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Attorney for Petitioner

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO  
CHAPARRAL, NM

**Akashdeep Singh**

Petitioner,

v.

**Mary De Anda-Ybarra**, Field Office Director  
of Enforcement and Removal Operations, **ERO**  
El Paso Field Office, Immigration and Customs  
Enforcement; **Kristi Noem**, Secretary, U.S.  
Department of Homeland Security; **Todd M.**  
**Lyons**, Acting Director of the United States  
Immigration and Customs Enforcement;  
**Pamela Bondi**, U.S. Attorney General;  
Executive Office for Immigration Review,  
**Dora Castro**, Otero County Processing Center

Respondents

Alien No.:



Case No.

**PETITION FOR TEMPORARY  
RESTRAINING ORDER**

Pursuant to Rule 65(b)(1) of the Federal Rules of Civil Procedure, Petitioner hereby moves the Court for emergency relief in the form of a temporary restraining order directing Respondents to release Petitioner from his custody with no additional conditions of release that were not imposed prior to his detention in 2025.

1           Petitioner also seeks a temporary restraining order enjoining the Respondents from  
2 relocating Petitioner outside of the District of New Mexico pending final resolution of this case.  
3 Transfer outside this District would impede the Court's jurisdiction over the habeas petition,  
4 frustrate Petitioner's access to counsel, and risk mootng the requested relief. The District of New  
5 Mexico is the district of confinement, and habeas jurisdiction attaches to the immediate custodian.  
6 Any transfer during pendency of this action would defeat the Court's ability to provide effective  
7 relief. Courts in this District routinely prohibit such transfers in immigration habeas matters.  
8

9           Please note that the Petitioner has been unable to raise this matter by way of a regularly  
10 scheduled motion. Petitioner was not aware of his rights and, as a result, the said omission was  
11 not caused by a lack of diligence attributable to the Petitioner but was due to the fact that he did  
12 not understand the factual basis of his claim. Also, upon advice of previous counsel, he was  
13 informed that pursuant to *Matter of Yajure Hurtado*, the Immigration Judges would not  
14 considering the bond requests of Petitioner and other similarly situated individuals.

15           Indeed, emergency relief is appropriate notwithstanding any delay between Petitioner's  
16 detention and the filing of this motion. In cases arising under *Matter of Q. Li*, courts have  
17 consistently recognized that the injury at issue is not a past event but an ongoing deprivation of  
18 liberty resulting from the categorical denial of bond jurisdiction. Where detention is predicated on  
19 an agency-imposed jurisdictional bar rather than an individualized custody determination, each  
20 additional day of confinement constitutes a continuing constitutional violation. Accordingly, the  
21 passage of time does not diminish irreparable harm or defeat a request for temporary injunctive  
22 relief.  
23

24           Recent post-*Q. Li* decisions confirm that prolonged detention without access to a bond  
25 hearing remains an exigent circumstance, even where the petitioner has been detained for months

1 prior to seeking relief. Courts have granted emergency relief in materially identical cases where  
2 immigration judges declined bond jurisdiction pursuant to *Q. Li* and the government failed to  
3 identify any new or changed circumstances demonstrating that continued detention was necessary  
4 to address danger or flight risk. See, e.g., *Chavarria v. Chestnut*, No. 1:25-CV-01755-DAD-AC,  
5 2025 WL 3533606, at \*4 (E.D. Cal. Dec. 9, 2025); *Bernal v. Albarran*, No. 25-CV-09772-RS,  
6 2025 WL 3281422, at \*6 (N.D. Cal. Nov. 25, 2025).

7  
8 As reflected in those decisions, the government bears the burden of demonstrating that  
9 continued detention is justified by **current, individualized facts**, not by categorical rules or stale  
10 allegations. Where, as here, detention continues solely because *Q. Li* is interpreted to foreclose  
11 bond jurisdiction as a matter of law, and the government has made no showing of materially  
12 changed circumstances, the constitutional injury is ongoing and immediate judicial intervention is  
13 warranted.

14 Moreover, courts addressing *Q. Li*-based detention have emphasized that emergency relief  
15 is particularly appropriate where the government retains the unilateral ability to  
16 effectuate **removal or transfer** at any time, thereby threatening to moot judicial review.  
17 Temporary injunctive relief is therefore necessary to preserve the Court's jurisdiction and prevent  
18 irreparable harm while the merits of Petitioner's habeas claim are adjudicated. See *F.T.C. v. Dean*  
19 *Foods Co.*, 384 U.S. 597, 604 (1966).

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21 In sum, any delay in filing does not undermine the propriety of emergency relief where  
22 detention continues without lawful process, bond jurisdiction has been categorically denied  
23 under *Q. Li*, and the government cannot articulate a present, individualized justification for  
24 continued custody. Under these circumstances, Petitioner has satisfied the requirements for  
25 temporary injunctive relief.

1 Petitioner further moves for the issuance of an order to show cause as to why a preliminary  
2 injunction should not issue.

3 This application is supported by the Memorandum of Points and Authorities,  
4 accompanying exhibits, as well as any additional submissions that may be considered by the Court.

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9 Respectfully submitted,

10 DATED this February 6 of 2026.

11  
12 s/ Jasmine Pandher  
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