UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GURPREET SINGH [redacted] Petitioner, v. WARDEN, et al., Respondents.	Case No. 1:26-cv-00246-SES Honorable Susan E. Schwab MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER

I. INTRODUCTION

1. Petitioner Gurpreet Singh is a noncitizen arrested from the interior of the United States while in removal proceedings, with no criminal history and a pending asylum application. He was taken into ICE custody on January 12, 2026, without an individualized determination of flight risk or danger to the community. DHS asserts that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(2), even though he has long resided in the United States, has significant equities including a U.S. citizen spouse and child, and removal proceedings remain administratively closed.
2. This Court should issue a Temporary Restraining Order (TRO) enjoining Respondents from continuing Petitioner's detention, which is unauthorized, arbitrary, and unconstitutional.

II. LEGAL STANDARD

3. Injunctive relief "is an extraordinary remedy granted in limited circumstances." *Issa v. Sch. Dist. of Lancaster*, 847 F.3d 121, 131 (3d Cir. 2017). The standard for obtaining a TRO under Federal Rule of Civil Procedure 65 is the same as for a preliminary injunction. *Cerro Fabricated Prods. LLC v. Solanick*, 300 F. Supp. 3d 632, 647 n.5 (M.D. Pa. 2018).
4. While a preliminary injunction requires notice to the adverse party, a TRO may be issued without notice when "immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition." *Hope v. Warden York Cnty. Prison*, 956 F.3d 156, 160 (3d Cir. 2020). This is especially relevant where, as here, a detained individual suffers from continuing constitutional harm.

Under federal law, courts may issue a TRO where the movant establishes:

a. A likelihood of success on the merits.
b. A likelihood of irreparable harm in the absence of relief;
c. That the balance of equities tips in the movant's favor; and
d. That the injunction is in the public interest.

Winter v. Nat. Res. Def. Council, Inc., 555 U.S. 7, 20 (2008); *Reilly v. City of Harrisburg*, 858 F.3d 173, 176–79 (3d Cir. 2017).

5. The Third Circuit has held that the first two factors — likelihood of success and irreparable harm — are "gateway factors," and a court must find both are satisfied before proceeding to assess the balance of harms and the public interest. *Reilly*, 858 F.3d at 179. Once these are met, the court then determines whether the balance of equities and the public interest favor relief. Id. at 179–80.

6. Importantly, the standard for likelihood of success on the merits does not require certainty. The petitioner need only show a "reasonable probability of eventual success in the litigation." *Oburn v. Shapp*, 521 F.2d 142, 148 (3d Cir. 1975). Even where success is not assured, injunctive relief is appropriate if the likelihood of irreparable harm is high and the equities strongly favor the movant. *In re Arthur Treacher's Franchisee Litig.*, 689 F.2d 1137, 1147 (3d Cir. 1982).

7. In the immigration detention context, courts have routinely applied this four-factor test when evaluating requests for TROs or preliminary injunctions seeking release from unlawful or prolonged detention. See, e.g., *German Santos v. Warden Pike Cty. Corr. Facility*, 965 F.3d 203, 210–11 (3d Cir. 2020); *Leslie v. Holder*, 865 F. Supp. 2d 627, 634–36 (M.D. Pa. 2012). Where, as here, a petitioner is suffering ongoing constitutional violations and indefinite detention without justification, the equitable and public interest factors heavily support immediate relief.

Winter v. Nat. Res. Def. Council, Inc., 555 U.S. 7, 20 (2008); *Reilly v. City of Harrisburg*, 858 F.3d 173, 179 (3d Cir. 2017).

III. ARGUMENT

A. Petitioner Is Likely to Succeed on the Merits

1. Detention Violates Procedural Due Process Under *Mathews v. Eldridge*

8. The Fifth Amendment prohibits the federal government from depriving any person of liberty without due process of law. *U.S. Const. amend. V.* This protection applies to all persons, including noncitizens in civil immigration detention. *Trump v. J.G.G.*, 604 U.S. 670, 673 (2025) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)).

9. To determine whether Gurpreet's ongoing detention violates procedural due process, courts apply the balancing test from *Mathews v. Eldridge*, 424 U.S. 319 (1976), considering: The private interest affected by official action, The risk of erroneous deprivation through current procedures and value of additional safeguards; and the government's interest, including administrative burdens. Each factor favors Gurpreet.

- Private interest: Gurpreet's liberty interest is at its zenith — "[f]reedom from imprisonment… lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); see also *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004).

- Risk of error: DHS detained Gurpreet under § 1225(b)(2) without any individualized determination of flight risk or danger. His prior release on bond and continued compliance prove that detention lacks procedural justification. Arbitrary reversal of prior custody status, without process or new facts, heightens the risk of erroneous deprivation.
- Government interest: The government has no pressing interest in detaining someone with no criminal record, strong family ties, and a pending I-130 and asylum claim. Its legitimate enforcement goals can be met through less restrictive means, such as supervision or bond, which were previously sufficient.

10. Gurpreet's detention reflects precisely the kind of unjustified, arbitrary deprivation the Constitution forbids.

2. ICE Is Detaining Petitioner Under the Wrong Statute

11. Petitioner is detained under 8 U.S.C. § 1225(b)(2) — a provision that applies to individuals seeking admission at the border, not individuals arrested from the interior of the United States. Courts have emphasized that the applicability of § 1225 is limited to initial admissions and not to individuals like Petitioner who have been released into the U.S. and were later re-arrested during ongoing removal proceedings.

12. Detention in this case should proceed, if at all, under 8 U.S.C. § 1226(a), which allows for discretionary detention and requires an individualized

custody determination. The Third Circuit has repeatedly recognized that civil immigration detention is lawful only when justified by individualized findings of flight risk or danger. See *German Santos v. Warden Pike Cty. Corr. Facility*, 965 F.3d 203, 210–11 (3d Cir. 2020).

3. The Detention Is Arbitrary and Violates Due Process

13. Petitioner complied with every requirement for nearly a decade. His removal case was administratively closed by agreement. He has no criminal history and was re-arrested without any changed circumstances. His detention lacks any individualized determination or articulated justification, making it arbitrary and unconstitutional. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992).

B. Petitioner Will Suffer Irreparable Harm Without Relief

14. Prolonged civil detention — particularly when it is unauthorized — causes irreparable harm. The harm includes the continued deprivation of liberty, psychological trauma, and inability to support his U.S. citizen family. The Third Circuit recognizes that the ongoing denial of constitutional rights is per se irreparable injury. See *Stilp v. Contino*, 613 F.3d 405, 409 (3d Cir. 2010);

C. The Balance of Equities Strongly Favors Petitioner

15. The government offers no justification for Petitioner's detention. He has complied fully with immigration requirements, has deep family ties, and no criminal record. Petitioner is not a danger or flight risk. In contrast, the harm to him from continued arbitrary detention is severe. The balance of hardships thus tips overwhelmingly in his favor.

D. The Public Interest Favors Immediate Relief

16. The public interest is served by enforcing correct application of immigration law and respect for constitutional safeguards. There is no public benefit in detaining someone like Petitioner—who is entitled to pursue asylum and family-based relief, and who has abided by every legal requirement — under a misapplied statute. See *Osorio-Martinez v. Att'y Gen.*, 893 F.3d 153, 179 (3d Cir. 2018).

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

17. 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.

18. 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. CONCLUSION

19. Petitioner is detained under an inapplicable statute, in violation of the Immigration and Nationality Act and the Constitution. This Court should act swiftly to prevent further unlawful detention.

WHEREFORE, Petitioner respectfully requests that this Court:

Grant the Motion for Temporary Restraining Order.

Order Petitioner's immediate release.

Enjoin Respondents from transferring or re-detaining him without a lawful basis.

20. In the alternative, order immediate release under Lucas v. Hadden; and Grant any other relief the Court deems just and proper.

Dated: February 3, 2026

Respectfully submitted,

/s/Matthew J. Archambeault

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CERTIFICATE OF SERVICE

I hereby certify that on February 3, 2026, a copy of the foregoing was filed electronically with the Court. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Respectfully submitted,

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