



INTRODUCTION

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3 1. Petitioner Sandeep Singh Malik ("Petitioner") is a civil  
4 immigration detainee held by the Department of Homeland  
5 Security ("DHS") through U.S. Immigration and Customs  
6 Enforcement ("ICE") at Prairieland Detention Center in  
7 Alvarado, Texas.

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9 2. Petitioner brings this habeas action pursuant to 28 U.S.C.  
10 § 2241 to challenge his prolonged civil immigration  
11 detention under Immigration and Nationality Act ("INA") §  
12 236(a), 8 U.S.C. § 1226(a), without ever having received an  
13 individualized bond or custody hearing before a neutral  
14 adjudicator.

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17 3. Petitioner does not seek review of the merits of his  
18 removal proceedings or of any discretionary determination.  
19 He challenges only the constitutionality of his continued  
20 civil detention without any individualized custody  
21 determination.

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23 4. Prolonged civil detention without any opportunity to be  
24 heard violates the Due Process Clause of the Fifth  
25 Amendment. The Constitution requires, at minimum, a prompt

1 individualized custody hearing at which the Government  
2 bears the burden to justify continued detention.

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4 5. Petitioner respectfully requests that this Court grant the  
5 writ and order Respondents to provide a constitutionally  
6 adequate bond hearing forthwith, or, in the alternative,  
7 order Petitioner's release under reasonable conditions of  
8 supervision.

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10 **JURISDICTION AND VENUE**

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12 5. This Court has jurisdiction under 28 U.S.C. § 2241 because  
13 Petitioner is in custody within the territorial  
14 jurisdiction of the Northern District of Texas.

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17 6. Petitioner is detained at Prairieland Detention Center,  
18 1209 Sunflower Lane, Alvarado, Texas 76009, which lies  
19 within this District.

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21 7. Respondent Warden of Prairieland Detention Center is  
22 Petitioner's immediate custodian and is a proper respondent  
23 under *Rumsfeld v. Padilla*, 542 U.S. 426 (2004).  
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1 8. Respondent Director of the ICE Dallas Field Office  
2 exercises legal authority and control over Petitioner's  
3 detention and is also a proper respondent.

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5 9. Venue is proper in this District because Petitioner is  
6 detained here and Respondents exercise custody over him  
7 within this District.

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9 **PARTIES**

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11 10. Petitioner is a native and citizen of India.

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13 11. Respondent Warden, Prairieland Detention Center, is  
14 responsible for Petitioner's day-to-day physical custody.

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17 12. Respondent Director, ICE Dallas Field Office, is the ICE  
18 official responsible for detention decisions and enforcement  
19 operations relating to Petitioner.

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21 **FACTUAL AND PROCEDURAL BACKGROUND**

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23 13. Petitioner entered the United States in February 2023 and  
24 was placed into removal proceedings under INA § 240.

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1 14. DHS charged Petitioner as inadmissible under INA §  
2 212(a)(6)(A)(i), alleging entry without inspection.

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4 15. Petitioner applied for asylum, withholding of removal, and  
5 protection under the Convention Against Torture.

6  
7 16. An Immigration Judge issued a decision denying relief and  
8 ordering removal on January 21, 2026.

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10 17. DHS waived appeal of the Immigration Judge's decision.

11 18. Petitioner timely filed an appeal to the Board of  
12 Immigration Appeals ("BIA"). The BIA accepted the appeal,  
13 which remains pending.

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15 19. Because Petitioner's appeal is pending, the removal order  
16 is not administratively final. See 8 C.F.R. § 1241.1.

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19 20. Accordingly, Petitioner's detention is governed by INA §  
20 236(a), 8 U.S.C. § 1226(a), not INA § 241.

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22 21. Since being taken into ICE custody, Petitioner has  
23 remained continuously detained at Prairieland Detention  
24 Center.

1 22. At no point has Petitioner been provided a bond hearing,  
2 custody redetermination hearing, or any individualized  
3 assessment of whether his continued detention is justified.

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5 23. Petitioner has never appeared before an Immigration Judge  
6 for a bond hearing, and no Immigration Judge has conducted any  
7 custody analysis in his case.

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9 24. As of the filing of this Petition, Petitioner has endured  
10 prolonged civil detention without any opportunity to be heard  
11 on the necessity of his continued confinement.

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13 **EXHAUSTION AND AVAILABILITY OF RELIEF**

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16 25. Petitioner has no available administrative remedy through  
17 which he could obtain the relief sought.

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19 26. Because no bond hearing has ever been provided, there is  
20 no adverse custody determination to appeal or exhaust.

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22 27. Any attempt to seek administrative relief would be futile,  
23 as Petitioner's constitutional injury arises from the absence  
24 of any custody hearing whatsoever.

1 28. Habeas corpus is therefore the proper and only vehicle for  
2 judicial review of Petitioner's unlawful detention.

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4 **CLAIM FOR RELIEF**

5 (Violation of the Fifth Amendment - Due Process)

6  
7 29. Petitioner realleges and incorporates paragraphs 1 through  
8

9 30. Immigration detention is civil, not punitive, and must  
10 bear a reasonable relationship to a legitimate regulatory  
11 purpose.

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13 31. The Fifth Amendment's Due Process Clause prohibits the  
14 Government from subjecting a civil detainee to prolonged  
15 confinement without a meaningful opportunity to be heard.

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17 32. Detention under INA § 236(a) without any individualized  
18 custody hearing violates due process.

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20 33. The Constitution requires, at a minimum, an individualized  
21 bond hearing before a neutral adjudicator at which the  
22 Government bears the burden of establishing that continued  
23 detention is justified.

1 34. By detaining Petitioner for a prolonged period without any  
2 bond hearing or custody determination, Respondents have  
3 violated Petitioner's right to due process of law.

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5 35. Petitioner's continued detention, absent any procedural  
6 safeguards, is arbitrary, excessive, and unconstitutional.

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8 **PRAYER FOR RELIEF**

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10 WHEREFORE, Petitioner respectfully requests that this  
11 Court:

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13 A. Grant this Petition for Writ of Habeas Corpus;

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15 B. Order Respondents to provide Petitioner with a prompt,  
16 constitutionally adequate bond hearing before a neutral  
17 adjudicator, at which the Government bears the burden of  
18 proving by clear and convincing evidence that continued  
19 detention is necessary;

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22 C. In the alternative, order Petitioner's immediate release  
23 under reasonable conditions of supervision;

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25 D. Award Petitioner his costs; and

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

DATED: \_\_\_\_\_

Respectfully submitted,

KHATRI LAW

By:  \_\_\_\_\_

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