

FILED
UNITED STATES DISTRICT COURT
LAS CRUCES, NEW MEXICO

JAN 26 2026 AM

MITCHELL R. ELFERS
CLERK OF COURT

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

JAGJEET SINGH,

Petitioner,

v.

ANTHONY GARCIA, Field Office Director of
Enforcement and Removal Operations, Otero
Field Office, Immigration and Customs
Enforcement; Kristi NOEM, Secretary, U.S.
Department of Homeland Security; U.S.
DEPARTMENT OF HOMELAND
SECURITY; Pamela BONDI, U.S. Attorney
General; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; DORA CASTRO,
Warden of Otero County Processing Center.,

Respondents.

Case No. 26-CV-177 -

**PETITION FOR WRIT OF
HABEAS CORPUS**

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1 INTRODUCTION

2 1. Petitioner Jagjeet Singh brings this petition for a writ of habeas corpus to seek
3 enforcement of their rights as members of the Bond Denial Class certified in *Maldonado*
4 *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in the physical
5 custody of Respondents at the Otero County Processing Center, New Mexico. He now faces
6 unlawful detention because the Department of Homeland Security (DHS) and the Executive
7 Office for Immigration Review (EOIR) have refused to abide by the declaratory judgment issued
8 on behalf of the certified class in *Maldonado Bautista v. Santacruz*.

9 2. On November 20, 2025, the district court granted partial summary judgment on
10 behalf of individual plaintiffs and on November 25, 2025, certified a nationwide class and
11 extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-
12 CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025)
13 (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista*
14 *v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D.
15 Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible
16 Class, incorporating and extending declaratory judgment from Order Granting Petitioners'
17 Motion for Partial Summary Judgment).

18 3. The declaratory judgment held that the Bond Denial Class members are detained
19 under 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on bond under §
20 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at *11.

21 4. On December 18, 2025, the court in *Maldonado Bautista* declared class members'
22 detention authority and rights and vacated the federal policy that was being used to deny bond
23 hearings nationwide. In essence, the court Declared the class is detained under INA § 236(a) (8
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1 U.S.C. § 1226(a)—not INA § 235(b)(2) (8 U.S.C. § 1225(b)(2)), meaning the class can be
2 considered for bond eligibility under § 1226(a) and is not subject to mandatory detention under §
3 1225(b)(2). It further Declared class members are entitled to bond consideration and—if not
4 released by ICE—a custody redetermination (bond) hearing before an immigration judge, and
5 vacated DHS’s July 8, 2025 “Interim Guidance Regarding Detention Authority for Applicants
6 for Admission” under the APA as unlawful.

7 5. Nonetheless, the Executive Office for Immigration Review and its subagency the
8 Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to
9 abide by the declaratory relief and have unlawfully ordered that Petitioner be denied the
10 opportunity to be released on bond.

11 6. Petitioner Jagjeet Singh is a member of the Bond Eligible Class, as he:

12 a. does not have lawful status in the United States and is currently detained at the
13 Otero Processing Center, New Mexico. He was apprehended by immigration
14 authorities during a routine supervisory appointment with ICE

15 b. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

16 7. DHS has charged Petitioner as being inadmissible under 8 U.S.C. §
17 1182(a)(6)(A)(i), as someone who entered the United States without inspection.

18 8. The Court should expeditiously grant this petition.

19 9. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full
20 “force and effect of a final judgment.” 28 U.S.C. § 2201(a). Nevertheless, Respondents continue
21 to flagrantly defy the judgment in that case and continue to subject Petitioner to unlawful
22 detention despite his clear entitlement to consideration for release on bond as a Bond Eligible
23 Class member.

1 10. Immigration judges have informed class members in bond hearings that they have
2 been instructed by “leadership” that the declaratory judgment in *Maldonado Bautista* is not
3 controlling, even with respect to class members, and that instead IJs remain bound to follow the
4 agency’s prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

5 11. Because Respondents are detaining Petitioner in violation of the declaratory
6 judgment issued in *Maldonado Bautista*, the Court should accordingly order that within one day,
7 Respondent DHS must release Petitioner.

8 12. Alternatively, the Court should order Petitioner’s release unless Respondents
9 provide a bond hearing under 8 U.S.C. § 1226(a) within seven days.

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11 **JURISDICTION**
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13 13. Petitioner is in the physical custody of Respondents. Petitioner is detained at the
14 Otero County Processing Center, Chaparral, New Mexico.

15 13. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28
16 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States
17 Constitution (the Suspension Clause).

18 14. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory
19 Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.
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1 **VENUE**

2 15. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-
3 500 (1973), venue lies in the United States District Court for the Third Judicial District, the
4 judicial district in which Petitioner currently is detained.

5 16. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because
6 Respondents are employees, officers, and agencies of the United States, and because a
7 substantial part of the events or omissions giving rise to the claims occurred in the Third Judicial
8 District

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10 **REQUIREMENTS OF 28 U.S.C. § 2243**

11 17. The Court should grant the petition for writ of habeas corpus “forthwith,” as the
12 legal issues have already been resolved for class members in *Maldonado Bautista*.

13 18. Habeas corpus is “perhaps the most important writ known to the constitutional
14 law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or
15 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the
16 writ usurps the attention and displaces the calendar of the judge or justice who entertains it and
17 receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208
18 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

19 **PARTIES**

20 19. Petitioner Jaggeet Singh is a citizen of India who has been in immigration
21 detention since November 2025. After Petitioner was arrested in New York, ICE did not set
22 bond, and Petitioner requested review of his custody by an IJ. On two separate occasions,
23 Petitioner was unable to have his custody re-determination request heard by an IJ at the
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1 Chaparral, New Mexico court because the Court found he had no jurisdiction to hear the
2 application.

3 20. Respondent TRACI MILLAS is the Director of the Otero Field Office of ICE's
4 Enforcement and Removal Operations division. As such, TRACI MILLAS is Petitioner's
5 immediate custodian and is responsible for Petitioner's detention and removal. He is named in
6 his official capacity.

7 21. Respondent Kristi Noem is the Secretary of the Department of Homeland
8 Security. She is responsible for the implementation and enforcement of the Immigration and
9 Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms.
10 Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

11 22. Respondent Department of Homeland Security (DHS) is the federal agency
12 responsible for implementing and enforcing the INA, including the detention and removal of
13 noncitizens.

14 23. Respondent Pamela Bondi is the Attorney General of the United States. She is
15 responsible for the Department of Justice, of which the Executive Office for Immigration Review
16 and the immigration court system it operates is a component agency. She is sued in her official
17 capacity.

18 24. Respondent Executive Office for Immigration Review (EOIR) is the federal
19 agency responsible for implementing and enforcing the INA in removal proceedings, including
20 for custody redeterminations in bond hearings.

21 25. Respondent Dora Castro is employed by Management and Training Corporation
22 as Warden of the Otero County Processing Center, where Petitioner is detained. She has
23 immediate physical custody of Petitioner. She is sued in her official capacity.

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CLAIM FOR RELIEF
Violation of the INA:
Request for Relief Pursuant to *Maldonado Bautista*

26. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

27. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for release on bond under 8 U.S.C. § 1226(a).

28. The order granting partial summary judgment in *Maldonado Bautista* holds that Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class members.

29. The order granting class certification in *Maldonado Bautista* further orders that “[w]hen considering this determination with the MSJ Order, the Court extends the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.”

30. Respondents are parties to *Maldonado Bautista* and bound by the Court’s declaratory judgment, which has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a).

31. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner’s statutory rights under the INA and the Court’s judgment in *Maldonado Bautista*.

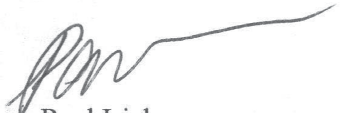
PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Issue a writ of habeas corpus requiring that within one day, Respondents release Petitioner;

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- 2 c. Alternatively, issue a writ of habeas corpus requiring Respondents to release
- 3 Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within
- 4 seven days;
- 5 d. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act
- 6 (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under
- 7 law; and
- 8 e. Grant any other and further relief that this Court deems just and proper.

9 DATED this 20th day of
10 January, 2026


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12 *Attorneys for Petitioner*
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Jagjeet Singh v Director Anthony Garcia, et al

TABLE OF EXHIBITS

EXHIBIT A.....	FINAL JUDGEMENT (12/18/2025) <i>Maldonado Bautista v Santacruz</i>
EXHIBIT B.....	PARTIAL SUMMARY JUDGEMENT (11/20/2025) <i>Maldonado Bautista v Santacruz</i>
EXHIBIT C.....	NOTICE TO APPEAR
EXHIBIT D.....	Bond Motion to EOIR