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

RAMANJOT SINGH

Petitioner,

v.

JEREMY CASEY, Warden of the Imperial
Regional Detention Center; TODD LYONS,
Acting Director of Immigration and Customs
Enforcement; KRISTI NOEM, Secretary of the
U.S. Department of Homeland Security; PAMELA
BONDI, Attorney General of the United States

Respondents.

Civil Action No. '26CV0647 BAS SBC

**VERIFIED PETITION FOR
HABEAS CORPUS**

INTRODUCTION

1. Petitioner, Petitioner Singh is being unlawfully detained by Respondents and deprived of bond eligibility. Petitioner was born in India and entered the United States on October 15, 2011, without inspection. He was briefly detained by the Department of Homeland Security (“DHS”) pursuant to Form I-200 (Warrant for Arrest of Alien) and was subsequently released on a \$20,000 bond. On the same day, DHS served Petitioner with a Notice to Appear (“NTA”) charging him solely with inadmissibility under INA § 212(a)(6)(A)(i).

2. After his release, Petitioner complied fully with all conditions imposed by DHS, including check-ins with Immigration and Customs Enforcement (“ICE”) and any required supervision. Petitioner has maintained stable employment and has remained in the community without incident.

1 Petitioner also has some criminal history, but ICE has never alleged any supervision violation or threat
2 to public safety.

3 3. Despite Petitioner's full compliance, on November 1, 2026, ICE arrested Petitioner
4 while he was lawfully working as a commercial truck driver. Petitioner was stopped at an inspection
5 point for his trailer and detained without cause. ICE took Petitioner into custody without prior notice,
6 without any alleged violation, and without any change in circumstances that would justify detention.
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8 4. Petitioner is currently detained under a contested detention authority. Respondents
9 assert that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b). Petitioner contends
10 he is properly detained, if at all, under 8 U.S.C. § 1226(a) and is therefore entitled to a bond hearing
11 before an Immigration Judge.
12

13 5. On July 8, 2025, DHS issued an interim policy asserting that individuals like
14 Petitioner—who entered without inspection and are in pre-final order removal proceedings—are
15 subject to mandatory detention under § 1225(b). On September 5, 2025, the Board of Immigration
16 Appeals issued Matter of Yajure Hurtado, which adopted DHS's position.
17

18 6. DHS's reclassification of Petitioner's detention authority is inconsistent with the INA
19 and violates due process. The majority of district courts to address this issue have rejected DHS's
20 position and held that individuals like Petitioner remain detained under § 1226(a), making them eligible
21 for bond.
22

23 7. Because Petitioner is detained under § 1226(a), continued detention without access to a
24 bond hearing is unlawful. For these reasons, the Court should grant habeas relief and order Petitioner's
25 release on bond.
26

26 **JURISDICTION**

27 8. This action arises under the Constitution of the United States and the INA, 8 U.S.C.
28

1 § 1101 *et seq.*

2 9. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28
3 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension
4 Clause).

5 10. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*,
6 the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.
7

8 **VENUE**

9 11. Venue is proper because Petitioner is detained in California City Correctional Facility,
10 which is within the jurisdiction of this District. Venue is also proper in this District because
11 Respondents are officers, employees, or agencies of the United States. *See* 28 U.S.C. § 1391(e).
12

13 **PARTIES**

14 12. Respondent Jeremy Casey is sued in his official capacity as Warden of the Imperial
15 Regional Detention Center. Respondent Casey is the physical custodian of Petitioner.
16

17 13. Respondent Todd Lyons is sued in his official capacity as the Acting Director of U.S.
18 Immigration and Customs Enforcement. Respondent Lyons is a legal custodian of Petitioner and has
19 authority to release him.

20 14. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S.
21 Department of Homeland Security. In this capacity, Respondent Noem is responsible for the
22 implementation and enforcement of the INA, and oversees ICE, the component agency responsible for
23 Petitioner's detention and custody. Respondent Noem is a legal custodian of Petitioner.
24

25 15. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the
26 United States and the senior official of the U.S. Department of Justice. In that capacity, she has the
27 authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review
28

1 (“EOIR”), which administers the immigration courts and the BIA. Respondent Bondi is a legal
2 custodian of Petitioner.

3 **STATEMENT OF FACTS**

4 16. Petitioner Singh was born in India and entered the United States on October 15, 2011, without
5 inspection. Upon entry, Petitioner was briefly detained by DHS pursuant to Form I-200, then released on a
6 \$20,000 bond.

7
8 17. On October 15, 2011, DHS served Petitioner with a Notice to Appear (“NTA”), charging
9 him only under INA § 212(a)(6)(A)(i) as an alien present without admission or parole.

10 18. Following his release, Petitioner complied with all conditions imposed by DHS,
11 including routine reporting and any other supervisory requirements. Petitioner lived openly and
12 maintained stable employment in the community.

13
14 19. Petitioner has some criminal history, but DHS has never alleged any supervision
15 violations or dangerousness. At no time did ICE issue any warnings, violations, or custody alerts
16 indicating that Petitioner was at risk of detention.

17
18 20. On July 8, 2025, DHS issued interim guidance asserting that individuals like Petitioner
19 are subject to mandatory detention under 8 U.S.C. § 1225(b). On September 5, 2025, the BIA issued
20 Matter of Yajure Hurtado, supporting DHS’s position.

21 21. Despite years of compliance and without any prior notice or changed circumstances,
22 ICE re-detained Petitioner on November 1, 2026. Petitioner was stopped at an inspection point while
23 driving his commercial truck for work and detained without any cause.

24
25 22. Petitioner’s detention is not based on any new evidence or violation, but rather on DHS’s
26 categorical policy position that individuals like Petitioner must be detained under § 1225(b).

27
28 23. Petitioner has been deprived of a bond hearing and remains detained despite being
eligible for release under controlling federal law. The continued detention violates the INA and

Petitioner's due process rights.

STATUTORY FRAMEWORK

24. The INA prescribes three basic forms of detention for noncitizens in removal proceedings. First, 8 U.S.C. § 1226(a) authorizes the detention of noncitizens in standard non-expedited removal proceedings before an IJ. *See* 8 U.S.C. § 1226(a); 8 U.S.C. § 1229a. Individuals in section 1226(a) detention are entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

25. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under 8 U.S.C. § 1225(b)(2).

26. Finally, the INA also provides for detention of noncitizens who are subject to final orders of removal, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b). The detention provisions at section 1226(a) and 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (“IIRIRA”) of 1996, Pub. L. No. 104-208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Section 1226(c) was most recently amended earlier this year by the Laken Riley Act (“LRA”), Pub. L. No. 119-1, 139 Stat. 3 (2025).

27. Following enactment of the IIRIRA, the EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under section 1225 and that they were instead detained under section 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997). In the decades that followed, most noncitizens

1 who entered without inspection—unless they were subject to some other detention authority—received
2 bond hearings. This practice was also consistent with the practice prior to the enactment of the IIRIRA,
3 in which noncitizens who were not deemed “arriving” were entitled to a custody hearing before an IJ
4 or other hearing officer. See 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229
5 (1996) (noting that section 1226(a) simply “restates” the detention authority previously found at section
6 1252(a)).
7

8 28. On July 8, 2025, DHS issued a memo to all employees of ICE stating that “[t]his
9 message serves as notice that DHS, in coordination with the Department of Justice (DOJ), has revisited
10 its legal position on detention and release authorities. DHS has determined that section 235 of the
11 Immigration and Nationality Act (INA) [8 U.S.C. § 1225], rather than section 236 [8 U.S.C. § 1226],
12 is the applicable immigration detention authority for all applicants for admission. The following interim
13 guidance is intended to ensure immediate and consistent application of the Department’s legal
14 interpretation while additional operational guidance is developed.” The memo further stated DHS’ new
15 position with regard to custody determinations as follows:
16

17
18 An “applicant for admission” is an alien present in the United States who has not been admitted
19 or who arrives in the United States, whether or not at a designated port of arrival. INA §
20 235(a)(1) [8 U.S.C. § 1225(a)(1)]. **Effective immediately, it is the position of DHS that such**
21 **aliens are subject to detention under INA § 235(b) [8 U.S.C. § 1225(b)] and may not be**
22 **released from ICE custody except by INA § 212(d)(5) parole.** These aliens are also ineligible
23 for a custody redetermination hearing (“bond hearing”) before an immigration judge and may
24 not be released for the duration of their removal proceedings absent a parole by DHS. For
25 custody purposes, these aliens are now treated in the same manner that “arriving aliens” have
26 historically been treated. **The only aliens eligible for a custody determination and release**
27 **on recognizance, bond, or other conditions under INA § 236(a) [8 U.S.C. § 1226(a)] during**
28 **removal proceedings are aliens admitted to the United States and chargeable with**
deportability under INA § 237, with the exception of those subject to mandatory detention
under INA § 236(c) [8 U.S.C. § 1226(c)].

Moving forward, ICE will not issue Form I-286, Notice of Custody Determination, to applicants
for admission because Form I-286 applies by its terms only to custody determinations under
INA § 236 and part 236 of Title 8 of the Code of Federal Regulations. With a limited exception
for certain habeas petitioners, on which the Office of the Principal Legal Advisor (OPLA) will

1 individually advise, if Enforcement and Removal Operations (ERO) previously conducted a
2 custody determination for an applicant for admission still detained in ICE custody, ERO will
affirmatively cancel the Form I-286.

3 See [https://www.aila.org/ice-memo-interim-guidance-regarding-detention-authority-for-](https://www.aila.org/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission)
4 [applications-for-admission](https://www.aila.org/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission) (last accessed October 18, 2025) (emphasis original).

5 29. As a result, DHS now considers all noncitizens who have entered the United States
6 without inspection and are subject to the grounds of inadmissibility, including long-time U.S. residents,
7 to be subject to mandatory detention under section 1225(b) and ineligible for release on bond.
8 Conversely, according to DHS “[t]he only aliens eligible for a custody determination and release on
9 recognizance, bond, or other conditions under INA § 236(a) [8 U.S.C. § 1226(a)] during removal
10 proceedings are aliens admitted to the United States and chargeable with deportability under INA §
11 237, with the exception of those subject to mandatory detention under INA § 236(c) [8 U.S.C. §
12 1226(c)].” *Id.*

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14 30. On September 5, 2025, the BIA issued a decision in *Matter of Yajure Hurtado*, 29 I&N
15 Dec. 216 (BIA 2025) holding that, based on the plain language of section 1225(b)(2)(A), IJs lack
16 authority to hear bond requests or to grant bond to aliens who are present in the United States without
17 admission.
18

19 31. Subsequent federal court authority has rejected DHS’s interpretation and confirmed that
20 individuals in Petitioner’s position remain eligible for bond under § 1226(a). In *Bautista–Maldonado*
21 *v. DHS*, the district court held that DHS may not reclassify noncitizens who are already placed in
22 removal proceedings and detained pre-final order as subject to mandatory detention under § 1225(b).
23 The court concluded that such detention contravenes the statutory scheme and unlawfully deprives
24 noncitizens of their right to a bond hearing. Under *Bautista–Maldonado*, noncitizens like Petitioner—
25 who are in removal proceedings and lack a final order of removal—are properly detained, if at all,
26 pursuant to § 1226(a) and must be afforded an individualized bond hearing before an IJ. Accordingly,
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28

1 Petitioner's continued detention without access to bond violates the INA and the Due Process Clause,
2 and Petitioner is statutorily and constitutionally eligible for release on bond pending the resolution of
3 his removal proceedings.

4 **CLAIMS FOR RELIEF**

5 **COUNT ONE**

6 **Violation of Fifth Amendment Right to Substantive Due Process**

7
8 32. The allegations in the above paragraphs are realleged and incorporated herein.

9 33. Petitioner is challenging DHS' unlawful custody determination that Petitioner is subject
10 to detention under 8 U.S.C. § 1225(b) and is ineligible for bond and his continued detention under the
11 automatic stay provision at 8 C.F.R. § 1003.19(i)(2), which violates Petitioner's right to substantive
12 due process of law afforded him through the Fifth Amendment to the United States Constitution.

13
14 34. The Fifth Amendment provides in pertinent part: "No person shall be . . . deprived of
15 life, liberty, or property, without due process of law[.]" U.S. Const. amend. V. "Freedom from
16 imprisonment—from government custody, detention, or other forms of physical restraint—lies at the
17 heart of the liberty that Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

18
19 35. Petitioner is clearly detained pursuant to 8 U.S.C. § 1226(a) and is eligible for release
20 on bond. Petitioner is not subject to mandatory detention under 8 U.S.C. § 1225(b). Respondents have
21 violated Petitioner's due process rights under the Fifth Amendment by detaining him without the
22 possibility of release on bond.

23
24 36. As a remedy, the Court should order him released from detention, or alternatively direct
25 that an IJ hold a constitutionally adequate bond hearing.

26 **COUNT TWO**

27 **Violation of Petitioner's Procedural Due Process Rights**

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

2 38. In *Mathews v. Eldridge*, the U.S. Supreme Court set forth the factors to consider in
3 determining if government action deprives an individual's Fifth Amendment right to procedural due
4 process or whether the government process is constitutionally adequate. 424 U.S. 319 (1976) The
5 *Mathews* factors are as follows: First, the private interest that will be affected by the official action;
6 [S]econd, the risk of an erroneous deprivation of such interest through the procedures used, and the
7 probable value, if any, of additional or substitute procedural safeguards; [Third], the Government's
8 interest, including the function involved and the fiscal and administrative burdens that the additional
9 or substitute procedural requirement would entail. *Id.* at 335.

10
11 39. As to the private interest factor, it is the "most elemental of liberty interests." *Hamdi v.*
12 *Rumsfeld*, 542 U.S. 507, 529 (2004). Petitioner has perhaps the most acute private interest known to
13 personkind short of life itself: bodily freedom.

14
15 40. With respect to the second factor, erroneous deprivation of Petitioner's liberty is at risk.
16 Petitioner is not subject to detention under 8 U.S.C. § 1225(b) as DHS claims. As to the third factor,
17 there is no significant governmental interest in continuing to hold Petitioner in custody, particularly
18 because an IJ has already found that Petitioner has satisfied his burden that he is not a danger to the
19 community or risk of flight when it released him on ROR, and he has no criminal history or violations
20 of the conditions of his release.
21

22 **COUNT THREE**

23 **Violation of the Immigration and Nationality Act**

24
25 41. The allegations in the above paragraphs are realleged and incorporated herein.

26 42. Application of 8 U.S.C. § 1225(b) to Petitioner is a violation of the INA because he is
27 instead subject to discretionary detention under 8 U.S.C. § 1226(a). This deprives noncitizens like
28

1 Petitioner of the right to a bond hearing that they are statutorily eligible for and eliminates the authority
2 of the IJ to determine who can be released on bond.

3 **PRAYER FOR RELIEF**

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

- 5 1. Assume jurisdiction over this matter;
- 6 2. Enjoin Respondents from transferring Petitioner during the pendency of the instant action;
- 7 3. Declare that Petitioner’s continued detention violates the Immigration and Nationality Act,
8 8 U.S.C. § 1226(a); and/or the Fifth Amendment to the U.S. Constitution;
- 9 4. Order Petitioner released from detention;
- 10 5. Grant Equal Access to Justice Act (“EAJA”) fees and costs; and
- 11 6. Grant any other further relief this Court deems just and proper.

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14 Respectfully,

15
16 /s/GURPREET KAUR

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

I represent Petitioner, and I submit this verification on his behalf. Because Petitioner is detained at the California City Correctional Facility and immediate relief is sought, counsel verifies this petition on his behalf pursuant to 28 U.S.C. § 2242. 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 2nd day of February, 2026.

/s/GURPREET KAUR
Gurpreet Kaur, Esq.