UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA
CIVIL DIVISION

Charnjit SINGH

Petitioner,

v.

DAVID EASTERWOOD, Director of St. Paul Field Office, U.S. Immigration and Customs Enforcement; **KRISTI NOEM,** Secretary of the U.S. Department of Homeland Security; **PAMELA BONDI,** Attorney General of the United States; **TODD LYONS**, Senior Official Performing the Duties of the Director of U.S. Immigration and Customs Enforcement

Respondents.

Case No. 26-926

PETITION FOR A WRIT OF HABEAS CORPUS

Petitioner, **Charnjit SINGH**, by and through undersigned counsel, hereby brings this Petition for a Writ of Habeas Corpus seeking enforcement of their statutory and constitutional rights. Respondents are currently unlawfully and unreasonably subjecting Petitioner – a beneficiary of a U-Visa bona fide determination and deferred action – to post-order detention, with no likelihood of removal in the reasonably foreseeable future.

INTRODUCTION

1. Petitioner, **Charnjit SINGH** ,(hereinafter "Petitioner" or "Mr. Singh"), based on the knowledge and belief of undersigned counsel, is currently in the physical custody of Respondents Immigration and Customs Enforcement ("ICE") at the Enforcement and Removal Operations ("ERO") Office in Fort Snelling, Minnesota. Petitioner was detained on January 31, 2026 from his home in Monticello, MN, and has remained in custody since that time.

2. Petitioner is the beneficiary of a U-Visa Bona Fide determination and Deferred Action, making him unremovable from the United States.

3. Absent an order from this Court, Petitioner will remain unlawfully detained for the duration of their deferred action.

4. To remedy this unlawful detention, Petitioner seeks declaratory and injunctive relief in the form of immediate release from detention and release under reasonable conditions. Alternatively, were this Court to find that Mr. Singh is detained pursuant to a different section of the INA for which immediate release is not an appropriate remedy, Mr. Singh would urge the Court to grant him a bond hearing before a neutral arbiter or Immigration Judge at which the government must bear the burden of demonstrating future dangerousness and risk of flight by clear and convincing evidence.

JURISDICTION

5. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

6. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (the general grant of habeas authority to the district court), 28 U.S.C. § 1331 (federal question jurisdiction), 28 U.S.C. § 2201 (Declaratory Judgment Act), 28 U.S.C. § 1361 (federal employee mandamus action), 28 U.S.C. § 1651 (All Writs Act); 5 U.S.C. § 702 (Administrative Procedure Act); and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause). Federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear habeas petitions by noncitizens challenging the lawfulness of their detention. *See Zadvydas v. Davis*, 533 U.S. 678, 687 (2001) ("[T]he primary federal habeas corpus statute, 28 U.S.C. § 2241, confers jurisdiction upon the federal courts to hear these cases."); *Moallin v. Cangemi*, 427 F.Supp.2d 908, 920–21 (D. Minn. 2006).

7. Additionally, federal district courts also have federal question jurisdiction, through the Administrative Procedure Act (APA), to "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). APA claims are cognizable on habeas. 5 U.S.C. § 703 (providing that judicial review of agency action under the APA may proceed by "any applicable form of legal action, including actions for declaratory judgments or writs of prohibitory or mandatory injunction or habeas corpus"). The APA affords a right of review to a person who is "adversely affected or aggrieved by agency action." 5 U.S.C. § 702.

VENUE

8. Venue is proper because Petitioner was detained by Respondents from his home in Monticello, Minnesota and thereafter was detained at the Bishop Henry Whipple

Federal Building at Fort Snelling, Minnesota, which is within the jurisdiction of this District. *See Braden v. 30th Judicial Circuit Court of Kentucky,* 410 U.S. 484, 493-500 (1973). To the knowledge and belief of undersigned counsel, there have been no submissions by Respondents asserting a new address or location, and the online ICE detainee locator does not say otherwise.

9. Venue is also proper in this Court pursuant to 28 U.S.C. § 1392(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in this district.

REQUIREMENTS OF 28 U.S.C. § 2243

10. Given that the legal issues have already been resolved by DHS in granting Petitioner deferred action, this Court should grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents "forthwith," unless 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).

11. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention—the 'Great Writ' has been referred to as "perhaps the most important writ known to the constitutional law… 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).

PARTIES

12. Petitioner Charnjit SINGH is a citizen of India and prior to their detention was a resident of Monticello, Minnesota. Petitioner is neither an arriving alien as that term is defined in the INA, nor are they seeking admission. Based on knowledge and belief, Petitioner is currently in the custody of Immigration and Customs Enforcement at the Bishop Henry Whipple Federal Building at Fort Snelling, Minnesota.

13. Respondent David Easterwood is sued in the official capacity as the Acting Director of the St. Paul Field Office of U.S. Immigration and Customs Enforcement ("ICE"). Respondent Easterwood is a legal custodian of Petitioner and has authority to release Petitioner.

14. Respondent Kristi Noem is sued in the official capacity as the Secretary of the U.S. Department of Homeland Security ("DHS"). In this capacity, Respondent Noem is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner's detention. Respondent Noem is a legal custodian of Petitioner.

15. Respondent Pamela Bondi is sued in the official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice ("DOJ"). In that capacity, Respondent has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review ("EOIR"), which administers the immigration courts and the BIA. Respondent Bondi is a legal custodian of Petitioner.

16. Respondent Todd Lyons is being sued in the official capacity as the Senior Official Performing the Duties of the Director of Immigration and Customs Enforcement,

a sub-unit of the Department of Homeland Security. In that capacity, Senior Official Lyons has supervisory capacity over ICE personnel in Minnesota, and he is the head of the agency that retains legal custody of Petitioner.

STATEMENT OF FACTS

17. Petitioner Charnjit Singh is a native and citizen of India. Petitioner has resided in the U.S. since March 1999, entering at the age of 17. Petitioner has remained in the U.S. continuously since the initial entry.

18. In May 2003, Petitioner was issued an order of removal in San Francisco, CA. To date, that order has not been executed by Respondents.

19. On April 25, 2018, Petitioner filed Form I-918, Petitioner for U Nonimmigrant Status.

20. Fingerprints and biometrics information were collected through the U.S. Citizenship and Immigration Services (USCIS) Application Support Center.

21. USCIS requested additional documentation from Petitioner through Requests for Evidence in April 2023 and August 2023. Petitioner timely complied with those requests, including providing additional records relating to Petitioner's criminal history and eligibility for waiver.

22. After reviewing the Petitioner's background information and documentation, On July 30, 2024, USCIS made a Bona Fide Determination regarding Petitioner's U-1 nonimmigrant visa and issued him deferred action. This notice states:

> **At this time, the evidence submitted with your petition appears to demonstrate that you have established the eligibility requirements for U**

> **nonimmigrant status.** However, the statutory cap for U-1 nonimmigrant status has been reached for this fiscal year. Therefore, U.S. Citizenship and Immigration Services (USCIS) may not grant U-1 nonimmigrant status to any petitioner until new visas become available.
>
> **As the fiscal year limit is the sole reason you cannot be granted U-1 nonimmigrant status, your petition is being placed on a waiting list.** Once new visas become available, USCIS will issue approval notices for those cases on the waiting list provided that the petitioner remains admissible to the United States and otherwise eligible for U nonimmigrant status. Priority for the issuance of approval notices will be determined by the date the petition was received by USCIS.
>
> **You have been placed in deferred action as permitted by regulation.** Deferred action is an act of administrative convenience to the government which gives some cases lower priority for removal. Being placed in deferred action makes you eligible for work authorization during the validity period of deferred action.

Exh. A (emphasis added).

23. The notice issued to Petitioner on July 30, 2024 does not have an expiration date listed. However, USCIS has indicated that an initial U-Visa Deferred Action grant will be valid for four years. *See* U.S. Citizenship and Immigration Services, National Engagement – U Visa and Bona Fide Determination Process – Frequently Asked Questions. (https://www.uscis.gov/records/electronic-reading-room/national-engagement-u-visa-and-bona-fide-determination-process-frequently-asked-questions)

24. On August 9, 2024, Petitioner applied for employment authorization based on this deferred action request. Consistent with the policy noted above, USCIS approved this application on February 27, 2025 for four years, with validity through February 26, 2029. Exh. B.

25. On January 31, 2026, almost twenty-seven years after entering the United States, U.S. Immigration and Customs Enforcement ("ICE") and/or other federal agents acting on ICE's behalf arrested Petitioner from his home, in the presence of family members.

26. Petitioner's current arrest did not occur at the border or while attempting to enter the United States. Rather, Petitioner was arrested in the interior of the United States years after initial entry.

LEGAL FRAMEWORK

27. USICS has explained that: "Deferred action is a form of prosecutorial discretion to defer removal action (deportation) against an alien for a certain period of time. Aliens granted deferred action are considered to be in a period of stay authorized under USCIS policy for the period deferred action is in effect." U.S. Citizenship and Immigration Services Policy Manual, Vol. 1, Part. H, Ch. 2(4). (https://www.uscis.gov/policy-manual/volume-1-part-h-chapter-2) *Citing* AFM 40.9.2(b)(3)(J) (PDF, 1017.74 KB); AFM 40.9.2(b)(3)(J) (PDF, 1017.74 KB).

28. Under 8 U.S.C. § 1231, noncitizens with a final order of removal shall be removed from the United States within a period of 90 days. 8 U.S.C. § 1231(a)(1)(A).

29. The beginning of the 90-day removal period is determined by the latest of the following:

> (i) The date the order of removal becomes administratively final.
> (ii) If the removal order is judicially reviewed and if a court orders a stay of the removal of the alien, the date of the court's final order.
> (iii) If the alien is detained or confined (except under an immigration

process), the date the alien is released from detention or confinement.

Id. at § 1231(a)(1)(B). During the removal period, the noncitizen may be detained, and may not be released under any circumstances if found inadmissible or deportable on criminal or national security grounds. § 1231(a)(2).

30. If the noncitizen is not removed during the 90-day period, he or she "shall be subject to supervision under regulations prescribed by the Attorney General. The regulations shall include provisions requiring the alien"

> (A) to appear before an immigration officer periodically for identification;
> (B) to submit, if necessary, to a medical and psychiatric examination at the expense of the United States Government;
> (C) to give information under oath about the alien's nationality, circumstances, habits, associations, and activities, and other information the Attorney General considers appropriate; and
> (D) to obey reasonable written restrictions on the alien's conduct or activities that the Attorney General prescribes for the alien.

§ 1231(a)(3).

31. The removal period may be extended beyond 90 days and the noncitizen may remain detained if the noncitizen frustrates his or her removal. § 1231(a)(1)(C).

32. Alternatively, the noncitizen may be detained beyond the 90 days if he or she is inadmissible under § 1182 or removable under various sections of § 1227, or determined to be a risk to the community or unlikely to comply with the order of removal. § 1231(a)(6); 8 C.F.R. § 241.4(a).

33. Under 8 U.S.C. § 1226, a noncitizen "may be arrested and detained pending a decision on whether the [noncitizen] is to be removed from the United States." § 1226(a). Certain noncitizens may be subject to mandatory custody as a result of convictions for

certain criminal offenses, including those deemed aggravated felonies. § 1226(c). Section 1226 "governs the detention of [noncitizens] until § 1231's 'removal period' begins." *Johnson v. Guzman Chavez*, 141 S. Ct. 2271, 2284 (2021). Thus, § 1231 begins to govern once a noncitizen "is 'ordered removed,' and the removal order becomes 'administratively final.'" *Id.*

34. Courts have found that the agency's failure to follow its own regulations and failure to exercise discretion is enforceable against the agency. *See INS v. St. Cyr*, 533 U.S. 289, 307 (2001) (allowing a habeas court to hear challenges to failure to exercise discretion); *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954). "In response to Zadvydas, the regulations governing post-removal-order detention were amended to comply with the Constitutional concerns illuminated in Zadvydas. The amended regulations, 8 C.F.R. §§ 241.13 and 241.4, reflect the concerns of the Zadvydas Court and provide necessary procedural safeguards to ensure the detention of an alien beyond the removal period comports with due process requirements. Because these regulations confer important rights upon aliens ordered removed, DHS is bound by these regulations." *Bonitto v. Bureau of Immigration & Customs Enforcement*, 547 F. Supp. 2d 747, 757 (S.D. Tex. 2008); *see also D'Alessandro v. Mukasey*, 628 F. Supp. 2d 368, 394 (W.D.N.Y. 2009) (quoting *Bonitto*). "The regulations involved here do not merely facilitate internal agency housekeeping, but rather afford important and imperative procedural safeguards to detainees." *Bonitto*, 547 F. Supp. 2d at 756 (citing *United States v. Caceres*, 440 U.S. 741, 759, 760 (1979)). "While ICE does have significant discretion to detain, release, or revoke aliens, the agency still must follow its own regulations, procedures, and

prior written commitments in the Release Notification." *Rombot v. Souza*, 296 F. Supp. 3d 383, 388–89 (D. Mass. 2017).

35. The Supreme Court has held that it is presumptively reasonable for the government to detain a noncitizen with a final order of removal for six months or less. *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). "After this 6-month period, once the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing." *Id.* "[T]he habeas court must ask whether the detention in question exceeds a period reasonably necessary to secure removal. It should measure reasonableness primarily in terms of the statute's basic purpose, namely assuring the alien's presence at the moment of removal. Thus, if removal is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized by statute." *Id.* at 699–700.

36. Following *Zadvydas*, Courts have determined that if a Petitioner can prove that removal is not reasonably foreseeable – even within the six-month detention period – they can overcome the presumption of validity for the detention. *See Cruz Medina v. Noem*, 794 F. Supp. 3d 365, 375 (D. Md. 2025); *Cruz v. English* No. 3:25-cv-919-CCB-SJF (N.D. Ind. Dec. 18, 2025).

37. Multiple Courts – including this Court – have determined that absent clear evidence of the termination of deferred action, immediate release is appropriate because Respondents cannot remove non-citizens who are the beneficiaries of deferred action. *See Victor G. v. Lyons*, No. 26-cv-119 (ECT/SGE) (D. Minn Jan. 17, 2026) (2026 LX 86558) *citing M.M. v. Shea*, No. 25-cv-2830 (LMP/ECW) (D. Minn. Aug. 1, 2025), ECF No. 24

at 2-5; *Cruz v. English* No. 3:25-cv-919-CCB-SJF (N.D. Ind. Dec. 18, 2025), 2025 U.S. Dist. LEXIS 261680; *Jurado v. Freden*, No. 25-cv-943-LJV (W. D. NY Dec. 19, 2025), 2025 U.S. Dist. LEXIS 262846.

38. In granting Petitioner deferred action, Respondents – in full possession of Petitioner's personal, immigration, and criminal history – have determined that they will not deport him. *See Espinoza-Sorto v. Agudeldo*, No. 1:25-cv-23201-GAYLES, 2025 U.S. Dist. LEXIS 212217 (S.D. Fla. Oct. 28, 2025); *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 484, 119 S. Ct. 936 (1999).

39. The Due Process Clause of the Fifth Amendment requires that "[n]o person shall . . . be deprived of liberty . . . without due process of law." "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects." *Zadvydas*, 533 at 690 (citing *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)). In the context of immigration detention, at a minimum, detention must "bear[] a reasonable relation to the purpose for which the individual [was] committed." *Id.* (citing *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). If "detention's goal is no longer practically attainable," detention becomes unreasonable and therefore violates the Fifth Amendment right to due process. *Id.*

40. The Fifth Amendment Due Process Clause also requires that Respondents follow procedures that are adequate to establish that detention is both statutorily and constitutionally valid. *See Cooper v. Oklahoma*, 517 U.S. 348, 363 (1996) ("due process places a heightened burden of proof on the State in civil proceedings in which the

individual interests at stake . . . are both particularly important and more substantial than mere loss of money.").

41. Under the canon of constitutional avoidance, no immigration detention statute should be construed in a way that would violate the Constitution where it is "fairly possible" to avoid doing so. *Zadvydas*, 533 U.S. at 689.

42. In *Zadvydas*, the Supreme Court held that, while the statute provides for a removal period of 90 days, post-order detention up to 180 days was presumptively reasonable. *Id.* at 701. After six months, the burden is on the government to rebut a showing by the noncitizen "that there is no significant likelihood of his removal in the reasonably foreseeable future." *Id.* "[W]hat constitutes the 'reasonably foreseeable future' shrinks as the total period of postremoval confinement grows." *Moallin v. Cangemi*, 427 F. Supp. 2d 908, 915 (D. Minn. 2006).

CLAIMS FOR RELIEF

COUNT I

VIOLATION OF 8 U.S.C. § 1231 – PROLONGED DETENTION

43. Petitioner re-alleges and incorporates by reference the paragraphs above.

44. Respondents are legally prohibited from removing Petitioner while he remains a beneficiary of deferred action with employment authorization through February 26, 2029.

45. Therefore, 8 U.S.C. § 1231 does not authorize detention of Petitioner as removal is no longer likely to occur in the reasonably foreseeable future.

COUNT II

VIOLATION OF FIFTH AMENDMENT

46. Petitioner re-alleges and incorporates by reference the paragraphs above.

47. The Fifth Amendment Due Process Clause protects against arbitrary and indefinite detention by the executive branch. *Zadvydas*, 533 U.S. at 699.

48. Due process requires that detention be reasonably related to its purpose and accompanied by adequate procedures to ensure that detention is serving its legitimate goals. *See Zadvydas*, 533 U.S. at 690-91. As removal is not reasonably foreseeable for Petitioner, his detention is arbitrary and unreasonable, and therefore in violation of the Fifth Amendment's guarantee of Due Process.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

(1) Assume jurisdiction over this matter;

(2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;

(3) Issue an order restraining Respondents from attempting to move Petitioner from Minnesota during the pendency of this Petition;

(4) Issue an order requiring Respondents to provide 72-hour notice of any intended movement of Petitioner;

(5) Assume jurisdiction over this matter;

(6) Expedite consideration of this action pursuant to 28 U.S.C. § 1657 because it is an action brought under chapter 153 (habeas corpus) of Title 28;

(7) Grant Petitioner a writ of habeas corpus directing the Respondents to immediately release Petitioner from custody and, if necessary, transport Petitioner back to the Bishop Henry Whipple Federal Building in Fort Snelling, MN;

(8) At the time of release at Fort Snelling, MN, return any and all property taken from Petitioner during the course of the unlawful detention;

(9) In the alternative to immediate release, should the Court determine that Petitioner is being held under 1226(c), order Respondents to conduct a bond hearing at which the Government bears the burden by clear and convincing evidence that Petitioner would be a danger to the community and a flight risk if released;

(10) Award reasonable attorney fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A) upon submission of such application; and

(11) Grant any and all further relief this Court deems just and proper.

Respectfully submitted,

/s/ Alexis Dutt

Dated: February 1, 2026

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

I represent Petitioner, Charnjit Singh, and submit this verification on Petitioner's 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: February 1, 2026

/s/ Alexis Dutt

Counsel for Petitioner