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9  
10 **IN THE UNITED STATES DISTRICT COURT**  
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 RAMANJOT SINGH  
13  
14 Petitioner,  
15 v.  
16 JEREMY CASEY, Warden of the Imperial  
17 Regional Detention Center; TODD LYONS,  
18 Acting Director of Immigration and Customs  
19 Enforcement; KRISTI NOEM, Secretary of the  
20 U.S. Department of Homeland Security; PAMELA  
21 BONDI, Attorney General of the United States  
22 Respondents.

Civil Action No.

**MOTION FOR TEMPORARY  
RESTRAINING ORDER**

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25  
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27  
28 **MOTION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE  
PRELIMINARY INJUNCTION**

**I. INTRODUCTION**

1  
2 Petitioner Mr. Singh seeks an emergency Temporary Restraining Order (“TRO”) to halt his  
3 ongoing unlawful detention and prevent irreparable constitutional harm. Petitioner is a native and citizen  
4 of India who entered the United States on October 15, 2011, without inspection. After brief initial  
5 detention pursuant to a Form I-200, the Department of Homeland Security (“DHS”) released Petitioner  
6 on a \$20,000 bond. On the same date, DHS served Petitioner with a Notice to Appear (“NTA”),  
7 charging him solely under INA § 212(a)(6)(A)(i).  
8

9 Petitioner has maintained a long-term presence in the United States for over a decade, living  
10 openly in the community, working, paying taxes, and complying with immigration requirements.  
11 Petitioner has some criminal history, but ICE has never alleged any violation of his release conditions or  
12 any risk to public safety.  
13

14 Despite years of compliance and stable community integration, ICE abruptly re-detained  
15 Petitioner on November 1, 2026, while he was lawfully performing his employment duties as a  
16 commercial truck driver. He was stopped at an inspection point for his trailer and taken into custody  
17 without cause, without prior notice, and without any changed circumstances or individualized  
18 determination.  
19

20 ICE’s detention is based solely on DHS’s July 8, 2025 Interim Guidance and the BIA’s decision  
21 in Matter of Yajure Hurtado, asserting that noncitizens like Petitioner are subject to mandatory detention  
22 under 8 U.S.C. § 1225(b) and are categorically ineligible for bond.  
23

24 As set forth in the Verified Petition and Memorandum of Law, DHS’s position contravenes the  
25 Immigration and Nationality Act and the Fifth Amendment. Federal courts nationwide—including  
26 within this Circuit—have overwhelmingly held that noncitizens in pre-final order removal proceedings  
27  
28

1 who have been released into the interior are detained, if at all, under 8 U.S.C. § 1226(a) and are entitled  
2 to individualized bond hearings.

3 Petitioner’s long-term residence and compliance in the United States—spanning more than 15  
4 years—make the constitutional harm particularly acute. Absent immediate injunctive relief, Petitioner  
5 will continue to suffer irreparable loss of liberty and faces the risk of transfer outside this District, which  
6 would frustrate this Court’s jurisdiction and impair meaningful judicial review. Emergency relief is  
7 therefore necessary to preserve the status quo and prevent ongoing constitutional injury.  
8

9 **II. FACTS**

- 10 1. Petitioner Singh is a native and citizen of India. He entered the United States on October 15,  
11 2011, without inspection and was briefly detained by the Department of Homeland Security  
12 (“DHS”) pursuant to a Form I-200, Warrant for Arrest of Alien.  
13
- 14 2. DHS released Petitioner on a \$20,000 bond, placing him into removal proceedings and  
15 subjecting him to supervision conditions, including regular reporting to Immigration and  
16 Customs Enforcement (“ICE”).  
17
- 18 3. On October 15, 2011, DHS served Petitioner with a Notice to Appear (“NTA”), charging him  
19 solely under INA § 212(a)(6)(A)(i). Petitioner has no additional charges and remains in pre-  
20 final order removal proceedings.  
21
- 22 4. Petitioner has maintained a long-term presence in the United States for over 15 years, living  
23 openly in the community and contributing to society through lawful employment. Petitioner  
24 has complied with all DHS and ICE requirements and has continuously reported as directed.  
25
- 26 5. During this entire period, ICE never alleged any violation of supervision, never issued any  
27 warning or notice of noncompliance, and never suggested that Petitioner posed a flight risk  
28 or danger to the community.

- 1 6. Petitioner has some criminal history, but ICE has never alleged that he poses a danger to the  
2 community or that his prior criminal history justifies detention. ICE has never identified any  
3 changed circumstances or new information that would justify re-detention.
- 4 7. On July 8, 2025, DHS issued an interim policy asserting that individuals like Petitioner are  
5 subject to mandatory detention under 8 U.S.C. § 1225(b). On September 5, 2025, the Board  
6 of Immigration Appeals issued Matter of Yajure Hurtado, supporting DHS's position.
- 7 8. Despite Petitioner's long-term compliance and stable community presence, ICE re-detained  
8 Petitioner on November 1, 2026, while he was lawfully working as a commercial truck driver  
9 and was stopped at an inspection point for his trailer.
- 10 9. At the time of re-detention, Petitioner had not violated any condition of release, had not  
11 missed any appointment, and had not engaged in any unlawful conduct. ICE provided no  
12 prior notice, no explanation, and no individualized custody determination before depriving  
13 Petitioner of his liberty.
- 14 10. ICE's re-detention of Petitioner was based solely on DHS's categorical legal position that  
15 Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b) rather than  
16 discretionary detention under § 1226(a).
- 17 11. Petitioner remains detained without access to an individualized bond hearing,  
18 notwithstanding his long-term compliance and the absence of any legitimate governmental  
19 interest in his continued detention.

### 20 **III. LEGAL STANDARD**

21 The standards governing a TRO and a preliminary injunction are "substantially identical."

22 *Stuhlbarg Int'l Sales Co. v. John D. Bush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001).

1 A TRO may issue where the movant demonstrates: A likelihood of success on the merits, a  
2 likelihood of irreparable harm absent relief, that the balance of equities tips in his favor, and that an  
3 injunction is in the public interest. *Winter v. NRDC*, 555 U.S. 7, 20 (2008).

4 Alternatively, a TRO may issue where serious questions go to the merits and the balance of  
5 hardships tips sharply in the movant's favor. *Friends of the Wild Swan v. Weber*, 767 F.3d 936, 942 (9th  
6 Cir. 2014).

### 8 **III. ARGUMENT**

#### 9 **A. Petitioner Is Likely to Succeed on the Merits**

##### 10 **1. Petitioner Is Detained Under § 1226(a), Not § 1225(b)**

11 Petitioner is likely to succeed on the merits because Respondents' detention determination is  
12 unauthorized by the Immigration and Nationality Act and inconsistent with decades of settled practice.  
13 Petitioner entered the United States on October 15, 2011, without inspection, was briefly detained  
14 pursuant to a Form I-200, and thereafter released on bond. DHS then permitted Petitioner to remain at  
15 liberty in the interior of the United States—subject to ATD monitoring and regular ICE reporting—for  
16 over 15 years. Petitioner has remained in pre-final-order removal proceedings throughout that time.  
17

18 For decades, DHS and EOIR consistently treated noncitizens in Petitioner's posture—long-term  
19 interior residents who were released from initial custody and placed in standard removal proceedings—  
20 as subject to discretionary detention under 8 U.S.C. § 1226(a), not mandatory detention under § 1225(b).  
21 Section 1226(a) expressly governs detention “pending a decision on whether the alien is to be removed,”  
22 and it vests Immigration Judges with authority to conduct individualized custody determinations,  
23 including bond hearings. That framework governed Petitioner's custody for years, as evidenced by  
24 DHS's repeated decisions to release him, supervise him in the community, and permit him to remain at  
25 liberty without incident.  
26  
27  
28

1 DHS's July 8, 2025 Interim Guidance abruptly reversed that settled interpretation by asserting—  
2 contrary to statutory structure and historical practice—that all noncitizens who entered without  
3 inspection are “applicants for admission” subject to mandatory detention under § 1225(b), regardless of  
4 how long they have lived in the United States, whether they were previously released, or whether they  
5 complied with all supervision conditions. That categorical position unlawfully collapses the distinction  
6 Congress drew between § 1225 (governing initial admission and recent arrivals) and § 1226 (governing  
7 detention during standard removal proceedings in the interior).  
8

9 District courts nationwide—including courts within California—have rejected DHS's  
10 interpretation as inconsistent with the statutory text, the structure of §§ 1225 and 1226, congressional  
11 intent, and fundamental due process principles. Those courts have recognized that DHS may not  
12 retroactively convert years of lawful liberty under § 1226(a) into mandatory detention under § 1225(b)  
13 based solely on a policy change, particularly where the noncitizen has demonstrated long-term  
14 compliance and ties to the community.  
15

16 Here, DHS's own conduct confirms that § 1226(a) governs. DHS released Petitioner on bond,  
17 placed him on ATD, required regular reporting, and allowed him to remain at liberty for over 15 years  
18 without alleging danger, flight risk, or noncompliance. ICE's decision to re-detain Petitioner on January  
19 21, 2026—during a routine ICE appointment, without any alleged violation or changed circumstance—  
20 was not based on individualized facts, but solely on a categorical policy interpretation that strips  
21 Immigration Judges of bond authority. Because that interpretation is unlawful, Petitioner is likely to  
22 succeed on the merits of his statutory and constitutional claims.  
23  
24

25 **B. Petitioner Is Suffering Irreparable Harm**

26 Loss of physical liberty constitutes irreparable harm as a matter of law. *Melendres v. Arpaio*, 695  
27 F.3d 990, 1002 (9th Cir. 2012).  
28

1 The conditions of Petitioner’s release required him to comply with all terms and conditions  
2 imposed by DHS, which Petitioner fully and faithfully satisfied. Petitioner remained in full compliance  
3 for more than 15 years, reporting as required, committing no violations, and posing no danger or flight  
4 risk. At no point during this period did DHS allege noncompliance or changed circumstances. ICE  
5 detained Petitioner without notice, without changed circumstances, and without any lawful justification,  
6 and thereafter failed to provide any valid reason for his detention.  
7

8 This arbitrary re-detention—after years of compliance—constitutes an unlawful deprivation of  
9 liberty and establishes irreparable harm as a matter of law. See *Melendres*, 695 F.3d at 1002 (deprivation  
10 of constitutional rights “unquestionably constitutes irreparable injury”). Each additional day of detention  
11 inflicts ongoing constitutional injury that cannot be remedied by monetary damages, forces Petitioner to  
12 litigate his immigration case from confinement, separates him from his family and employment, and  
13 exposes him to the risk of transfer outside this District, thereby threatening this Court’s jurisdiction.  
14

15 Accordingly, immediate injunctive relief under Federal Rule of Civil Procedure 65 is warranted  
16 to prevent further irreparable harm.  
17

18 **C. The Balance of Equities and Public Interest Favor Relief**

19 The balance of equities weighs sharply in Petitioner’s favor. DHS previously determined  
20 Petitioner posed no danger or flight risk when it released him on bond. Respondents cannot credibly  
21 claim harm from either: Releasing Petitioner under conditions, or providing a constitutionally adequate  
22 bond hearing.  
23

24 Petitioner has demonstrated a clear likelihood of success on the merits and ongoing irreparable  
25 deprivation of physical liberty, immediate injunctive relief is warranted. Under Federal Rule of Civil  
26 Procedure 65(c), the Court may issue injunctive relief without requiring a bond where, as here, the  
27 injunction serves to halt unconstitutional government action and the enjoined party faces no cognizable  
28

1 monetary harm. Continued detention is unlawful, Respondents suffer no financial injury from  
2 compliance with federal law, and any bond requirement would be inappropriate. Accordingly, the Court  
3 should order Petitioner's immediate release, or alternatively immediate bond eligibility under 8 U.S.C. §  
4 1226(a), without security.

5 The public interest is served by ensuring that federal agencies comply with the Constitution and  
6 the INA. Because the injunction sought would merely halt unconstitutional government action and  
7 restore the status quo ante, Rule 65(c) permits waiver of any bond requirement, as Respondents face no  
8 cognizable monetary harm from compliance with the Constitution and the INA.  
9

#### 10 **IV. REQUESTED RELIEF**

11 Petitioner respectfully requests that the Court:

- 12 1. Issue a Temporary Restraining Order Prohibiting Respondents from transferring Petitioner  
13 outside the Eastern District of California during the pendency of this action;
- 14 2. Order Petitioner's immediate release, or in the alternative,
- 15 3. Order Respondents to provide an individualized bond hearing before an Immigration Judge  
16 within a fixed time period, with the burden on DHS; and
- 17 4. Set an Order to Show Cause re preliminary injunction.  
18

#### 19 **V. CONCLUSION**

20 Respondents' continued detention of Petitioner without bond violates the INA, the Fifth  
21 Amendment, and binding federal court authority. Immediate injunctive relief is necessary to prevent  
22 further irreparable harm and to preserve this Court's jurisdiction.  
23

24 Respectfully,

25 /s/ GURPREET KAUR  
26 Gurpreet Kaur, Esq.  
27

28 Dated this 2<sup>nd</sup> day of February, 2026.