

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS

BALJINDER SINGH 

Case No.: 3:26-CV-00388-LS

Petitioner,

PLEADING TITLE:

PETITIONER'S REPLY IN
SUPPORT OF WRIT OF
HABEAS CORPUS

v.

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;

ACTING FIELD OFFICE DIRECTOR of the
El Paso Field Office;

Respondents.

PETITIONER'S REPLY IN SUPPORT OF WRIT OF HABEAS CORPUS

Petitioner Baljinder Singh submits this Reply in support of his Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241.

I. Introduction

Respondents answer a petition Petitioner did not file. This case is not about removability, asylum eligibility, or the validity of the Notice to Appear. The Petition expressly states that Petitioner “does not challenge removability, the Notice to Appear, or the merits of any application for relief” and “challenges only the legality of his detention.” Respondents nevertheless recast the Petition as an effort to relitigate statutory bond eligibility under 8 U.S.C. § 1226(a), arguing that Petitioner’s current claim is simply “the same argument with a different label.”

That is incorrect. Petitioner already acknowledged the Fifth Circuit’s decision in *Buenrostro-Mendez v. Bondi* and expressly recognized that it addressed statutory bond eligibility under 8 U.S.C. § 1225(b)(2)(A). The Petition states that *Buenrostro-Mendez* “did not hold that mandatory detention is immune from constitutional challenge, nor did it eliminate habeas jurisdiction to remedy unconstitutional detention.” That is the issue before this Court.

Even assuming Respondents may invoke § 1225(b)(2)(A), the Fifth Amendment still forbids arbitrary civil detention as applied to this Petitioner. Because Respondents do not answer that narrower constitutional claim, the Petition should be granted.

II. Facts Relevant to the Detention Claim

The facts material to this habeas case are straightforward. Petitioner entered the United States in August 2023. Respondents’ Answer acknowledges that he was not detained until

January 13, 2026, and that he is currently in full removal proceedings with a hearing scheduled in immigration court. The Petition alleges that DHS released Petitioner into the interior and now detains him at the ERO El Paso Camp in El Paso, Texas.

Most importantly, the Petition alleges that DHS “has detained Petitioner without providing any individualized determination that detention is necessary to prevent flight or protect the community,” while simultaneously asserting that he is subject to mandatory detention and ineligible for bond. The Petition further alleges that Petitioner has “no criminal background, appeared to all his immigration proceedings and ICE check-ins, and has no prior orders of removal.”

Those are the facts that matter here, because Petitioner challenges only present physical detention and the absence of any individualized justification for that detention.

III. Respondents Mischaracterize the Petition

Respondents devote most of their Answer to arguing that Petitioner is an “applicant for admission” under § 1225(b)(2)(A), that detention is therefore mandatory, and that *Buenrostro-Mendez* forecloses relief. They also argue that Petitioner’s “new due process approach is in reality the same argument with a different label” and attacks Congress’s policy choice to impose mandatory detention rather than discretionary detention.

But the Petition does not deny the current statutory posture in this Circuit. Instead, it expressly preserves contrary arguments only for further review and states that this Court remains bound by Fifth Circuit precedent. The Petition’s actual claim is narrower: even assuming Respondents invoke § 1225(b)(2)(A), continued detention remains subject to constitutional

challenge, and detention imposed without an individualized basis is unlawful as applied to this Petitioner.

Here the issue is not whether Respondents can cite § 1225. The issue is whether they may continue to jail this Petitioner, on these facts, without any individualized justification.

IV. Even Assuming Respondents Invoke § 1225, Constitutional Limits Still Apply

The Petition squarely recognizes that *Buenrostro-Mendez* held that certain noncitizens deemed applicants for admission may be detained under § 1225(b)(2)(A) and are not statutorily entitled to bond hearings. But the Petition also states, correctly, that the Fifth Circuit’s decision “addressed statutory bond eligibility” and “did not hold that mandatory detention is immune from constitutional challenge, nor did it eliminate habeas jurisdiction to remedy unconstitutional detention.”

That distinction matters. Section 2241 authorizes relief when a person is “in custody in violation of the Constitution,” and the Petition expressly relies on that principle. The Petition further states that habeas relief remains available for “as-applied constitutional challenges to immigration detention, even where statutory detention provisions exist,” citing *Jennings v. Rodriguez*.

Respondents do not refute that proposition. Instead, they argue that because Petitioner falls within § 1225(b)(2)(A), “[n]o additional process is needed,” and that any hearing on danger or flight risk would be “a bootless exercise” because those facts are irrelevant under the statute. But that is simply another way of saying that Respondents believe the statute displaces constitutional review. It does not.

The Petition alleges a narrow as-applied constitutional violation: ongoing civil detention without individualized justification. *Buenrostro-Mendez* did not eliminate that claim.

V. Petitioner's Continued Detention Is Arbitrary as Applied

This case should turn on what Respondents do not show.

They do not identify any missed hearing. They do not identify any missed ICE reporting requirement. They do not identify any criminal history. They do not identify any individualized finding that Petitioner is dangerous or likely to flee. The Petition affirmatively alleges the opposite: Petitioner has no criminal background, appeared at all immigration proceedings and ICE check-ins, and has no prior orders of removal.

Respondents' position is that none of those facts matters because detention is mandatory. They argue that Petitioner's true claim sounds in substantive due process and fails so long as detention under § 1225(b)(2)(A) is rationally related to legitimate government interests. But however Respondents label the claim, the Petition's point is narrower and more concrete: as applied to this Petitioner, detention is arbitrary because the Government has never articulated any individualized reason why he must remain jailed.

That is not an abstract attack on congressional authority. It is a challenge to the present exercise of detention power against a person who was released into the interior, remained in proceedings, complied with supervision, and was later arrested and jailed without any individualized custody determination.

Civil detention remains constitutionally limited. The Petition explains that immigration detention is civil, not criminal punishment, and that civil detention is justified only insofar as it

remains reasonably related to its regulatory purposes and may not be imposed arbitrarily. As pleaded, Respondents continue to detain Petitioner without any individualized basis showing that his detention is necessary

VI. Exhaustion Does Not Bar This Habeas Petition

Respondents argue that “[c]hallenges to removal proceedings, the government’s evidence, and the merits of asylum claims are properly addressed to the immigration court” and that Petitioner therefore should seek relief through the immigration court or the BIA first. That argument fails because, again, it addresses claims Petitioner is not bringing.

The Petition expressly states that Petitioner does not challenge removability, the Notice to Appear, or the merits of any application for relief, and instead “challenges only the legality of his detention.” The Petition further states that “[n]o statutory exhaustion requirement applies to petitions for habeas corpus under 28 U.S.C. § 2241.” It then explains why prudential exhaustion does not apply here: Immigration Judges and the BIA “lack authority to adjudicate constitutional challenges to detention statutes or to order release where DHS asserts mandatory detention authority.”

That answer is sufficient. Respondents cannot simultaneously argue that detention is mandatory and bond is unavailable, while also arguing that Petitioner was required to exhaust an administrative remedy that could not provide the constitutional relief he seeks. Where “no administrative mechanism exists to provide the relief requested,” exhaustion is not required, as the Petition already explains.

Because this is a detention-only habeas challenge, not a merits challenge to removal proceedings, the exhaustion defense should be rejected.

VII. The Court Can Grant Detention Relief Without Reaching the Merits of Removal

Respondents also argue that the Court's stay-related order should be vacated because district courts lack jurisdiction to enter stays of removal. But the Court need not resolve any broader stay-of-removal issue to decide this case.

The Petition challenges present detention, not removability or asylum merits. The core relief sought is release from allegedly unconstitutional detention. To the extent interim relief is necessary, Petitioner seeks only detention-related, jurisdiction-preserving relief necessary to ensure that this habeas challenge can be adjudicated.

That narrower framing answers Respondents' objection. The Court can decide whether present physical custody is lawful without reaching the merits of removal.

VIII. Release Would Not Interfere With Ongoing Immigration Proceedings

Granting relief here would not terminate or interfere with removal proceedings. It would simply end the challenged detention.

Respondents' own Answer acknowledges that Petitioner is already in full removal proceedings and has a scheduled hearing in immigration court. The Petition alleges that before detention, Petitioner appeared at all immigration proceedings and ICE check-ins. Release would therefore restore the same posture under which proceedings were already moving forward. It would not adjudicate any merits issue, invalidate any charging document, or decide any application for relief.

That practical reality further confirms that this is a detention case, not a disguised challenge to removability.

IX. Relief Requested

Because Petitioner's continued detention violates the Fifth Amendment as applied, habeas relief is warranted.

Petitioner respectfully requests that the Court:

1. grant the Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241;
2. order Petitioner's immediate release from custody;
3. issue an order preventing Respondents from re-detaining Petitioner absent an individualized, constitutionally adequate, and lawful basis for detention; and
4. grant such other and further detention-related relief as the Court deems just and proper.

X. Conclusion

Respondents' Answer succeeds only by changing the subject. The Petition does not seek review of removability, the Notice to Appear, or the merits of asylum. It challenges only detention. Respondents nevertheless attempt to collapse that narrow habeas claim into a dispute over statutory bond eligibility, arguing that Petitioner's constitutional claim is merely "the same argument with a different label."

The Petition expressly recognizes the current statutory framework after *Buenrostro-Mendez* while maintaining that habeas jurisdiction and constitutional limits remain. And on the facts alleged here—release into the interior, compliance with proceedings and ICE check-ins, no

criminal background, no prior removal order, and no individualized finding of danger or flight risk—Respondents have not shown why continued detention is constitutionally permissible.

The Petition should be granted.

Dated: March 11, 2026

s/Gracilene Brooks

Gracilene Brooks
101 E Park Blvd, suite 600, room 10 A,
Plano, TX 75074
Phone: 469-503-5389
Local Counsel

s/Keren Ohana, Esq

Law office of Keren Ohana
Keren Ohana, Esq
26 Court Street, Suite 1917
Brooklyn, NY, 11242
Tel: 347-772-3232
Fax: 929-274-7540
Ny Bar # 4834883
kerenohanaesq@gmail.com
Pro Hac Vice

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of March 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.

s/Gracilene Brooks

Gracilene Brooks
101 E Park Blvd, suite 600, room 10 A,
Plano, TX 75074
Phone: 469-503-5389
Local Counsel

s/Keren Ohana, Esq

Law office of Keren Ohana
Keren Ohana, Esq
26 Court Street, Suite 1917
Brooklyn, NY, 11242
Tel: 347-772-3232
Fax: 929-274-7540
Ny Bar # 4834883
kerenohanaesq@gmail.com
Pro Hac Vice