

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

RAJVINDER SINGH, A 

Petitioner,
OF HABEAS

v.

ACTING FIELD OFFICE DIRECTOR of the
Dallas Field Office, U.S. Immigration and
Customs Enforcement, in his/her official capacity;
WARDEN of Bluebonnet Detention 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;
PAMELA BONDI, Attorney General of the
United States, in her official capacity;

Respondents.

Civil Action No.

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

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

I. INTRODUCTION

This petition presents a narrow challenge to the legality of Petitioner's civil immigration detention. Petitioner was arrested from the interior of the United States while already in removal proceedings, with a pending asylum application, no criminal history, no violations, and after having previously been released on recognizance. He is now detained without statutory authority or any individualized determination justifying civil confinement, based solely on an asserted mandatory detention authority that is ultra vires and void ab initio.

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).

Petitioner does not ask this Court to supervise immigration policy, second-guess discretionary enforcement judgments, or create new rights. He asks only that the Court enforce the limits Congress enacted and the Constitution requires.¹

This Court may grant relief on statutory grounds alone and need not reach Petitioner’s constitutional claims; however, Petitioner’s detention independently violates the Due Process Clause as applied.

II. QUESTIONS PRESENTED

1. 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.
2. 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

3. 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.
4. This Court has personal jurisdiction over Respondents because they exercise legal and physical custody over Petitioner within the Northern District of Texas.

¹ Petitioner does not seek class relief, policy changes, supervisory authority, or create new rights beyond those expressly provided by statute.

5. Venue is proper in this District pursuant to 28 U.S.C. § 2241 and 28 U.S.C. § 1391(e) because Petitioner is detained at the Bluebonnet Detention Facility in Anson, Texas, and his immediate custodian is located within this District.

IV. HABEAS CORPUS LEGAL STANDARD

6. 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) (citing U.S. Const., Art I, § 9, cl. 2). 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

7. Petitioner Rajvinder Singh is a native and citizen of India who is currently detained by U.S. Immigration and Customs Enforcement (“ICE”).
8. Respondent Kristi Noem, Secretary of DHS, oversees immigration enforcement policies and is sued in her official capacity.
9. Respondent Todd Lyons, Acting Director of ICE, oversees ICE detention operations nationwide and is sued in his official capacity.
10. Respondent Acting Field Office Director of the ICE Dallas Field Office, which has administrative jurisdiction over Petitioner’s detention. He / She is sued in his / her official capacity.
11. Respondent Warden of the Bluebonnet Detention Facility. In that capacity, he / she is the immediate custodian of Petitioner. He / She is sued in his / her official capacity.

VI. FACTUAL BACKGROUND

12. Petitioner entered the United States in April 2023. Ex. A – NTA.
13. Department of Homeland Security (“DHS”) initiated removal proceedings under INA § 240 alleging entry without admission or parole. Petitioner was placed in proceedings and released on an Order of Release on Recognizance. *Id.*; Ex. B – Order of Release on Recognizance.
14. Petitioner complied with all conditions. He has no criminal history, no violations, and no public-safety allegations.
15. Petitioner pursued protection through the asylum process and appeared for biometrics as directed. Ex. C. Form I-797 – Biometrics Appointment Notice for pending form I-589.
16. DHS subsequently issued Petitioner an Employment Authorization Document (“EAD”) valid through 01/08/2029. Ex. D – EAD.
17. Petitioner’s removal proceedings are currently still pending before the Executive Office for Immigration Review (“EOIR”) in El Paso, Texas.² Ex. E, EOIR, Automated Case Information.
18. On December 12, 2025, ICE arrested Petitioner at a truck weight station, without any intervening violation, criminal charge, or failure to appear.
19. ICE now detains Petitioner under a asserted mandatory detention authority despite the absence of statutory predicates for mandatory detention and despite Petitioner’s demonstrated compliance.

² Petitioner’s removal proceedings were initially pending before the Immigration Court in New York and were later transferred to El Paso, Texas following his arrest.

VII. EXHAUSTION OF REMEDIES

20. No statutory exhaustion requirement applies to petitions for habeas corpus under 28 U.S.C. § 2241. See *Zadvydas*, 533 U.S. at 688.
21. Prudential exhaustion is 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).
22. 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 LAWFUL IMMIGRATION

DETENTION

23. Congress authorized detention in specific circumstances and required individualized determinations outside mandatory categories. Where mandatory detention does not apply, detention must rest on individualized findings and is subject to bond and due-process constraints.
24. 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. Congress Created a Limited, Two-Track Detention Scheme

25. As relevant here, Congress has authorized immigration detention through two principal statutory provisions relevant to this case.

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.

26. 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).

27. 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)³ 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).

³ 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).

28. 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 § 1226 allows for the release of the noncitizen on conditional parole or bond and governs detention of noncitizens who have been arrested and detained pending a decision on whether they are to be removed from the United States.
29. 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. Immigration Detention Is Civil and Constitutionally Limited

30. Although Congress has broad authority over immigration, immigration detention remains civil rather than punitive and is subject to constitutional limits. 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).
31. 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.
32. 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).

33. Accordingly, even where Congress has authorized immigration detention, the government must be able to articulate a lawful, individualized 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. Lawful Immigration Detention Requires a Statutory Trigger and an Individualized Basis

34. 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).

35. 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 has not been foreclosed. *Jennings v. Rodriguez*, 583 U.S. 131, 152–53 (2018).

D. Application to Petitioner

36. Here, neither detention framework was lawfully triggered.

37. 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 requirements. Respondents made no individualized determination that Petitioner posed a flight risk or danger to the community.

38. 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.

39. 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.

40. 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. ARGUMENT

COUNT I – Violation of the Fifth Amendment Due Process Clause as Applied

(Petitioner's Detention Is Arbitrary and Unlawful as Applied)

41. 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.

42. 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.

43. 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).

44. 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.
45. 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 2023, it necessarily determined that he did not pose a danger to the community and was not a flight risk. Petitioner’s re-arrest occurred without notice, hearing, or findings of flight risk or danger.
46. 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.
47. Petitioner did exactly what the government required of him. 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 reversal, without explanation, constitutes arbitrary government action.
48. 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.

49. 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).

50. Re-detention of a compliant, non-criminal individual, without changed circumstances, violates basic principles of reasoned decision-making and the government’s own prior determination.

51. Petitioner was arrested and detained without any individualized custody determination. His continued confinement is arbitrary and unlawful.

52. Accordingly, Petitioner’s continued detention must cease.

COUNT II – Violation of the Immigration and Nationality Act (8 U.S.C. §§ 1225, 1226)

(Detention Without Statutory Authority (Ultra Vires and Void Ab Initio))

53. ICE lacks authority to detain Petitioner absent a statutory trigger. Where the Government acts outside the authority conferred by Congress, the resulting detention is *ultra vires* and unlawful *ab initio*. Petitioner does not fall within mandatory detention provisions. Having previously released him on recognizance, ICE cannot re-detain him without new facts establishing statutory grounds.

54. In any event, even if the Court were to assume *arguendo* that detention is authorized, such detention could only proceed under 8 U.S.C. § 1226(a), not a mandatory detention

provision. Section 1226(a) requires an individualized custody determination and does not permit categorical detention.

55. 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.

56. He was not detained at the time of inspection or during an initial admissibility determination.

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

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

X. HABEAS RELIEF

59. 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).

60. Where detention itself rests on an incorrect statutory framework, a bond hearing is not an adequate remedy. *Boumediene v. Bush*, 553 U.S. 723, 779 (2008) (the writ must be effective and must end unlawful detention). Bond hearings are remedies available under § 1226; they do not cure detention imposed under the wrong statute.

61. Respondents lack statutory authority to detain Petitioner under § 1225(b)(2). 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.

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

63. 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

WHEREFORE, Petitioner respectfully requests that this Court:

64. Assume jurisdiction over this action and issue a writ of habeas corpus pursuant to 28 U.S.C. § 2241;

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

66. Order Respondents to immediately release Petitioner from custody.

67. Only in the alternative, if the Court concludes that detention may lawfully proceed under 8 U.S.C. § 1226(a), order Respondents to provide Petitioner with a prompt bond hearing before an Immigration Judge;

68. Enjoin Respondents from transferring Petitioner outside this District without prior approval of this Court;

69. Grant such other and further relief as the Court deems just and proper consistent with the limits of Article III.

XII. VERIFICATION

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 12th, 2026

Respectfully submitted,

s/Gracilene Brooks
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TABLE OF EXHIBITS

EXHIBIT A – Notice to Appear

EXHIBIT B – Order of Release on Recognizance

EXHIBIT C – Form I-797, Biometrics Appointment Notice for pending I-589

EXHIBIT D – Employment Authorization Document

EXHIBIT E – EOIR Automated Case Information printout

EXHIBIT F – DHS Detainee Locator printout, reflecting Petitioner's current detention at Bluebonnet Detention Facility, Anson, Texas

CERTIFICATE OF SERVICE

I hereby certify that on the 12th 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 by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Respectfully submitted,

s/Gracilene Brooks

/s/ Keren Ohana