

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

GURPREET SINGH 
Petitioner,

v.

WARDEN of Clinton County Correctional Facility,
in his/her official capacity;
KRISTI NOEM, Secretary, U.S. Department
of Homeland Security, in her official capacity;
TODD M. LYONS, Acting Director of U.S.
Immigration and Customs Enforcement,
in his official capacity;
ACTING FIELD OFFICE DIRECTOR of the
Philadelphia Field Office;
PAMELA BONDI, U.S. Attorney General, in her
official capacity;

Respondents.

Case No.: 1:26-CV-00246

**PETITION FOR WRIT OF
HABEAS CORPUS
(28 U.S.C. § 2241)**

PETITION FOR WRIT OF HABEAS CORPUS (28 U.S.C. § 2241)

I. PRELIMINARY STATEMENT

1. This petition challenges the lawfulness of Petitioner's detention. Petitioner was arrested from the interior of the United States while in removal proceedings, with a pending asylum application, no criminal history, no failure to appear, and full compliance with the government's reporting requirements. He was detained without any individualized determination that detention was necessary.
2. Petitioner does not challenge removability, the validity of the Notice to Appear ("NTA"), the merits of any application for relief, or any decision of the Immigration Court. He challenges only the unlawful nature of his detention and the government's authority to detain him under § 1225(b)(2).

II. QUESTIONS PRESENTED

- Whether the government may lawfully detain Petitioner, a noncitizen arrested from the interior of the United States while in removal proceedings, absent any individualized determination justifying civil detention.
- If any detention is authorized, whether Petitioner's custody is governed by 8 U.S.C. § 1225(b)(2) or by the discretionary detention framework of 8 U.S.C. § 1226(a).

III. JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 2241 and 28 U.S.C. § 1331 because Petitioner is in federal custody and challenges the legality of that detention.
6. This Court has personal jurisdiction over Defendants because they exercise legal and physical custody over Petitioner within the Middle District of Pennsylvania.
7. Under 28 U.S.C. § 2241 and § 1391(b), (e), venue is proper in this District because Petitioner is detained at Clinton County Correctional Facility in Pennsylvania, and the Warden, his immediate custodian, is located within this District.

IV. HABEAS CORPUS LEGAL STANDARD

8. The Constitution guarantees that the writ of habeas corpus is “available to every individual detained within the United States.” *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004).
9. Section 2241 of Title 28 confers the federal courts with the power to issue writs of habeas corpus to persons “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241. This includes

challenges by non-citizens in immigration-related matters. See *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

V. PARTIES

10. Petitioner Gurpreet Singh is a native and citizen of India who is currently detained by U.S. Immigration and Customs Enforcement (“ICE”).
11. Defendant Kristi Noem, Secretary of DHS, oversees immigration enforcement policies and is sued in her official capacity.
12. Defendant Todd Lyons, Acting Director of ICE, oversees ICE detention operations nationwide and is sued in his official capacity.
13. Defendant Acting Field Office Director of the ICE Philadelphia Field Office, which has administrative jurisdiction over Petitioner’s detention. He or she is sued in his or her official capacity.
14. Defendant Warden of the Clinton County Correctional Facility. In that capacity, he or she is the immediate custodian of Petitioner and is sued in his or her official capacity.
15. Defendant Pamela Bondi, in her official capacity as U.S. Attorney General, is responsible for the administration of immigration laws as exercised by the Executive Office for Immigration Review, pursuant to INA § 103(g), 8 U.S.C. § 1103(g), routinely transacts business in the Middle District of

Pennsylvania, and is legally responsible for administering Petitioner's removal proceedings and the standards used in those proceedings, and as such is the legal custodian of Petitioner.

VI. FACTUAL BACKGROUND

16. Petitioner entered the United States on or about December 12, 2016, without inspection ("EWI"). Ex. A, NTA.

17. After his entry, Petitioner was released from custody by DHS under bond amount of \$7500 into the interior of the United States. Ex. B, Form I-286, DHS Notice of Custody Determination.

18. The Department of Homeland Security initiated removal proceedings against Petitioner under INA § 240, and Petitioner was placed in those proceedings. Ex. A.

19. Petitioner applied for asylum and related relief and has remained physically present in the United States while those proceedings remain pending. On August 13, 2024, the Immigration Judge administratively closed Respondent's removal proceedings pursuant to a joint request by the parties and the Department of Homeland Security's (DHS) exercise of prosecutorial discretion. *See* Ex. C, Form I-589 (filed Jan. 19, 2017); Ex. D, Order of the Immigration Judge (Aug. 13, 2024).

20. Upon information and belief, DHS elected to exercise prosecutorial discretion based on Respondent's strong ties to the United States, absence of any criminal history, and consistent compliance with all immigration requirements.
21. Respondent married his spouse, Navdeep Ghotra, a United States citizen, on July 3, 2021. *See* Ex. E, Marriage Certificate; Ex. F, Certificate of Naturalization of Navdeep Ghotra. The couple has one child, Z. G., born in 2022. *See* Ex. G, Z.G Birth Certificate.
22. The Department of Homeland Security ("DHS") has continued to issue Petitioner Employment Authorization Documents ("EADs"), with the most recent valid through April 8, 2030. *See* Ex. H, Employment Authorization Document. Respondent has been working as a truck driver.
23. On January 12, 2026, Petitioner was apprehended randomly by Immigration and Customs Enforcement ("ICE") officers at a truck stop and subsequently taken into ICE custody, where he was placed in immigration detention.
24. Petitioner's removal proceedings remain administratively closed before the Executive Office for Immigration Review ("EOIR") in New York, New York. *See* Ex. I, EOIR Automated Case Information. However, on January 20, 2026, the Department of Homeland Security ("DHS") filed a Motion to

Recalendar and Change Venue. *See* Ex. J, DHS Motion to Recalendar and Change Venue.

25. U.S. Immigration and Customs Enforcement (“ICE”) is currently detaining Petitioner at the Clinton County Correctional Facility in Pennsylvania, pursuant to 8 U.S.C. § 1225(b)(2), and has taken the position that Petitioner is not eligible for a bond hearing. *See* Ex. K, DHS Detainee Locator.

26. On July 11, 2025, Petitioner’s U.S. citizen spouse filed a Form I-130, Petition for Alien Relative, on his behalf, which remains pending before U.S. Citizenship and Immigration Services. Ex. L., Receipt notice for I-130 petition

27. There is no legitimate basis for Respondent’s continued detention. He remains in the same procedural posture as prior to his detention, with his removal proceedings administratively closed and his application for asylum and related relief still pending. The Department’s recent motion to recalendar does not reflect any change in Respondent’s conduct or eligibility for relief, nor does it justify the deprivation of his liberty. Respondent has fully complied with all requirements of the immigration system, has no criminal history, and maintains significant equities in the United States, including a U.S. citizen spouse and child. These strong family and

community ties, coupled with his consistent compliance, underscore that Respondent poses no flight risk or danger to the community.

VII. EXHAUSTION OF REMEDIES

28.No statutory exhaustion requirement applies to petitions for habeas corpus under 28 U.S.C. § 2241. See *Zadvydas*, 533 U.S. at 688.

29.Prudential exhaustion is likewise inapplicable here because Petitioner has no available administrative remedy through which he could obtain the relief he seeks. Immigration Judges and the Board of Immigration Appeals lack authority to adjudicate constitutional challenges to detention statutes or to order release where DHS asserts mandatory detention authority. See *Matter of R-A-V-P-*, 27 I. & N. Dec. 803, 804 n.2 (BIA 2020); *Matter of C--*, 20 I. & N. Dec. 529, 532 (BIA 1992); *Gonzalez v. O'Connell*, 355 F.3d 1010, 1017 (7th Cir. 2004).

30.Where no administrative mechanism exists to provide the relief requested, exhaustion is not required. *McCarthy v. Madigan*, 503 U.S. 140, 144–45 (1992), superseded by statute on other grounds as recognized in *Woodford v. Ngo*, 548 U.S. 81 (2006).

VIII. LEGAL FRAMEWORK GOVERNING IMMIGRATION DETENTION

31. Civil immigration detention is not punitive. It is a limited regulatory tool authorized by Congress for specific purposes and under specific statutory frameworks. A noncitizen may be detained only where Congress has authorized detention and only where that detention is reasonably related to its permissible civil purposes.

A. Two Statutory Frameworks: §§ 1225 and 1226

32. As relevant here, Congress has authorized immigration detention through two principal statutory provisions relevant here.

a. **8 U.S.C. § 1225(b)(2)** governs inspection and initial entry.

b. **8 U.S.C. § 1226(a)** governs detention pending removal proceedings.

33. Section 1225(b)(2)(A) provides that “in the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a proceeding under section 1229a of this title.” 8 U.S.C. § 1225(b)(2)(A).

34. Section § 1226(a) states:

On a warrant issued by the Attorney General, an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States. Except as provided in subsection (c)[¹] and pending such decision, the Attorney General—

(1) may continue to detain the arrested alien; and

(2) may release the alien on—

(A) bond of at least \$1,500 with security approved by, and containing conditions prescribed by, the Attorney General; or

(B) conditional parole

Id. § 1226(a).

35. The plain language of these provisions indicates that both § 1225 and § 1226 govern the detention of noncitizens pending removal proceedings. The difference is that § 1225 provides for mandatory detention and governs detention at or near the threshold of entry and applies at the initial stage of the immigration process, while and § 1226 allows for the release of the noncitizen on conditional parole or bond and governs detention of

¹ Subsection (c) refers to the “[d]etention of criminal aliens,” which does not apply here. *See* 8 U.S.C. §1226(c). The parties do not contend that Petitioner has been convicted of any crime listed under 8 U.S.C. §1227(a)(2)(A).

noncitizens who have been arrested and detained pending a decision on whether they are to be removed from the United States.

36. These statutory provisions are mutually exclusive. Which statute applies depends on the noncitizen's posture within the immigration system and the circumstances of the arrest.

B. Constitutional Limits on Civil Detention

37. Although Congress has broad authority over immigration, immigration detention remains civil detention, not criminal punishment. As such, it is subject to constitutional limits.

38. The Supreme Court has repeatedly emphasized that civil detention is justified only insofar as it is reasonably related to its regulatory purposes and may not be imposed arbitrarily. *Zadvydas v. Davis*, 533 U.S. 678, 690–91 (2001). Where detention ceases to serve those purposes, it exceeds the government's authority.

39. Freedom from bodily restraint lies at the core of the liberty protected by the Due Process Clause, and detention without a justification tied to a legitimate regulatory purpose constitutes arbitrary government action. *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992). Government action that

withdraws liberty without reasoned justification violates fundamental principles of due process. *Id.*

40. Accordingly, even where Congress has authorized immigration detention, the government must be able to articulate a lawful basis for detaining a particular individual, such as ensuring appearance at proceedings or protecting the community, and detention imposed as a matter of default or administrative convenience is unlawful.

C. Detention Requires a Statutory Trigger and Individualized Justification

42. The Supreme Court has upheld certain forms of immigration detention where Congress relied on concrete concerns such as flight risk or danger to the community and where detention was understood to be temporary and closely tied to the removal process. *Demore v. Kim*, 538 U.S. 510, 528–30 (2003).

43. Conversely, where detention lacks a statutory trigger or is imposed without any individualized justification, it becomes arbitrary as applied and exceeds the government’s civil detention authority. *Zadvydas*, 533 U.S. at 690–91. The availability of habeas relief in such circumstances remains intact. *Jennings v. Rodriguez*, 583 U.S. 131, 152–53 (2018).

D. Application to Petitioner

44. Here, neither detention framework was lawfully triggered.

45. Petitioner was arrested from the interior of the United States while in removal proceedings, with a pending asylum application, no criminal history, no failure to appear, and full compliance with ICE reporting requirements. Respondents made no individualized determination that Petitioner posed a flight risk or danger to the community. Respondents have not identified any statutory basis under 8 U.S.C. § 1226(c) or any criminal ground that would justify mandatory detention.

46. Under these circumstances, detention was not authorized in the first instance. Alternatively, if detention were permissible at all, it could proceed only under 8 U.S.C. § 1226(a), which governs discretionary detention pending removal proceedings and requires an individualized custody determination.

47. Respondents' reliance on 8 U.S.C. § 1225(b)(2), a mandatory detention provision governing initial admissibility determinations, provides no lawful basis for Petitioner's confinement.

48. Accordingly, the Court should find that § 1226(a), not § 1225(b)(2)(A), governs Petitioner, who has resided in the United States and was already within the United States when apprehended and arrested.

IX. LEGAL FRAMEWORK GOVERNING IMMIGRATION DETENTION

COUNT I – VIOLATION OF THE FIFTH AMENDMENT DUE PROCESS CLAUSE

49. The Due Process Clause of the Fifth Amendment to the United States Constitution prohibits the federal government from depriving any person of “life, liberty, or property, without due process of law.” U.S. Const. Amend. V.

50. The Due Process Clause protects all persons within the United States, regardless of status. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). It forbids detention that is arbitrary, purposeless, or devoid of procedure.

51. Petitioner has a fundamental interest in liberty and being free from official restraint. Government decisions that are arbitrary are not compatible with due process. See *County of Sacramento v. Lewis*, 523 U.S. 833, 845 (1988).

52. Even where Congress has authorized civil immigration detention, that authority is constitutionally limited. Immigration detention is civil, not

punitive, and is justified only to the extent it is reasonably related to its permissible purposes, principally, ensuring appearance at proceedings and protecting the community. *Zadvydas*, 533 U.S. at 690–91.

53. Here, Petitioner’s detention is arbitrary as applied. Respondents reversed Petitioner’s custodial status without any change in facts, conduct, or circumstances. When DHS released Petitioner in 2016, it necessarily determined that he did not pose a danger to the community and was not a flight risk. Nearly a decade later, DHS re-detained Petitioner without any individualized reassessment and without identifying any new evidence to justify a different conclusion.

54. Courts have long recognized that unexplained agency reversals and decisions that ignore prior factual determinations and reliance interests are the hallmark of arbitrary government action. See *Motor Vehicle Mfrs. Ass’n v. State Farm*, 463 U.S. 29, 42 (1983). Respondents’ conduct here reflects precisely that defect.

55. Petitioner did exactly what the government required of him. He reported as directed. He appeared when summoned. He filed his asylum application promptly. He accepted employment authorization and structured his life around DHS’s express permissions. Having demanded compliance and

rewarded it with release and lawful work authorization, the government now treats that same compliance as irrelevant. Such a bait-and-switch deprivation of liberty is arbitrary as applied and violates due process.

56. The Supreme Court has upheld certain forms of mandatory immigration detention only where detention was justified by concrete concerns regarding flight risk or public safety and where detention was understood to be temporary and closely tied to the removal process. *Demore v. Kim*, 538 U.S. 510, 528–30 (2003). Those justifications are absent here.

57. Where detention lacks both statutory authorization and an individualized, purpose-based justification, it exceeds the government’s civil detention authority and violates due process as applied. *Zadvydas*, 533 U.S. at 690; *Jennings v. Rodriguez*, 583 U.S. 131, 152–53 (2018) (leaving open as-applied constitutional challenges to immigration detention).

58. The circumstances of Respondent’s arrest further underscore the arbitrary and unnecessary nature of his detention. Respondent, a professional truck driver, was taken into custody at a truck stop while lawfully engaged in his employment. Arresting him in this context—absent any misconduct or change in circumstances—serves no legitimate enforcement interest. Petitioner was arrested and detained without a warrant, without probable

cause findings, and without any individualized custody determination.

Therefore, his continued confinement is arbitrary and unlawful.

59. Accordingly, Petitioner's continued detention must cease.

COUNT II – VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT

60. Even if the Court concludes that Respondents possessed authority to detain Petitioner, any such detention must proceed under 8 U.S.C. § 1226(a).

61. Petitioner was released into the interior of the United States, placed in removal proceedings under INA § 240, and later arrested from the interior while those proceedings were ongoing.

62. Section 1225(b)(2) does not authorize detention of a noncitizen who has been released into the interior and later arrested during pending removal proceedings.

63. Because Respondents are detaining Petitioner under the incorrect statutory provision, the detention lacks statutory authorization and is unlawful.

X. HABEAS RELIEF

64. Because Respondents lack statutory authority to detain Petitioner under § 1225(b)(2), and because Petitioner's detention is arbitrary and

unconstitutional as applied, the appropriate remedy is immediate release. *Zadvydas*, 533 U.S. at 699 (where detention is not authorized, release is required).

65. Where detention itself is unlawful, a bond hearing is an insufficient remedy. *Boumediene v. Bush*, 553 U.S. 723, 779 (2008) (writ must be effective; remedy must end unlawful detention). Bond hearings are remedies under § 1226. They are not cures for unlawful detention under the wrong statute.

66. Where detention rests on an incorrect statutory basis, the proper habeas remedy is release, not prolonged custody pending further proceedings. Continued detention inflicts irreparable harm and rewards the Government for asserting an overbroad reading. The writ exists to remedy unlawful physical restraint. Once the asserted statutory basis fails, continued detention lacks legal authorization, and release, not a prospective hearing, is the appropriate remedy.

67. Release from custody would not terminate removal proceedings, which would continue before the Immigration Court.

68. Only if the Court concludes that detention may lawfully proceed under 8 U.S.C. § 1226(a) should the Court order a prompt bond hearing as an alternative form of relief.

XI. PRAYER FOR RELIEF

69. WHEREFORE, Petitioner respectfully requests that this Court:

70. Assume jurisdiction over this action and issue a writ of habeas corpus

pursuant to 28 U.S.C. § 2241;

a. Declare that Defendants' detention of Petitioner under 8 U.S.C. § 1225(b) (2) is unlawful;

b. Order Defendants to immediately release Petitioner from custody.

71. Only in the alternative, if the Court concludes that detention may lawfully

proceed under 8 U.S.C. § 1226(a), order Defendants to provide Petitioner with a prompt bond hearing before an Immigration Judge;

a. Enjoin Defendants from transferring Petitioner outside this District without prior Court approval.

72. Grant such other and further relief as the Court deems just and proper.

XII. VERIFICATION

73. Pursuant to 28 U.S.C. §§ 2242 and 1746, I declare under penalty of perjury that the facts set forth in the foregoing Petition for Habeas Corpus are true and correct.

Dated: February 3, 2026

Respectfully submitted,
s/ Matthew J. Archambeault
Matthew J. Archambeault
Attorney for Petitioner
PA Bar ID 89501
216 Haddon Avenue, Suite 402
Haddon Twp, NJ 08108-2812
mja@archambeaultlaw.com
215-599-2189

s/ Keren Ohana, Esq.
Attorney for Petitioner
NY Bar ID 4834883
Law Office of Keren Ohana
26 Court Street, Suite 1917
Brooklyn, NY 11242
(347) 772-3232
kerenohanaesq@gmail.com
Pro Hac Vice pending

TABLE OF EXHIBITS

Exhibit A – Notice to Appear (NTA), charging Petitioner under INA § 240 and reflecting entry without inspection in December 2016.

Exhibit B – Form I-286, Notice of Custody Determination.

Exhibit C – Form I-589, Application for Asylum.

Exhibit D – Immigration Judge’s Administrative Closure Order.

Exhibit E – Marriage Certificate.

Exhibit F – Naturalization Certificate of Petitioner’s spouse.

Exhibit G – Birth Certificate of Petitioner’s U.S. citizen child, Z.G.

Exhibit H – Employment Authorization Document (EAD), valid through April 8, 2030.

Exhibit I – Receipt Notice for Form I-130.

Exhibit J – EOIR Automated Case Info Printout.

Exhibit K – DHS Detainee Locator Record.

Exhibit L – DHS Motion to Recalendar and Change Venue.

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of February 2026, a copy of the foregoing was filed electronically with the Court. Notice of this filing will be sent to all parties via the Court's electronic filing system.

Respectfully submitted,

s/Matthew J. Archambeault
Matthew J. Archambeault
Attorney for Petitioner
PA Bar ID 89501

s/ Keren Ohana, Esq.
Attorney for Petitioner
NY Bar ID 4834883
Pro Hac Vice pending