

1 MARTIN O'HARA (SBN 313973)  
2 5155 Rosecrans Ave., Suite 250  
3 Hawthorne, CA 90250  
4 Tel: (213) 265-7348  
5 Fax: (213) 289-2940  
6 Email: [Martin@Martinoharalaw.com](mailto:Martin@Martinoharalaw.com)

7 *Attorney for Petitioner*

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

10  
11 **PARDEEP SHARMA**  
12 **aka PARDEEP SINGH**

13 *Petitioner,*

Case No.: 3:26-cv-00513-JLS-SBC

14 v.

**APPLICATION FOR ISSUANCE  
OF ORDER TO SHOW CAUSE**

15 JEREMY CASEY, Warden, Imperial  
16 Regional Detention Facility; DANIEL A.  
17 BRIGHTMAN, Field Office Director,  
18 San Diego Field Office, U.S. Immigration  
19 and Customs Enforcement; TODD M.  
20 LYONS, Acting Director, U.S.  
21 Immigration and Customs Enforcement;  
22 KRISTI NOEM, Secretary of the U.S.  
23 Department of Homeland Security; and  
24 PAMELA JO BONDI, Attorney General  
of the United States *in their official  
capacities*

*Respondents.*

1           1. Pursuant to 28 U.S.C. § 2243, Petitioner respectfully requests that this Court  
2 “forthwith” issue an order directing Respondents to show cause why the petition for a  
3 writ of habeas corpus filed by Petitioner pursuant to 28 U.S.C. § 2241 should not be  
4 granted.  
5

6  
7           2. Petitioner’s habeas petition challenges the constitutionality of his continued  
8 civil immigration detention following this Court’s December 18, 2025 habeas order,  
9 which required DHS and EOIR to cure the unlawful detention through a constitutionally  
10 compliant bond hearing. See *Sharma v. Casey*, No. 3:25-cv-3335-BAS-DDL. The agency  
11 failed to cure the violation. The bond hearing violated Petitioner’s constitutional rights,  
12 namely, the Immigration Judge misallocated the burden of proof, relied solely on adverse  
13 credibility findings that are not probative of danger or flight risk, ignored material  
14 evidence supporting release, and failed to consider less restrictive alternatives all in  
15 violation of Petitioner’s constitutional and due process rights. Continued detention is  
16 therefore arbitrary and violates the Fifth Amendment.  
17

18  
19           3. The habeas petition seeks immediate release from custody and requests  
20 temporary restraining relief because Petitioner’s individual (final) asylum hearing in  
21 removal proceedings is scheduled for February 3, 2026, and the deprivation of liberty and  
22 deterioration of preparation time for that hearing constitute irreparable harm. See *Petition*  
23 *for Writ of Habeas Corpus*.  
24  
25  
26  
27  
28

1           4. Section 2243 provides that a court “shall forthwith award the writ or issue an  
2 order directing the respondent to show cause why the writ should not be granted, unless it  
3 appears from the application that the applicant or person detained is not entitled thereto.”  
4 28 U.S.C. § 2243.  
5

6  
7           5. Section 2243 further provides that the writ or order to show cause “shall be  
8 returned within three days unless for good cause additional time, not exceeding twenty  
9 days, is allowed,” and that the Court shall hold a hearing on the writ or order “not more  
10 than five days after the return unless for good cause additional time is allowed.” *Id.*  
11

12           6. Civil immigration detention implicates a core liberty interest protected by the  
13 Due Process Clause, and habeas corpus exists precisely to remedy unlawful custody.  
14 “The essence of habeas corpus is an attack by a person in custody upon the legality of  
15 that custody and the traditional function of the writ is to secure release from illegal  
16 custody.” *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973).  
17

18  
19           7. Following this Court’s prior habeas ruling, Petitioner appeared for three bond  
20 hearings and remains detained. The agency failed to cure the constitutional defect  
21 identified by the Court, rendering continued detention unlawful. Habeas corpus is the  
22 only effective mechanism to remedy the violation, and § 2243 requires prompt  
23 adjudication.  
24

25  
26           8. Granting Respondents additional time is inappropriate because Petitioner  
27 suffers ongoing irreparable harm each day he remains detained. He has no criminal  
28

1 history, has complied with all immigration proceedings, and has pending applications for  
2 asylum and U-nonimmigrant status that independently incentivize compliance.  
3

4 Immediate adjudication is also essential because Petitioner's final asylum merits hearing  
5 is set for February 3, 2026, during which he is required to present evidence and testimony  
6 related to persecution. Continued detention materially interferes with the preparation and  
7 presentation of that hearing, constitutes ongoing constitutional injury, and deprives  
8 Petitioner of the ability to effectively participate in proceedings that will determine  
9 whether he faces removal to a country where he fears persecution.  
10  
11

12 WHEREFORE, pursuant to 28 U.S.C. § 2243, Petitioner respectfully requests that  
13 the Court: (a) Immediately issue an Order to Show Cause directing Respondents to show  
14 cause within three (3) days why the writ should not be granted; (b) Permit Petitioner to  
15 file a reply within five (5) days after Respondents file their return; and (c) Set the matter  
16 for a hearing not more than five (5) days after the return, unless for good cause the Court  
17 orders otherwise.  
18  
19  
20  
21

22 DATED this 27th of January, 2026  
23

24 s/ Martin O'Hara, Esq.  
25 Martin O'Hara, Esq.  
26 Counsel for Petitioner  
27 CA State Bar No. 313973  
28 5155 Rosecrans Ave., Ste. 250  
Hawthorne, CA 90250  
Tel: (213) 265-7348  
Email: Martin@MartinOharaLaw.com