

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

GURPREET SINGH



Petitioner,

v.

WARDEN, et al.,

Respondents.

Case No. 1:26-cv-00246-SES

Honorable Susan E. Schwab

Motion for Temporary  
Restraining Order

**MOTION FOR TEMPORARY RESTRAINING ORDER**

1. Petitioner Gurpreet Singh, by and through undersigned counsel, respectfully moves this Court pursuant to Federal Rule of Civil Procedure 65 for a Temporary Restraining Order (TRO). This motion seeks to immediately enjoin Respondents from detaining Petitioner without providing constitutionally adequate due process and to prevent any further re-detention without a lawful hearing.

**I. INTRODUCTION**

2. Petitioner has resided in the United States since December 2016 and was previously released from immigration detention after being placed in removal proceedings. For almost a decade he complied fully with all supervision conditions imposed by U.S. Immigration and Customs Enforcement (ICE). Upon information and belief, he has no criminal history and no history of immigration violations during his release.

3. Nonetheless, on January 12, 2026, ICE officers apprehended Petitioner at a truck stop while he was working and placed him into immigration detention without prior notice and without affording him an individualized custody hearing. To date, ICE has not articulated any changed circumstances warranting this sudden re-detention. This abrupt re-detention violates the Due Process Clause of the Fifth Amendment and applicable immigration statutes.

4. Petitioner respectfully seeks a TRO to prevent ongoing unlawful detention and the threat of future re-detention absent due process.

## **II. FACTUAL BACKGROUND**

5. As detailed in the habeas petition on file, Petitioner has been in the United States since approximately December 2016 and sought protection through the U.S. immigration system. He was released from custody by DHS under bond amount of \$7500 into the interior of the United States. He was later placed in removal proceedings under INA § 240. Following his release, Petitioner complied with all terms of supervision for over a decade, including regular check-ins with ICE and filing his I-589 with the Immigration Court.

6. On January 12, 2026, ICE officers apprehended Petitioner at a truck stop while he was working as a truck driver and took him into ICE custody. ICE is currently detaining Petitioner at Clinton County Correctional Facility in Pennsylvania and asserts he is held pursuant to 8 U.S.C. § 1225(b)(2) and therefore ineligible for a bond hearing. Petitioner remains detained as of the filing of this

motion, without a hearing, and without any new facts suggesting that he posed a danger or flight risk.

7. DHS previously exercised prosecutorial discretion in Petitioner's case, and his removal proceedings were administratively closed on a joint request. Petitioner has substantial ties to the community, including a U.S. citizen spouse and child and his spouse has filed a pending Form I-130 on his behalf.

8. These equities, combined with Petitioner's years of compliance in the community, confirm he poses no meaningful flight risk or danger warranting the extraordinary hardship of continued detention pending the Court's review. Petitioner remains detained as of the filing of this motion.

### III. LEGAL STANDARD

10. To obtain a temporary restraining order, the petitioner must demonstrate four elements: a likelihood of success on the merits of the case; irreparable harm in the absence of injunctive relief; that the balance of hardships weighs in the petitioner's favor; and that the requested injunction would be in the public interest.

See *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 20 (2008); *Nken v. Holder*, 556 U.S. 418, 435 (2009).

#### IV. ARGUMENT

##### *A. Likelihood of Success on the Merits*

11. Petitioner's re-detention without any pre-deprivation hearing violates his Fifth Amendment right to due process. He was previously found suitable for release under 8 U.S.C. § 1226 and complied with all conditions for over one year. ICE's decision to re-detain him—without a hearing, without any finding of danger or flight risk, and without any new information—fails to meet constitutional standards. See *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011).

12. Moreover, ICE has not articulated any statutory basis for detention that supersedes or invalidates the prior § 1226 custody determination. Arbitrary revocation of liberty, especially after years of compliance, is inconsistent with both constitutional and statutory protections.

##### *B. Irreparable Harm*

13. Petitioner is suffering irreparable harm due to his ongoing detention, including loss of liberty, lack of access to counsel and community support, and psychological distress. Courts have routinely held that the unlawful deprivation of liberty itself constitutes irreparable harm. *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012).

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

14. The Government has no legitimate interest in continuing the detention of a person who has demonstrated compliance and poses no risk. By contrast, Petitioner's fundamental right to due process and freedom from arbitrary detention weighs heavily in favor of immediate release. The public interest is best served by the enforcement of constitutional protections. *Leiva-Perez v. Holder*, 640 F.3d 962, 970 (9th Cir. 2011).

**IV. ALTERNATIVELY, THE COURT MAY ORDER RELEASE UNDER *LUCAS v. HADDEN***

15. This Court may also invoke its inherent authority to grant bail pending habeas under *Lucas v. Hadden*, 790 F.2d 365 (3d Cir. 1986), where: The petition makes out a clear case for habeas relief, or there are exceptional circumstances, such as serious health risks or prolonged detention. As in *Lucas*, Petitioner's continued detention is plainly unauthorized, and the record shows a clear constitutional violation. His case therefore qualifies under both prongs.

**V. PRAYER FOR RELIEF**

Petitioner respectfully requests that this Court:

1. Issue a Temporary Restraining Order directing defendants to immediately release Petitioner from custody.
2. Enjoin Defendants from re-detaining Petitioner in the future without first providing a constitutionally sufficient hearing before a neutral adjudicator;

3. Waive any bond requirement under Fed. R. Civ. P. 65(c), in light of the absence of harm to the Government.
4. In the alternative, release petitioner under *Lucas v Haden*.

## VI. CONCLUSION

For the reasons set forth herein and based on the habeas petition and exhibits already filed in this matter, Petitioner respectfully requests that this Court grant this motion and issue a Temporary Restraining Order immediately.

Dated: February 3, 2026

Respectfully submitted,

/s/Matthew J. Archambeault

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*Pro hac vice pending*