

**UNITED STATES DISTRICT COURT
DISTRICT OF THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

BALJINDER SINGH 

Case No.:3:26-cv-388

Petitioner,

**MOTION FOR
TEMPORARY
RESTRAINING ORDER**

v.

ACTING FIELD OFFICE DIRECTOR of the
El Paso Field Office, U.S. Immigration and
Customs Enforcement, in his/her official capacity;
WARDEN of ERO EL Paso Camp East Montana,
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;

Defendants.

MOTION FOR TEMPORARY RESTRAINING ORDER

1. Petitioner Baljinder Singh, by and through undersigned counsel, respectfully moves this Court pursuant to Federal Rule of Civil Procedure 65 for a Temporary Restraining Order (TRO). This motion seeks to immediately enjoin Respondents from detaining, without adequate due process, Petitioner in violation of the Constitution of the United States and to prevent any further re-detention without a lawful hearing.

I. INTRODUCTION

2. Petitioner has resided in the United States since August 2023 and was previously released from immigration custody on his own recognizance after being placed in removal proceedings. For more than two years, Petitioner fully complied with all ICE supervision requirements, appeared as directed, maintained lawful employment pursuant to DHS authorization, and committed no criminal offenses.

3. Notwithstanding this demonstrated compliance, on January 13, 2026, ICE officers re-arrested Petitioner from the interior of the United States while he was working, without any intervening violation, criminal charge, failure to appear, or changed circumstance. ICE detained Petitioner without prior notice and without affording him any individualized custody hearing.

4. To date, ICE has not articulated any new facts or individualized findings justifying this abrupt re-detention. This sudden deprivation of liberty violates the Fifth Amendment Due Process Clause. Petitioner therefore seeks a TRO to halt ongoing unconstitutional detention.

II. FACTUAL BACKGROUND

As detailed in the habeas petition on file:

- Petitioner entered the United States in August 2023 and was placed in removal proceedings under INA § 240.
- DHS released Petitioner on an Order of Release on Recognizance, determining that detention was not necessary to ensure appearance or protect the community.
- Following his release, Petitioner complied fully with all ICE reporting requirements and remained engaged in his removal proceedings.
- Petitioner filed an application for asylum and related relief and was issued an Employment Authorization Document, permitting him to work lawfully.
- Petitioner has no criminal history, no prior removal orders, and no failures to appear.

- On January 13, 2026, ICE officers re-detained Petitioner from the interior of the United States, without notice, without a hearing, and without any individualized determination.
- ICE asserts that Petitioner is detained pursuant to **8 U.S.C. §1225(b)(2)(A)** and therefore ineligible for a bond hearing.
- Petitioner remains detained as of the filing of this motion.

III. LEGAL STANDARD

5. To obtain a temporary restraining order, the petitioner must demonstrate four elements: a likelihood of success on the merits of the case; irreparable harm in the absence of injunctive relief; that the balance of hardships weighs in the petitioner's favor; and that the requested injunction would be in the public interest. See *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 20 (2008); *Nken v. Holder*, 556 U.S. 418, 435 (2009). Federal courts possess authority to **order** immediate release from unconstitutional detention as interim habeas relief. *Zadvydas v. Davis*, 533 U.S. 678, 699 (2001); *Boumediene v. Bush*, 553 U.S. 723, 779 (2008).

IV. ARGUMENT

A. Likelihood of Success on the Merits

6. Petitioner is likely to succeed on the merits of his habeas claim because his continued detention violates the Fifth Amendment as applied.

7. ICE previously determined that Petitioner did not pose a danger or flight risk and released him on recognizance. Petitioner relied on that determination, complied fully with supervision, and structured his life accordingly. ICE's subsequent decision to re-detain Petitioner—without any new facts, individualized findings, or procedural safeguards—constitutes arbitrary government action.

8. Civil immigration detention must be reasonably related to a legitimate regulatory purpose. *Zadvydas v. Davis*, 533 U.S. 678, 690–91 (2001). An unexplained reversal of a prior liberty determination, particularly after years of compliance, violates due process. *Motor Vehicle Mfrs. Ass'n v. State Farm*, 463 U.S. 29, 42 (1983).

9. Although the Fifth Circuit has recently addressed statutory bond eligibility under § 1225(b)(2)(A), that decision does not foreclose as-applied constitutional challenges to detention or eliminate habeas jurisdiction to remedy unconstitutional confinement.

B. Irreparable Harm

10. Petitioner is suffering irreparable harm as a result of his ongoing detention. The Fifth Circuit has repeatedly held that the loss of constitutional rights and physical liberty constitutes irreparable injury. *Opulent Life Church v. City of Holly Springs*, 697 F.3d 279, 295 (5th Cir. 2012); *Odonnell v. Harris County*, 892 F.3d 147, 163–64 (5th Cir. 2018). Each additional day of unconstitutional confinement inflicts harm that cannot be undone or compensated after the fact. Because unlawful detention deprives an individual of physical liberty—the core interest protected by the Fifth Amendment—irreparable harm is established as a matter of law.

C. Balance of Equities and Public Interest Favor Relief

11. The balance of equities strongly favors Petitioner. He has no criminal history, has demonstrated compliance, and previously lived in the community under ICE supervision without incident. By contrast, the government has no legitimate interest in continuing the detention of a compliant individual without constitutional justification.

12. The balance of equities weighs decisively in Petitioner's favor. The Fifth Circuit has made clear that the government suffers no cognizable harm from being enjoined from unconstitutional conduct, while individuals face severe and irreparable injury from the loss of liberty. *Opulent Life Church v. City of Holly Springs*, 697 F.3d 279, 298 (5th Cir. 2012); *Odonnell v. Harris County*, 892 F.3d 147, 163–64 (5th Cir. 2018).

13. Any administrative burden on Respondents is minimal, particularly where Petitioner was previously released and complied fully with supervision. By contrast, continued detention inflicts immediate and concrete constitutional harm. Because preventing unconstitutional deprivation of liberty outweighs speculative enforcement concerns, the balance of equities strongly favors immediate relief.

V. PRAYER FOR RELIEF

Petitioner respectfully requests that this Court:

1. Issue a Temporary Restraining Order directing Respondents to immediately release Petitioner from ICE custody;
2. Enjoin Respondents from re-detaining Petitioner absent constitutionally sufficient process;

3. Waive any bond requirement under Fed. R. Civ. P. 65(c); and
4. Grant such other and further relief as the Court deems just and proper.

VI. CONCLUSION

For the reasons set forth herein and based on the habeas petition and exhibits already filed in this matter, Petitioner respectfully requests that this Court grant this motion and issue a Temporary Restraining Order immediately.

Dated: February 9, 2026,

Respectfully submitted,

/s/Gracilene Brooks

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Pro Hac Vice pending

CERTIFICATE OF SERVICE

I hereby certify that on the 9th 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

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