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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

SANDEEP SINGH MALIK,

Petitioner,

v.

WARDEN, PRAIRIELAND DETENTION
CENTER; Enforcement and
Removal Operations (ERO);
U.S. Immigration and Customs
Enforcement (ICE); Department
of Homeland Security (DHS),

Respondents.

Civil Action No.:

MOTION FOR PRELIMINARY INJUNCTION

1 Petitioner Sandeep Singh Malik, by and through undersigned
2 counsel (pro hac vice admission pending), respectfully
3 moves this Court for a Preliminary Injunction ordering
4 Respondents to provide a prompt, constitutionally adequate
5 bond hearing or, in the alternative, to release Petitioner
6 under reasonable conditions of supervision.

7
8 This Motion is narrowly tailored, seeks no review of the
9 merits of Petitioner's removal proceedings, and is filed
10 concurrently with Petitioner's Petition for Writ of Habeas
11 Corpus.

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13 **I. RELIEF REQUESTED**

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15 Petitioner seeks a limited injunction requiring Respondents
16 to:

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18 1. Provide Petitioner with an individualized bond hearing
19 before a neutral Immigration Judge within a prompt
20 timeframe set by this Court, at which the Government bears
21 the burden of proving by clear and convincing evidence that
22 continued detention is justified; or

1 2. Release Petitioner from ICE custody under reasonable
2 conditions of supervision if such a hearing is not
3 provided.

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5 **II. LEGAL STANDARD**

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7 A preliminary injunction may issue where the movant
8 demonstrates:

- 9
10 (1) a substantial likelihood of success on the merits;
11 (2) a substantial threat of irreparable harm absent
12 injunctive relief;
13 (3) that the balance of equities favors the movant; and
14 (4) that the injunction serves the public interest.

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16 **III. ARGUMENT**

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

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20 Petitioner is detained pursuant to INA § 236(a) while his
21 appeal to the Board of Immigration Appeals remains pending.
22 Because Petitioner timely appealed the Immigration Judge's
23 removal order, that order is not administratively final,
24 and post-order detention authority does not apply.

1 Despite prolonged civil detention, Petitioner has never
2 received any bond hearing, custody redetermination hearing,
3 or individualized assessment of whether his continued
4 detention is justified. Civil immigration detention without
5 any opportunity to be heard violates the Due Process Clause
6 of the Fifth Amendment.

7
8 At minimum, due process requires a meaningful,
9 individualized custody hearing before a neutral
10 adjudicator. Respondents' failure to provide any such
11 hearing renders Petitioner's detention unconstitutional.

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13 ***B. Irreparable Harm***

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15 The loss of physical liberty constitutes irreparable harm
16 as a matter of law. Each additional day Petitioner remains
17 detained without constitutionally required process
18 compounds that harm and cannot be remedied through monetary
19 damages.

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21 ***C. Balance of Equities***

22
23 Petitioner seeks only the process the Constitution
24 requires. Ordering a bond hearing—or release if one is not
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1 provided—imposes minimal burden on the Government and
2 prevents ongoing constitutional injury.

3
4 ***D. Public Interest***

5
6 The public has a strong interest in ensuring that civil
7 detention complies with constitutional requirements.
8 Granting injunctive relief serves the public interest by
9 upholding due process and the rule of law.


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11 **IV. CONCLUSION**

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13 For the foregoing reasons, Petitioner respectfully requests
14 that the Court grant this Motion for Preliminary
15 Injunction.

16
17 DATED: 02/06/2026

18 Respectfully submitted,

19 KHATRI LAW

20
21 By: 

22 Himanshu Khatri
23 Attorney for Petitioner
24 (Pro Hac Vice Admission Pending)
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