

DETAINED

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

MANJINDER 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;
MARY DE ANDA-YBARRA, in her official
capacity as Field Office Director of the El Paso
Field Office of U.S. Immigration and Customs
Enforcement, Enforcement and Removal
Operations;
ANGEL GARITE, in his official capacity as
Assistant Field Office Director of the El Paso
Field Office of U.S. Immigration and Customs
Enforcement, Enforcement and Removal
Operations;

Respondents.

Case No.

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

INTRODUCTION

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PETITION FRO WRIT OF
HABEAS CORPUS

(CASE NO.

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1. Petitioner Manjinder Singh is a citizen of India who entered the United States on or about September 1, 2018, seeking asylum after experiencing persecution and fearing harm upon return to India. Upon entry, he was apprehended by the Department of Homeland Security (“DHS”), expressed a fear of return, and was released on his own recognizance.
2. Since his release, Mr. Singh timely filed his application for asylum, complied with all conditions imposed by Immigration and Customs Enforcement (“ICE”), attended all required court hearings and check-ins, and has maintained a clean criminal record in the United States and elsewhere.
3. Despite his full compliance, Respondents abruptly and unlawfully re-detained Mr. Singh on January 14, 2026, while he was working in Minnesota at a  without prior notice, individualized findings, or a hearing.
4. Mr. Singh challenges his continued detention as a violation of the Immigration and Nationality Act (“INA”) and his rights under the Due Process Clause of the Fifth Amendment. He is entitled to a Writ of Habeas Corpus ordering his release under reasonable conditions of supervision because his detention is not reasonably related to any legitimate governmental purpose and violates fundamental constitutional protections. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Tran v. Mukasey*, 515 F.3d 478, 482 (5th Cir. 2008).
5. Mr. Singh asks this Court to “forthwith... issue an order directing [Respondents] to show cause why the writ should not be granted” to be returned within three days unless good cause is shown. 28 U.S.C. § 2243.

1 6. Mr. Singh is in the physical custody of Respondents. He is currently detained at the El
2 Paso Service Processing Center ("EPSPC") in El Paso, Texas, and is under the direct
3 control of Respondents and their agents.
4

5 **PARTIES**

- 6 1. Petitioner, Manjinder Singh (A # ) is an adult citizen of India and is currently
7 detained by Respondents at EPSPC.
8
- 9 2. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S.
10 Department of Homeland Security. She is the cabinet-level secretary responsible for all
11 immigration enforcement in the United States and has ultimate custodial authority over
12 Petitioners.
13
- 14 3. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the
15 United States. The Immigration Judges who decide removal cases and applications for
16 relief from removal do so as her designees.
17
- 18 4. Respondent Todd Lyons is sued in his official capacity as the Acting Director of U.S.
19 Immigration and Customs Enforcement ("ICE"). He is the head of the federal agency
20 responsible for all immigration enforcement in the United States.
21
- 22 5. Angel Garite is the Assistant Field Office Director for the El Paso Field Office. Angel
23 Garite performs the duties typically performed by a warden for the El Paso Service
24 Processing Center. Accordingly, Angel Garite is the legal custodian of Petitioner and is
25 named in his official capacity.
26
27

6. Respondent Mary De Anda-Ybarra is the Field Office Director responsible for the El Paso Field Office of ICE with administrative jurisdiction over Petitioner's case. She is a legal custodian of Petitioner and is named in her official capacity.

JURISDICTION AND VENUE

7. This Court has jurisdiction under 28 U.S.C. §§ 1331 and 2241 and the Suspension Clause of the United States Constitution, Article I, § 9, clause 2.

8. Pursuant to 28 U.S.C. § 2241, district courts have jurisdiction to hear habeas petitions by noncitizens who challenge the lawfulness of their detention under federal law. *Demore v. Kim*, 538 U.S. 510, 516–17 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001); *Tran v. Mukasey*, 515 F.3d 478, 482 (5th Cir. 2008).

9. Venue is proper in the United States District Court for the Western District of Texas because at least one Respondent resides in this District, Petitioner is detained in this District, and Petitioner's immediate physical custodian is located in this District. 28 U.S.C. § 1391(b).

FACTS

10. Petitioner Manjinder Singh is a 26-year-old citizen and national of India.

11. Mr. Singh entered the United States on or about September 1, 2018.

12. Upon entry, Mr. Singh was apprehended by the Department of Homeland Security ("DHS"), expressed a fear of return to India, and was released on an order of release on recognizance on or about September 1, 2018.

1 13. Mr. Singh timely filed an application for asylum and related relief and complied with all
2 conditions imposed by Immigration and Customs Enforcement ("ICE"), including
3 attending all required check-ins and court proceedings.

4 14. On June April 4, 2022, Mr. Singh was scheduled for his individual, merits hearing on
5 their applications for asylum, withholding of removal, and relief under the Convention
6 Against Torture, at the New York Immigration Court.

7 15. Mr. Singh then filed a timely appeal, received by the Board of Immigration Appeals on
8 August 20, 2025. The case appeal was dismissed on September 29, 2022.

9 16. Mr. Singh then filed a timely motion to rescind. On April 22, 2025, the IJ denied the
10 motion to reopen.

11 17. However, Petitioner has a pending Form I-360, Petition for Amerasian, Widow(er), or
12 Special Immigrant, filed pursuant to the Violence Against Women Act (VAWA).

13 18. USCIS received Petitioner's Form I-360 on March 12, 2024, and subsequently issued a
14 Prima Facie Determination finding that Petitioner established eligibility for relief under
15 VAWA. The Prima Facie Determination is currently valid through June 2, 2026, and
16 remains pending adjudication.

17 19. Despite his full compliance, on January 14, 2026, ICE abruptly and unlawfully re-
18 detained Mr. Singh while he was working in Minnesota at a Petro Truck Stop.

19 Respondents refused the opportunity to allow Mr. Singh to even present documentation to
20 show his legal status.

21 20. Mr. Singh has no criminal history in the United States or any other country.

22 21. Mr. Singh was then transported to EPSPC where he is currently detained by Respondents.

1 22. Prior to his re-detention, Mr. Singh did not receive any written notice explaining the basis
2 for the revocation of his release.

3 23. Prior to his re-detention, ICE did not conduct any individualized assessment of whether
4 Mr. Singh posed a flight risk or danger to the community.

5 24. Prior to his re-detention, Mr. Singh was not provided with a hearing before a neutral
6 decisionmaker to determine whether his re-detention was justified.

7 25. Mr. Singh was subsequently transferred to the El Paso Service Processing Center
8 (“EPSPC”) in El Paso, Texas, where he remains in ICE custody.
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10
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12 **LEGAL FRAMEWORK**
13

14 26. “Freedom from imprisonment—from government custody, detention, or other forms of
15 physical restraint—lies at the heart of the liberty that the Due Process Clause of the Fifth
16 Amendment protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Indefinite detention,
17 in particular, raises a “serious constitutional problem” and violates the Due Process
18 Clause. *Id.* at 689–90.
19

20 27. The Due Process Clause requires that the deprivation of Petitioner’s liberty be narrowly
21 tailored to serve a compelling government interest. *Reno v. Flores*, 507 U.S. 292, 301–02
22 (1993).
23

24 28. Section 1231 of Title 8 of the United States Code governs the detention and removal of
25 individuals who have been ordered removed.

26 29. Once an individual in ICE custody is subject to a legally final and executable order of
27 removal, the government is required under Section 1231 to deport the individual within a

90-day “removal period.” 8 U.S.C. § 1231(a)(1)(A), (B). Detention is mandatory during this period. *Id.* § 1231(a)(2).

30. Individuals who are not removed within the removal period are generally subject to release under conditions of supervision. *Id.* § 1231(a)(3).

31. Detention beyond the removal period is permitted only in limited circumstances. *Id.* § 1231(a)(6); 8 C.F.R. § 241.4.

32. The government’s discretionary detention authority is subject to constitutional limitations. In *Zadvydas*, the Supreme Court construed § 1231(a)(6) to contain an implicit reasonable time limitation. 533 U.S. at 682, 690.

33. The Supreme Court adopted a presumptively reasonable detention period of six months, inclusive of the removal period. *Id.* at 701. After this period, once the noncitizen shows that removal is not reasonably foreseeable, the government must rebut that showing with sufficient evidence. *Id.*; *Clark v. Martinez*, 543 U.S. 371, 386 (2005); *Tran v. Mukasey*, 515 F.3d 478, 482 (5th Cir. 2008).

34. As detention lengthens, what constitutes the “reasonably foreseeable future” diminishes. *Zadvydas*, 533 U.S. at 701.

35. The government must release a noncitizen detained beyond six months if it cannot demonstrate that removal is likely in the reasonably foreseeable future. *Clark*, 543 U.S. at 386.

36. Release is the proper remedy for unconstitutional post-removal detention. *Zadvydas*, 533 U.S. at 699–700.

37. The removal period may be extended only if a detainee fails to cooperate. 8 U.S.C. § 1231(a)(1)(C).

38. In such cases, detention is discretionary. *Id.*

39. Neither the Supreme Court nor the Fifth Circuit has defined the precise quantum of evidence required to establish non-cooperation. *Khan v. Gonzales*, 481 F. Supp. 2d 638, 641 (W.D. Tex. 2006).

40. This Court has held that the government must prove lack of cooperation by clear and convincing evidence. *Glushchenko v. U.S. Dep't of Homeland Sec.*, 566 F. Supp. 3d 693, 709 (W.D. Tex. 2021).

41. In *Glushchenko*, this Court established a two-part test: (1) the non-compliance must be intentional or deliberate; and (2) it must deprive the government of documents or otherwise prevent removal. *Id.*

42. The Fifth Circuit has similarly held that continued detention is justified only where the petitioner has intentionally prevented deportation. *Balogun v. INS*, 9 F.3d 347, 351 (5th Cir. 1993).

CLAIMS FOR RELIEF

COUNT ONE

Violation of The Immigration and Nationality Act – 8 U.S.C. § 1231

43. Petitioner Manjinder Singh repeats and realleges all prior allegations.

44. Mr. Singh's detention is governed by 8 U.S.C. § 1231(a) because he is subject to a final order of removal.

45. In *Zadvydas*, the Supreme Court construed § 1231(a) to contain an implicit reasonable time limitation. 533 U.S. at 682.

1 46. Respondents have detained Mr. Singh well beyond the presumptively reasonable period
2 of detention recognized in *Zadvydas*. See *id.* at 701.

3 47. There is no significant likelihood that ICE will remove Mr. Singh to India in the
4 reasonably foreseeable future. *Id.*

5 48. Respondents cannot rebut this showing with substantial evidence.

6 49. Respondents also cannot demonstrate by clear and convincing evidence that Mr. Singh
7 has engaged in intentional conduct to prevent removal. See *Glushchenko*, 566 F. Supp. 3d
8 at 709.

9 50. Accordingly, Mr. Singh's detention violates § 1231, and he is entitled to immediate
10 release.
11

12
13 **COUNT TWO**

14 **Violation of the Due Process Clause**

15 **of the Fifth Amendment to the U.S. Constitution**

16 51. Petitioner Manjinder Singh repeats and realleges all prior allegations.
17

18 52. The Fifth Amendment forbids deprivation of liberty without due process. U.S. Const.
19 amend. V.
20

21 53. "Freedom from imprisonment... lies at the heart of the liberty" protected by due process.
22 *Zadvydas*, 533 U.S. at 690 (citing *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)).

23 54. Civil immigration detention violates due process if it is not reasonably related to its
24 statutory purpose. *Id.* (citing *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)).

25 55. The statutory purpose of § 1231 is to effectuate removal. *Zadvydas*, 533 U.S. at 697.
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1 56. Mr. Singh's prolonged detention extends well beyond the removal period and will
2 continue indefinitely.

3 57. His detention is no longer reasonably related to effectuating removal.

4 58. ICE has failed to provide adequate procedural safeguards.

5 59. Accordingly, Mr. Singh's detention violates both substantive and procedural due process.
6

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8 **PRAYER FOR RELIEF**

9
10 WHEREFORE, Petitioner Manjinder Singh respectfully requests that this Court grant the
11 following relief:
12

13 A. Assume jurisdiction over this matter;
14

15 B. Issue an Order to Show Cause directing Respondents to file a return within three (3)
16 days pursuant to 28 U.S.C. § 2243, absent good cause for a short extension;
17

18 C. Declare that Petitioner's continued detention violates the Immigration and Nationality
19 Act and the Due Process Clause of the Fifth Amendment;
20

21 D. Order Petitioner's immediate release from ICE custody under reasonable conditions of
22 supervision;
23

24 E. Enjoin Respondents from transferring Petitioner outside this judicial district pending
25 the resolution of this action and any related removal proceedings;
26
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1 F. Enjoin Respondents from removing or transferring Petitioner to any third country
2 without prior notice and an opportunity to seek protection and relief before an
3 Immigration Judge;

4
5 G. Award Petitioner reasonable attorneys' fees and costs as permitted by law;

6
7 H. Grant such other and further relief as this Court deems just, proper, and equitable
8
9

10 Respectfully submitted this 6th day of February 2026
11

12 /s/ Jashan Multani

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