

DETAINED

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THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

Anmol Singh
Petitioners,

v.

Kristi NOEM, Secretary of U.S. Department of
Homeland Security;
Pamela BONDI, United States Attorney
General;
Todd LYONS, Acting Director, U.S.
Immigration and Customs Enforcements;
Joshua Johnson, Field Office
Director of Enforcement and
Removal Operations, Dallas Field
Office, Immigration and Customs
Daren Margolin, Director of the
Executive Office of Immigration
Review, in his official capacity;
Scarlet Grant, Warden of Cimarron Correctional
Facility, in her official capacity
Respondents.

Case No.

**PETITION FOR WRIT OF HABEAS
CORPUS PURSUANT TO 28 U.S.C.
§ 2241**

INTRODUCTION

1. This Petition challenges the unlawful re-detention of Petitioner Anmol Singh, an adult citizen of India. Petitioner is in the physical custody of Respondents at Cimarron Correctional Facility in Cushing, Oklahoma. He now faces unlawful detention because

1 the Department of Homeland Security (DHS) and the Executive Office of Immigration
2 Review (EOIR) have concluded Petitioner is subject to mandatory detention. Although
3 Petitioner was previously arrested, processed, and released under 8 U.S.C. § 1226(a),
4 DHS now retroactively reclassifies her as an ‘applicant for admission’ subject to §
5 1225(b)(2).
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7 2. Petitioner is charged with having entered the United States without admission or
8 inspection. *See* 8 U.S.C. § 1182(a)(6)(A)(i).

9 3. The Department of Homeland Security (“DHS”) issued a new policy on July 8, 2025,
10 instructing all Immigration and Customs Enforcement (“ICE”) employees to consider
11 anyone inadmissible under § 1182(a)(6)(A)(i)-i.e., those who entered the United States
12 without admission or inspection-to be subject to detention under 8 U.S.C. §1225(b)(2)(A)
13 and therefore ineligible to be released on bond. According to one court, DHS “revisited
14 its legal position on detention and release authorities” and “determined that [section
15 1225]..., rather than [section 1226], is the applicable immigration detention authority for
16 all applicants for admission,” meaning all non-citizens who were “present in the United
17 States [without having] been admitted,” 8 U.S.C. § 1225(a)(1). *See Diaz Martinez v.*
18 *Hyde*, 792 F. Supp. 3d 211, 217–18 & n.10 (D. Mass. 2025) (quoting the same internal
19 ICE memorandum issued by Acting Director Todd M. Lyons).
20

21 4. Thereafter, on September 5, 2025, the Board of Immigration Appeals (“BIA”) issued
22 a precedent decision, binding on all immigration judges, holding that an immigration judge
23 has no authority to consider bond requests for any person who entered the United States
24 without admission. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). The
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1 BIA determined that such individuals are subject to detention under 8 U.S.C. §
2 1225(b)(2)(A) and are therefore ineligible to be released on bond.

3 5. Respondents' new legal interpretation is plainly contrary to the statutory framework,
4 contrary to decades of agency practice and violates the Due Process Clause.

5 6. Accordingly, Petitioner seeks a writ of habeas corpus requiring that she be released or in
6 the alternative require Respondents to provide a bond hearing within five days.
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8 JURISDICTION

9 7. Petitioner is in the physical custody of Respondents. Petitioner is detained at the
10 Cimarron Correctional Facility in Cushing, Oklahoma

11 8. This Court has jurisdiction under 28 U.S.C. § 2241(c)(1), (3) (habeas corpus), 28
12 U.S.C. § 1331 (federal question), Article I, section 9, clause 2 of the U.S. Constitution
13 (the Suspension Clause), and U.S. Const. amend. V (the Due Process Clause).
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15 9. This Court may grant relief pursuant to 28 U.S.C. § 2241 *et seq.*, the Declaratory
16 Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.
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18 VENUE

19 10. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500
20 (1973), venue lies in the United States District Court for the Western District of
21 Oklahoma, the judicial district in which Petitioner currently is detained. Respondent
22 Scarlet Grant, is the Warden of the Cimarron Correctional Facility, is the immediate
23 custodian of Petitioner, is in the Western District of Oklahoma.
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25 11. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because
26 Respondents are employees, officers, and agencies of the United States, and because a
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1 substantial part of the events or omissions giving rise to the claims occurred in the Western
2 District of Oklahoma.

3 **REQUIREMENTS OF 28 U.S.C. § 2243**

4 12. The Court must grant the petition for writ of habeas corpus or order Respondents to show
5 cause "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an
6 order to show cause is issued, Respondents must file a return "within three days unless for
7 good cause additional time, not exceeding twenty days, is allowed." *Id.*

8 13. Habeas corpus is "perhaps the most important writ known to the constitutional law...
9 affording as it does a swift and imperative remedy in all cases of illegal restraint or
10 confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963). "The application for the writ
11 usurps the attention and displaces the calendar of the judge or justice who entertains it
12 and receives prompt action from him within the four comers of the application." *Yong v.*
13 *I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

14 **PARTIES**

15 14. Petitioner Anmol Singh is a citizen of India who has been in immigration detention since
16 January 22, 2026. He was taken into custody in Arapho, Oklahoma. After taking custody
17 of Petitioner, ICE did not set bond. Petitioner did not apply for a bond with the
18 Immigration Court due to the Lyons memo and the binding decision of the BIA in *Matter*
19 *of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

20 15. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is
21 responsible for the implementation and enforcement of the Immigration and Nationality
22 Act ("INA"), and oversees ICE, which is responsible for Petitioner's detention. Ms. Noem
23 has ultimate custodial authority over Petitioner and is sued in her official capacity.

1 16. Respondent Pamela Bondi is the Attorney General of the United States. She is
2 responsible for the Department of Justice, of which the Executive Office for Immigration
3 Review and the immigration court system it operates is a component agency. She is sued
4 in her official capacity.

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6 17. Respondent Todd Lyons is the Acting Director for Immigration and Customs
7 Enforcement. As such, he is responsible for the policies causing Petitioner's unlawful
8 detention. He is named in his official capacity.

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10 18. Respondent Daren Margolin is the Director of EOIR with the Department of Justice. EOIR
11 (the Executive Office for Immigration Review) includes the immigration court system.
12 He is sued in his official capacity.

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14 19. Respondent Joshua Johnson is the Field Office Director of Enforcement and Removal
15 Operations of the Dallas ICE Field Office. As such, he is responsible for implementing
16 the policies that caused Petitioner's unlawful detention. He is named in his official
17 capacity.

18
19 20. Respondent Daren Margolin is the Director of EOIR with the Department of Justice.
20 EOIR (the Executive Office for Immigration Review) includes the immigration court
21 system. He is sued in his official capacity.

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23 21. Respondent Scarlet Grant is employed by the Cimarron Correctional Facility as warden of
24 the facility where Petitioner is detained. She has immediate physical custody of
25 Petitioner. She is sued in his official capacity. Scarlet Grant, Warden of Cimarron
26 Correctional Facility, in her official capacity

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FACTS

1 22. Petitioner entered the United States on October 12, 2018. August 7, 2021, at or near
2 Calexico, California.

3 23. He was taken into custody and issued a Notice to Appear.

4 24. ICE charged Petitioner in Immigration Court as being inadmissible under 8 U.S.C. §
5 1182(a)(6)(A)(i) as someone who entered the United States without inspection.

6 25. ICE affirmatively exercised discretionary detention authority under § 1226(a) by
7 releasing Petitioner on an Order of Release on Recognizance on December 30, 2018, that
8 expressly cited § 236 of the INA. This constituted an agency determination that § 1226—
9 not § 1225—governed his custody. The Order of Release on Recognizance stated, “You
10 have been arrested and placed in removal proceedings. In accordance with section 236 of
11 the Immigration and Nationality Act..., you are being released on your own
12 recognizance...”
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15 26. Petitioner subsequently filed an asylum application on June 20, 2019, claiming
16 persecution in his home country.

17 27. Petitioner has resided in the United States continuously for over eight years. He has no
18 criminal convictions. In summary, Petitioner is not a flight risk nor a danger to society.
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20 28. Prior to re-detaining Petitioner, Respondents failed to provide any written notice
21 identifying the legal or factual basis for revoking his release. Respondents likewise made
22 no individualized assessment of whether Petitioner posed a flight risk or danger to the
23 community. No custody redetermination hearing was provided before a neutral
24 decisionmaker, and ICE was never required to meet its burden of justifying re-detention
25 or explaining why less restrictive alternatives to detention were inadequate. This
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1 summary re-detention, imposed without notice, hearing, or individualized findings,
2 violates fundamental due process protections guaranteed by the Fifth Amendment.

3 29. Petitioner could not request an immigration bond given that all immigration judges are
4 subject to the binding precedent that those who entered the country without admission
5 or parole are ineligible for a bond hearing. *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216
6 (BIA 2025).

8 30. Any request for bond would have been futile because immigration judges are bound by
9 *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), which strips them of
10 jurisdiction to consider bond for individuals charged under § 1182(a)(6)(A)(i).
11 Exhaustion is therefore excused. *See McCarthy v. Madigan*, 503 U.S. 140, 148 (1992).

12 31. As a result, Petitioner remains in detention. Without relief from this Court, she faces the
13 prospect of months, or even years, in immigration custody, separated from her family
14 and community.
15

16 **CLAIMS FOR RELIEF**

17 **COUNT I**
18 **Violation of the INA**

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20 32. Petitioner incorporates by reference the allegations of fact set forth in the preceding
21 paragraphs.
22

23 33. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all
24 noncitizens residing in the United States who are subject to the grounds of inadmissibility.
25 As relevant here, it does not apply to those released under 8 U.S.C. § 1226 on an Order of
26 Release on Recognizance. Section 1226 governs a separate (non-mandatory) detention
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1 scheme applicable when an individual is “already in the country.” *Jennings v. Rodriguez*,
2 583 U.S. 281, 289 (2018).

3 34. Nothing in § 1225 authorizes DHS to reassert mandatory detention years after a
4 discretionary release under § 1226(a). Congress’s use of distinct triggers—“arriving” in §
5 1225 versus “arrested and detained” in § 1226—confirms these are mutually exclusive
6 detention schemes.
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8 35. The application of § 1225(b)(2) to Petitioner unlawfully mandates her continued
9 detention and violates the INA.
10

11 **COUNT II**
12 **Violation of Due Process**

13 36. Petitioner repeats, re-alleges, and incorporates by reference every allegation in the
14 preceding paragraphs as if fully set forth herein.

15 37. Due Process requires that if DHS seeks to re-arrest a person like Petitioner- who has lived
16 in the United States without incident after DHS first released him from custody, has
17 submitted application for asylum, and otherwise complied with the terms of his release –
18 the government must afford a hearing before a neutral decisionmaker to determine
19 whether any re – detention is justified, and whether the person is a flight risk or danger to
20 the community.
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22 38. The government may not deprive a person of life, liberty, or property without due
23 process of law. U.S. Const. amend. V. "Freedom from imprisonment-from government
24 custody, detention, or other forms of physical restraint-lies at the heart of the liberty that
25 the Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
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1 39. Consistent with this principle, individuals released on parole or other forms of
2 conditional release have a liberty interest in their “continued liberty.” *Morrissey v.*
3 *Brewer*, 408 U.S. 471, 482 (1972).

4 40. Petitioner has a fundamental interest in liberty and being free from official restraint.

5 41. Such liberty is protected by the Fifth Amendment because, “although indeterminate, [it]
6 includes many of the core values of unqualified liberty,” such as the ability to be
7 gainfully employed and live with family, “and its termination inflicts a ‘grievous loss’ on
8 the [released individual] and often on others.” *Id.*

9 42. To protect against arbitrary re-detention and to ensure the right to liberty, due process
10 requires “adequate procedural protections” that test whether the government’s asserted
11 justification for a noncitizen’s physical confinement “outweighs the individual’s
12 constitutionally protected interest in avoiding physical restraint.” *Zadvydas*, 533 U.S. at
13 690 (citation modified).

14 43. Due process thus guarantees notice and an individualized hearing before a neutral
15 decisionmaker to assess danger or flight risk before the revocation of an individual’s
16 release. *Goldberg v. Kelly*, 397 U.S. 254, 267 (1970) (“The fundamental requisite of due
17 process of law is the opportunity to be heard . . . at a meaningful time in a meaningful
18 manner.” (citation modified)); see also, e.g., *Morrissey*, 408 U.S. at 485 (requiring
19 “preliminary hearing to determine whether there is probable cause or reasonable ground
20 to believe that the arrested parolee has committed . . . a violation of parole conditions”
21 and that such determination be made “by someone not directly involved in the case”
22 (citation modified)).
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1 44. The government's detention of Petitioner without a bond redetermination hearing to
2 determine whether he is a flight risk or danger to others violates his right to due process.

3 45. Under *Mathews v. Eldridge*, 424 U.S. 319 (1976), the balance of interests favors a bond
4 hearing: (1) Petitioner's liberty interest is fundamental; (2) the risk of erroneous detention
5 is high under a categorical bar; and (3) the government's interest in automatic detention is
6 minimal where Petitioner has lived peacefully for years.
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8 **PRAYER FOR RELIEF**

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10 WHEREFORE, Petitioner prays that this Court grant the following relief:

11 a. Assume jurisdiction over this matter;

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13 b. Order that Petitioner shall not be transferred outside the Western District of
14 Oklahoma while this habeas petition is pending;

15 c. Issue an Order to Show Cause ordering Respondents to show cause why this
16 Petition should not be granted within three days;

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18 d. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner or, in
19 the alternative, provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within five
20 days;

21 e. Enter injunctive relief necessary to preserve jurisdiction and prevent irreparable
22 harm, including an order barring transfer, upon the Court's finding that the *Winter* factors are
23 satisfied. *See Winter v. NRDC*, 555 U.S. 7 (2008).
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25 f. Declare that Petitioner's detention is unlawful;
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1 g. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act
2 ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
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4 h. Grant any other and further relief that this Court deems just and proper.
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6 Respectfully submitted this 10th day of February 2026

7 /s/ Jashan Multani
8 Jashan Multani, WSBA 60073

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VERIFICATION OF PETITIONER

On behalf of Anmol Singh, the party in custody, I verify the facts contained in the Petition for Writ of Habeas Corpus, upon information and belief, having reviewed the relevant records and pleadings. Mr. Singh has not verified the petition himself because he is detained in a different State and county from my office and home.

February 10, 2026

Date

/s/ Jashan Multani

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