into the country,” at a port of entry, while § 1226 “authorizes the Government to detain certain aliens already in the country pending the outcome of removal proceedings.” *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018). In other words, an “applicant for admission” subject to § 1225(b) is traditionally someone who is *applying to enter* the U.S., while § 1226 covers those already in the U.S. interior. *See id.*

23. Section 1226(a) provides that “on a warrant issued by the Attorney General, a [] [noncitizen] may be arrested and detained pending a decision on whether the [noncitizen] is to be removed from the United States.” 8 U.S.C. § 1226(a). Except for certain narrow categories of criminal or terrorist aliens described in § 1226(c), detention under § 1226(a) is discretionary: DHS may continue to detain the person or may release them on bond or conditional parole.

24. After the initial custody determination by ICE, the noncitizen may request a bond hearing before an Immigration Judge at any time before a removal order becomes final. 8 U.S.C. §§ 1226(a)(1)-(2); 8 C.F.R. §§ 1236.1(c)(8), (d)(1); *see also Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1196-97 (9th Cir. 2022) (citing 8 C.F.R. §§ 236.1(c)(8), (d)(1), 1003.19). At a § 1226(a) bond hearing, “the burden is on the non-citizen to establish to the satisfaction of the Immigration Judge that he or she does not present a danger to persons or property, is not a threat to the national security, and does not pose a risk of flight.” *Hernandez v. Sessions*, 872 F.3d 976, 982 (9th Cir. 2017) (citing *Matter of Guerra*, 24 I&N Dec. 37, 38 (BIA 2006)). Thereafter, a noncitizen detainee can appeal an unfavorable decision to the BIA. *Id.* at 983 (Citing § 236.1(d)(3)). In short, § 1226(a) creates a default system of individualized, case-by-case custody

determinations, with a presumption that release on bond is available unless specific exceptions apply.

25. Section 1226(c) carves out certain exceptions to the above framework, requiring mandatory detention for specified categories of noncitizens (primarily those with serious criminal convictions or terrorism ties) during their removal proceedings. *See* 8 U.S.C. § 1226(c)(1); *Jennings*, 583 U.S. at 289. Crucially, many of the offenses triggering § 1226(c) apply to both aliens who entered without inspection (inadmissible under 8 U.S.C. § 1182(a)(6)(A)) and those who were admitted but are deportable. *See* §§ 1226(c)(1)(A), (D), (E). By explicitly including certain inadmissible (entry without inspection) aliens in § 1226(c)'s mandatory detention scheme, Congress confirmed that the baseline detention authority for someone like Petitioner (who is present without admission) is § 1226(a), unless and until he commits one of the specified serious offenses that would move him into § 1226(c) custody. *See Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010). Petitioner's reckless driving conviction and DUI arrest are not among the offenses that would trigger mandatory detention under § 1226(c), and indeed DHS did not treat him as a § 1226(c) detainee in either 2022 or 2025.

26. Recent legislative developments reinforce that § 1226(a) governs the detention of noncitizens present in the U.S. who entered without inspection and are in removal proceedings. In 2025, Congress enacted the Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025), which amended § 1226(c)(1) by adding a new subparagraph (E) covering certain noncitizens inadmissible for being present without admission (8 U.S.C. § 1182(a)(6)(A)(i)) who have been arrested, charged with, or convicted of specific crimes. *See* Laken Riley Act ("LRA"), Pub. L. No. 119-1, 139 Stat. 3 (2025); 8 U.S.C. § 1226(c)(1)(E). This amendment makes some subset of

inadmissible entrants subject to mandatory detention, but only if they meet the specified criminal criteria.

27. By enacting this provision, Congress effectively confirmed that it envisions inadmissible entrants (like Petitioner) to fall under the § 1226 framework, with only particular offenders carved out for mandatory custody. If DHS's current position were correct that all noncitizens present without admission are already subject to § 1225(b)(2) mandatory detention, Congress would have had no reason to explicitly include them in § 1226(c)(1)(E). *See also Shady Grove*, 559 U.S. at 400 (“[W]hen Congress creates ‘specific exceptions’ to a statute’s applicability, it ‘proves’ that absent those exceptions, the statute generally applies.”). The Laken Riley Act thus underscores that § 1226(a) remains the governing authority for someone like Petitioner, unless he falls into a defined mandatory-detention category (which he does not).

28. The text and structure of § 1225(b) further demonstrate why § 1226(a) applies to Petitioner. While § 1226(a) applies to those who are “already in the country” who are detained “pending the outcome of removal proceedings,” *Jennings*, 583 U.S. at 289, § 1225(b)(2)’s mandatory detention scheme applies “at the Nation’s borders and ports of entry, where the Government must determine whether a [] [noncitizen] seeking to enter the country is admissible,” *id.* at 287; *see also id.* at 297 (“[Section] 1225(b) applies primarily to [noncitizens] seeking entry into the United States. ...”). By its terms, § 1225(b)(2)(A) governs detention pending a determination of admissibility at the border, not the post-entry custody of someone who has already been living in the country. § 1225(b)(2)(A) is limited to persons “seeking admission” to the U.S., indicating a temporal and situational restriction that does not encompass individuals like Petitioner who crossed the border unlawfully and were then placed into standard removal proceedings after being apprehended inside U.S. territory. Tellingly, until recently,

Respondents took the same position explaining that “[t]o ‘seek admission’ ... entails affirmative actions to gain authorized entry.” Reply Br. For Fed. Appellees at 14-15, *Crane v. Johnson*, No. 14-10049 (5th Cir. Sept. 29, 2014), Dkt. 78-1; accord Tr. of Oral Argument at 43:23-45:2, *Biden v. Texas*, 597 U.S. 785 (2022) (No. 21-954) (“[Solicitor General]: ... DHS’s long-standing interpretation has been that 1226(a) applies to those who have crossed the border between ports of entry and are shortly thereafter apprehended.”).

29. The history of immigration detention law confirms that Congress did not intend § 1225(b) to override the § 1226(a) bond process for aliens arrested in the interior. Before IIRIRA, individuals in Petitioner’s position (arrested within the U.S. for deportation) were *not* subject to mandatory detention. See 8 U.S.C. § 1252(a) (1994) (authorizing Attorney General to arrest noncitizens for deportability proceedings, which applied to all persons within the United States). In passing IIRIRA, Congress explained that it was not upending the detention status quo, and that it intended for the new § 1226(a) to continue to govern the detention of those apprehended inside the United States. Congress stated that the new § 1226(a) merely “restate[d] the current provisions in section 242(a)(1) regarding the authority of the Attorney General to arrest, detain, and release on bond a[] [noncitizen] who is not lawfully in the United States.” H.R. Rep. No. 104-469, pt. 1, at 229- 230; see also H.R. Rep. No. 104-828, at 210 (same).

30. Consistent with the statute, immigration regulations promulgated in 1997 established that noncitizens present in the U.S. without admission are eligible for bond hearings except in specific circumstances. The Department of Justice explained at that time: “Despite being applicants for admission, [noncitizens] who were present without having been admitted or paroled ... will be eligible for bond and bond redetermination.” 62 Fed. Reg. at 10323; see also *id.* (“[I]nadmissible [noncitizens], except for arriving [noncitizens], have available to them bond

redetermination hearings before an immigration judge, while arriving [noncitizens] do not. This procedure maintains the status quo regarding release decisions for aliens in proceedings. ...”).

31. Those regulations, critically, have never been amended to strip bond eligibility from inadmissible noncitizens who entered without inspection. In particular, 8 C.F.R. § 1003.19(h)(2) limits Immigration Judges’ bond jurisdiction over certain categories (such as those in § 1226(c) and “arriving aliens”), but it does not remove IJ jurisdiction over other inadmissible noncitizens who entered without inspection. Such a longstanding and consistent interpretation “is powerful evidence that interpreting the Act in [this] way is natural and reasonable.” *Ambramski v. United States*, 573 U.S. 169, 203 (2014) (Scalia, J., dissenting); *see also Bankamerica Corp v. United States*, 462 U.S. 122, 130 (1983) (relying in part on “over 60 years” of government’s interpretation and practice to reject its new proposed interpretation of the law at issue).

32. In September 2025, the BIA abruptly broke with this long-settled framework. In *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), the BIA held, for the first time, that an undocumented entrant who was apprehended inside the United States is nonetheless to be treated as an “applicant for admission” subject to § 1225(b)(2)(A)’s mandatory detention provision, rather than as a § 1226(a) detainee entitled to a bond hearing. The BIA reasoned that because INA § 235(a)(1) includes in the definition of “applicant for admission” any alien present in the U.S. who has not been admitted, such aliens fall under § 1225(b) custody. However, *Yajure-Hurtado* failed to grapple with the limiting language in § 1225(b)(2)(A) that ties that provision to those “seeking admission” at the border, language that ties that provision to the context of an alien arriving or presenting at entry. The BIA also did not reconcile its holding with the text of § 1226 or the government’s unamended regulations that explicitly continue to afford bond hearings to inadmissible, non-“arriving” aliens. Nonetheless DHS has embraced *Matter of*

Yajure-Hurtado as justification to categorically deny bond hearings to individuals like Petitioner. Indeed, in Petitioner’s case, the Immigration Judge relied upon *Matter of Yajure-Hurtado* to find he had no jurisdiction to grant bond, solely because Petitioner entered without inspection.

33. This Court is not bound to accept the BIA’s interpretation in *Matter of Yajure-Hurtado*. See *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024). Federal courts must independently interpret the INA’s provisions, and here the plain text of § 1226 and § 1225, the statute’s structure and history, and decades of consistent practice all demonstrate that Petitioner falls under § 1226(a)’s general rule of discretionary detention with bond eligibility. The Government’s new position to the contrary is an unexplained and unjustified deviation from prior law. Where, as here, an agency suddenly “claims to discover in a long-extant statute an unheralded power” to eliminate bond eligibility for a category of noncitizens, courts “typically greet its announcement with a measure of skepticism.” *Util. Air Regul. Grp. v. EPA*, 573 U.S. 302, 324 (2014). Petitioner’s ongoing detention without a bond hearing is not authorized by law. Accordingly, this Court should grant the writ and order appropriate relief to restore Petitioner’s rights under the statutes and Constitution.

34. Moreover, two district courts within the Ninth Circuit have recently vacated or stayed the Department of Homeland Security’s July 8, 2025 “Interim Guidance Regarding Detention Authority for Applicants for Admission” – guidance that takes the position that all applicants for admission within the meaning of 8 U.S.C. 1225(a) are subject to mandatory detention under 8 U.S.C. § 1225(b) -- as contrary to law under the Administrative Procedure Act. See *Maldonado Bautista v. Noem*, No. 5:25-cv-01873, 2025 WL 3713987 (C.D. Cal. Dec. 18, 2025) (vacating the guidance); *Garro Pinchi v. Noem*, No. 25-cv-05632, 2025 WL 3691938 (N.D. Cal. Dec. 19, 2025) (staying the guidance within ICE’s San Francisco area of

responsibility, an area that includes the Eastern District of California, pending final resolution of the APA claim). In *Maldonado-Bautista*, the Central District of California: (1) declared that the class members are detained under section 1226(a) and are not subject to mandatory detention under section 1225(b)(2); (2) declared that pursuant to the government's regulations (8 C.F.R. §§ 236.1, 1236.1, and 1003.19) the class members are detained under section 1226(a), are not subject to mandatory detention under section 1225(b)(2), and are entitled to consideration for release on bond by immigration officers and, if not released, a custody redetermination hearing before an immigration judge; and (3) vacated the Department of Homeland Security's July 8, 2025 "Interim Guidance Regarding Detention Authority for Applicants for Admission" -- which takes the position that all applicants for admission within the meaning of 8 U.S.C. 1225(a) are subject to mandatory detention under 8 U.S.C. 1225(b) -- as contrary to law under the Administrative Procedures Act. See *Maldonado Bautista v. Noem*, No. 5:25-cv-01873, 2025 WL 3713987 (C.D. Cal. Dec. 18, 2025).

35. In its order, the *Maldonado Bautista* court recognized that it could not extend the portions of its order declaring that the class members are detained under section 1226(a), not section 1225(b)(2), and that pursuant to the government's regulations the class members are detained under section 1226(a) and are eligible for release on bond, to class members beyond the Central District of California. See *Maldonado Bautista*, 2025 WL 37113987, at *29-30 (acknowledging that the court's jurisdiction to grant habeas relief is limited to those within the district and stating that its order does not require the government to provide habeas relief to all members across the nation). However, the court stated that it did have jurisdiction to extend its declaratory judgment regarding the illegality of DHS's July 8, 2025 guidance under the APA beyond the borders of the Central District of California. See *Id.* The government has appealed

the *Maldonado Bautista* judgment to the Ninth Circuit, see *Maldonado Bautista v. DHS*, 9th Cir. No. 25-7958, but neither the district court nor the Ninth Circuit has issued a stay of the district court's order.

EXHAUSTION

36. The Petitioner has no further administrative remedies to exhaust. Petitioner argues any appeal to the BIA would be futile considering the BIA's decision of *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). The BIA's decision held that Immigration Judges lack jurisdiction to hold bond hearings or grant bond at all to individuals, like Petitioner, charged with entering the country without inspection. *Id.*

37. The Court should find administrative exhaustion would be futile. See *Vasquez-Rodriguez v. Garland*, 7 F.4th 888, 896 (9th Cir. 2021) (“[W]here the agency’s position appears already set and recourse to administrative remedies is very likely futile, exhaustion is not required.”). BIA decisions are binding on Immigration Judges and *Matter of Yajure Hurtado* precludes an Immigration Judge from finding jurisdiction over noncitizens like petitioner to hold a custody redetermination hearing, exactly what occurred in the proceedings below. Further administrative appeal could not avail Petitioner of any relief; it would be an exercise in futility.

38. Accordingly, Petitioner is properly before this Court and asks the Court to reach the merits of his claims. Because the ordinary administrative process has been blocked by the agency's own action (a new legal rule stripping bond jurisdiction), only judicial intervention can vindicate Petitioner's statutory and constitutional rights. Petitioner has thus satisfied any prudential exhaustion requirements or alternatively falls within the futility exception to such requirements. Therefore, the Court should consider the merits of the Petition.

CLAIMS FOR RELIEF

COUNT ONE
Violation of Fifth Amendment Right to Due Process
Procedural Due Process, Substantive Due Process

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

40. The Fifth Amendment's Due Process Clause provides that no person shall be deprived of liberty "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 [the Due Process] clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Petitioner's prolonged detention with no opportunity for a hearing to contest his confinement violates these bedrock due process principles.

41. While the Government has discretion to detain individuals under 8 U.S.C. § 1226(a) and to revoke custody decisions under 8 U.S.C. § 1226(b), this discretion is not "unlimited" and must comport with constitutional due process. *See Zadvydas*, 533 U.S. at 698; *Hernandez v. Sessions*, 872 F.3d 976, 981 (9th Cir. 2017) ("[T]he government's discretion to incarcerate non-citizens is always constrained by the requirements of due process."). Even where detention is permissible, due process dictates certain procedural safeguards to ensure that detention serves valid purposes and is not unduly prolonged or arbitrary.

42. In the immigration context, due process concerns are especially acute when the government revokes a previously granted bond/release. Here, the Petitioner was released by DHS under the ISAP program and the Petitioner established a life in the United States for the past three years, Respondents have chosen to re-detain Petitioner in an arbitrary manner and not based on a rational and individualized determination of whether he is a safety or flight risk, in violation of due process. *See Matter of Sugay*, 17 I&N Dec. 637, 640 (BIA 1981) (holding that "where a previous bond determination has been made by an immigration judge, no change

should be made by a District Director absent a change of circumstance”); *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1197 (N.D. Cal. 2017), *aff'd sub nom. Saravia for A.H. v. Sessions*, 905 F.3d 1137 (9th Cir. 2018) (noting that DHS has incorporated *Matter of Sugay* “into its practice, requiring a showing of changed circumstances where the previous release decision was made by a DHS officer”).

43. Once an individual has been released on bond, allowed to live freely in the community, he develops significant liberty interests in remaining free. An individual, having gained conditional freedom, has an entitlement to due process before being thrown back in detention because revocation “inflicts a grievous loss” on him. *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972) (holding that due process applies to revocation of parole).

44. Here, Petitioner was released in 2022 and lived in the community for over three years – working, forming personal relationships, and otherwise engaging in the ordinary pursuits of life. Exh. IV. This period of liberty gave rise to a constitutionally protected liberty interest in continuing to live free from physical custody. By re-detaining Petitioner in 2025 without any individualized process, the government has effectively revoked his conditional liberty in a manner that implicates due process.

45. Due process in Petitioner’s circumstances required, at minimum, an opportunity for a neutral decisionmaker to assess whether Petitioner’s re-detention was justified. The government may not simply decide on its own to jail Petitioner for the remainder of his removal proceedings absent some hearing to evaluate if he has truly become so dangerous that confinement is necessary. Notably, DHS did not claim in December 2025 that Petitioner violated any bond condition or committed a crime that would automatically mandate custody. Having chosen to exercise discretion to jail Petitioner again, the government was obligated to do so in a

fair, non-arbitrary way. Yet DHS afforded Petitioner no process whatsoever; it unilaterally cancelled his bond/release and took him into custody and, via the BIA's new rule, precluded the Immigration Judge's jurisdiction over any bond hearing. This bureaucratic fiat deprived Petitioner of the procedural safeguard that due process demands.

46. After Petitioner's re-detention, the government has never provided him a neutral adjudication of whether his continued detention is justified. DHS, for its part, made no individualized determination. The Immigration Judge implicitly found that the Petitioner does not pose a sufficient risk to justify denying him liberty. However, the Immigration Judge denied bond based on Jurisdiction. This complete absence of an individualized custody determination violates Petitioner's procedural due process rights.

47. The government's actions also violate substantive due process because they are not reasonably related to the purposes of immigration detention. Civil immigration detention is permitted only to the extent it serves legitimate regulatory goals, namely, preventing flight and protecting the community pending removal. *See Denmore v. Kim*, 538 U.S. 510, 527 (2003) (detention must bear a "reasonable relation" to its purposes). Here, Petitioner's re-detention does not reasonably advance either purpose. Petitioner had lived at liberty for years without incident; he appeared for all required immigration hearings and check-ins, and had no brushes with the law.

48. There is no evidence that Petitioner suddenly became a flight risk or danger in December 2025. DHS did not allege as much; rather, it appears DHS's decision to re-detain was based on a blanket policy change (the new legal interpretation under *Yajure-Hurtado*) rather than any individualized analysis. In fact, the Immigration Judge's alternative findings are to the contrary.

49. By denying Petitioner any opportunity to contest the necessity of his detention, Respondents have violated Petitioner's rights to procedural and substantive due process under the Fifth Amendment. Petitioner asks this Court to declare that his detention without a bond hearing is unconstitutional and to order his immediate release or, at a minimum, an adequate bond hearing with appropriate procedural safeguards.

COUNT TWO

**Violation of the Immigration and Nationality Act - 8 U.S.C. §§ 1225, 1226 and
Implementing Regulations
Agency Action Not in Accordance with Law and in Excess of Statutory Authority
Unlawful Detention, Unlawful Denial of Bond Hearings**

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

51. Respondents' detention of Petitioner without a bond hearing violates the Immigration and Nationality Act and the governing regulations. The INA, properly interpreted, guarantees Petitioner the right to prompt consideration for release on bond under 8 U.S.C. § 1226(a) while his removal case is pending. Indeed, DHS and EOIR initially recognized Petitioner's § 1226(a) rights when they provided him a bond hearing and an Immigration Judge released him on bond.

52. Nothing in the statute permitted DHS to unilaterally revoke Petitioner's bond eligibility and subject Petitioner to mandatory detention under § 1225(b) years after his entry, absent Petitioner taking some action to seek admission at a port (which he did not). To the contrary, as detailed in the legal framework above, the text, structure, and history of the INA confirm that § 1226(a), not § 1225(b), governs the detention of noncitizens like Petitioner who have entered the country (albeit unlawfully) and are placed in removal proceedings inside the United States.

53. Implementing regulations promulgated by the Department of Justice make clear that Petitioner is entitled to a bond hearing. 8 C.F.R. §§ 1236.1(d) and 1003.19(c) vest Immigration Judges with jurisdiction to review the custody of “[a]ny alien detained in [removal] proceedings,” except certain narrow categories not applicable to petitioner (such as those in § 1226(c) or designated “arriving” aliens). The regulations have never been amended to remove bond eligibility from non-arriving aliens who entered without inspection. Petitioner is plainly an “alien detained in removal proceedings” and is not an “arriving” alien as defined in 8 C.F.R. § 1001.1(q) insofar as he did not present at a port of entry. Nor is he in any mandatory detention category that would preclude bond. Thus, under the existing regulations, Petitioner must have the opportunity to have an Immigration Judge determine whether to release him on bond.

54. For these reasons, Petitioner’s detention violates the INA and its implementing regulations. By refusing to treat Petitioner as a § 1226(a) detainee eligible for bond, and by instead subjecting him to unauthorized mandatory detention, Respondents are acting “not in accordance with law.” Petitioner’s continued detention without a bond hearing is unlawful under 8 U.S.C. §§ 1225 and 1226, and 8 C.F.R. §§ 1236.1 and 1003.19.

COUNT THREE
Violation of 5 U.S.C. § 706(2)(A) – Administrative Procedure Act
Unlawful Denial of Bond

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

56. Respondents’ detention of Petitioner in derogation of the governing regulations and their improper application of *Matter of Yajure-Hurtado* violate the Administrative Procedure Act (APA), 5 U.S.C. § 701 *et seq.* The APA provides that a reviewing court “shall ... hold unlawful and set aside” agency action that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A). Agency action that exceeds

statutory authority or violates the agency's own regulations is likewise unlawful. 5 U.S.C. § 706(2)(C); *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 266-68 (1954). This independently warrants relief. *See Accardi*, 347 U.S. at 268 (agency action that violates its rules cannot stand).

57. Despite the mandate of 8 C.F.R. §§ 1236.1 and 1003.19 that Immigration Judges may conduct bond hearings for noncitizens like Petitioner, Respondents have effectively nullified those regulations by asserting that *Matter of Yajure-Hurtado* eliminates bond jurisdiction in Petitioner's case. By refusing to afford Petitioner the process set out in §§ 1236.1 and 1003.19, Respondents violated the *Accardi* doctrine, which forbids agencies from disregarding their own valid regulations.

58. The application of § 1225(b)(2) to Petitioner is arbitrary, capricious, and not in accordance with law, and as such, it violates the APA. *See* 5 U.S.C. § 706(2). *Matter of Yajure-Hurtado* as applied to Petitioner is improper and not in accordance with law. The BIA's interpretation in *Matter of Yajure-Hurtado* cannot trump the unambiguous text of the INA or decades of consistent regulatory practice without a reasoned explanation, which is lacking. Applying *Matter of Yajure-Hurtado* here, in contravention of the statute's structure and the agency's own rules is arbitrary, capricious, and an abuse of discretion. Adopting and applying an interpretation of the INA that conflicts with unambiguous statutory language and longstanding regulatory provisions is an APA violation. *See* 5 U.S.C. § 706(2)(A),(C).

59. Respondents' actions have left Petitioner with no viable administrative remedy or review. He cannot appeal the Immigration Judge's bond jurisdiction to the BIA, because the Immigration Judge followed current BIA precedent to determine that no jurisdiction exists. Thus, absent judicial intervention, Petitioner is caught in a regulatory dead-zone, detained without

process based on an erroneous legal theory. The APA and fundamental fairness do not permit an agency to trap individuals in this manner. Respondents' failure to follow their own regulations and the INA's requirements renders Petitioner's continued detention unlawful. It is agency action "not in accordance with law" and "in excess of statutory jurisdiction" under 5 U.S.C. § 706(2)(A), (C).

60. Even if one were to assume the statutes and regulations left some gap for the agency to decide whether to treat Petitioner under § 1225 or § 1226, the way Respondents have gone about it is arbitrary and capricious. An unexplained reversal of position that upends individual rights and expectations is arbitrary and capricious. Where, as here, the government for years afforded bond hearings to this category of noncitizens and then suddenly asserts that they must be detained without bond; that is, when an agency suddenly "claims to discover in a long-extant statute an unheralded power" to eliminate bond eligibility for a category of noncitizens, courts "typically greet this announcement with a measure of skepticism." *Util. Air Regul. Grp. v. EPA*, 573 U.S. 302, 324 (2014). This Court should do the same.

61. Finally, Petitioner has no adequate remedy for these legal violations other than this Court's intervention insofar as the immigration courts have shut their doors to his bond request on jurisdictional grounds.

62. For all the foregoing reasons, Respondents' actions are arbitrary, capricious, and not in accordance with law, in violation of the APA. Petitioner respectfully requests that the Court hold unlawful and set aside Respondents' actions and order appropriate relief (release or a bond hearing) to compel agency compliance with the law. Petitioner's re-detention and the denial of any bond consideration violate the APA and governing immigration law. Respondents have

acted arbitrarily and contrary to their own binding regulations, as well as the INA itself. Petitioners' ongoing detention is unlawful.

PRAYER FOR RELIEF

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

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause directing Respondents to show cause, within three (3) days of the Court's order (or as soon as possible thereafter), why the writ should not be granted;
- (3) Declare that Petitioner's continued detention without an individualized bond hearing violates the Due Process Clause of the Fifth Amendment and the INA, 8 U.S.C. §§ 1225, 1226, and its implementing regulations;
- (4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner from custody immediately; hold a hearing if warranted; determine that Mr. Singh's detention is not justified because the government has not established by clear and convincing evidence that he presents a risk of flight or a danger to the community;
- (5) Issue an Order prohibiting the Respondents from transferring Petitioner from the district without the court's approval;
- (6) Declare that Mr. Singh's continued detention is unconstitutional and unlawful, as it is not reasonably related to any valid purpose of immigration detention and violates the Fifth Amendment guarantee of due process of law;
- (7) Declare that Respondents' conduct violates the Administrative Procedure Act, 5 U.S.C. §§ 702 and 706, as arbitrary, capricious, and not in accordance with law;

- (8) In the alternative, should the Court determine that immediate release is not warranted, order Respondent to provide Petitioner an individualized bond hearing before an impartial immigration judge within 14 days, at which the government bears the burden to justify continued detention by clear and convincing evidence;
- (9) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412, and on any other basis justified under law; and
- (10) Grant any further relief this Court deems just and proper.

Respectfully submitted,

/s/ Deepak Ahluwalia
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Counsel for Petitioner

Dated: January 26, 2025

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

I represent Petitioner, Ranjit Singh, and submit this verification on his behalf. 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 26th day of January, 2025

/s/ Deepak Ahluwalia
Deepak Ahluwalia, Esq., CSB#341879