

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

MANJINDER SINGH

Petitioner,

v.

Kristi NOEM, Secretary, United States
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
John Doe, in his official capacity as Warden of
El Paso Service Processing Center

Respondents;

Case No.3:26-cv-00403

**EMERGENCY MOTION FOR
TEMPORARY RESTRAINING
ORDER**

**NOTE ON MOTION CALENDAR:
FEBRUARY 19, 2026**

INTRODUCTION

Petitioner Manjinder Singh seeks emergency relief in the form of a Temporary Restraining Order and Temporary Stay of Removal enjoining Respondents—the Department of Homeland Security

1 (“DHS”), Immigration and Customs Enforcement (“ICE”), and their officers—from (1)
2 removing Petitioner from the United States and (2) transferring Petitioner outside this Court’s
3 jurisdiction while this Court considers his concurrently filed Petition for Writ of Habeas Corpus
4 pursuant to 28 U.S.C. § 2241. Petitioner faces imminent removal on February 20, 2026. Absent
5 immediate injunctive relief, Respondents will deport Petitioner before this Court can adjudicate
6 the habeas petition or issue and enforce an Order to Show Cause, thereby mooting this action and
7 depriving the Court of the ability to grant effective relief. See 28 U.S.C. § 1651; *United States v.*
8 *United Mine Workers of Am.*, 330 U.S. 258, 290 (1947) (recognizing federal courts’ inherent
9 authority to preserve their ability to decide matters properly before them).

10 This motion presents a true emergency because removal is imminent and irreversible, and
11 because removal would constitute a unilateral executive act that would render these proceedings
12 meaningless. The Supreme Court has recognized that removal constitutes a serious and often
13 irreparable injury and that a stay serves to preserve meaningful judicial review. *Nken v. Holder*,
14 556 U.S. 418, 421–22, 434–35 (2009). The Fifth Circuit likewise recognizes that federal courts
15 may issue injunctive relief to preserve jurisdiction and prevent actions that would defeat
16 meaningful adjudication. *ITT Cmty. Dev. Corp. v. Barton*, 569 F.2d 1351, 1359 (5th Cir. 1978)
17 (holding that an injunction is appropriate where necessary to preserve the court’s jurisdiction and
18 prevent litigation from being rendered meaningless). This case squarely presents that
19 circumstance: if Respondents remove Petitioner as scheduled, this Court will be deprived of any
20 meaningful opportunity to adjudicate the pending § 2241 claims or to provide effective relief.

21 Petitioner has resided in the United States since 2018 and was previously released into the
22 community on an order of release. For years, he complied fully with supervision requirements
23 and maintained a clean record. Nevertheless, ICE abruptly re-detained him on or about January
24 14, 2026, without prior notice, without individualized findings, and without a hearing, and
25 transferred him to custody at the El Paso Service Processing Center. Respondents now seek to
26 execute removal on an accelerated timeline that would strip Petitioner of meaningful access to
27 this Court and extinguish habeas review. The Constitution does not permit the government to
defeat habeas jurisdiction by racing removal ahead of judicial review. See *Boumediene v. Bush*,
553 U.S. 723, 779 (2008) (holding that habeas review must be “effective”); *INS v. St. Cyr*, 533

1 U.S. 289, 300–05 (2001) (recognizing that preserving meaningful judicial review is a core
2 structural function of habeas corpus).

3 This motion does not challenge the validity of any removal order and does not ask this Court to
4 review the merits of removability. Rather, it seeks a narrow, time-limited injunction to preserve
5 this Court’s jurisdiction over a pending habeas action challenging the lawfulness of detention
6 and seeking constitutionally adequate process. Petitioner does not seek review of the validity of
7 his removal order, which would fall within the exclusive jurisdiction of the court of appeals
8 under 8 U.S.C. § 1252. Instead, Petitioner seeks narrowly tailored relief to preserve this Court’s
9 habeas jurisdiction over his detention challenge. The Fifth Circuit has recognized that district
10 courts retain jurisdiction under § 2241 to review detention-based challenges notwithstanding the
11 REAL ID Act. *Andrade v. Gonzales*, 459 F.3d 538 (5th Cir. 2006). Because removal is
12 imminent, Petitioner respectfully requests expedited consideration and a ruling within twenty-
four to forty-eight hours to prevent mootness and irreparable harm.

13 Here, the need for emergency relief is even more acute: Respondents intend to remove Petitioner
14 tomorrow, which will irreparably harm Petitioner and moot this Court’s review before it can
15 occur. Accordingly, Petitioner respectfully seeks immediate relief to preserve this Court’s
16 jurisdiction, prevent mootness, and vindicate his right to liberty under the Fifth Amendment.

17 **MATERIAL CHANGE IN CIRCUMSTANCES SINCE THE COURT’S FEBRUARY 11,**
18 **2026 ORDER**

19
20 On February 11, 2026, this Court issued a Show Cause Order directing Respondents to respond
21 to the Petition by February 25, 2026. At that time, the Court declined to prevent Petitioner’s
22 removal because there was no evidence that removal was imminent. See Show Cause Order at 3–
23 4.

24 Since the issuance of that Order, circumstances have materially and dramatically changed.

25 First, ICE transferred Petitioner from the El Paso Service Processing Center to the Port Isabel
26 Detention Center in Los Fresnos, Texas on February 18, 2026. Port Isabel is a known staging
27 facility for imminent removals.

1 Second, Petitioner has been informed by ICE officers that detainees at Port Isabel are scheduled
2 for removal on a flight to India on February 20, 2026.

3 Accordingly, removal is no longer speculative or theoretical. It is imminent.

4
5 These facts were not before the Court when it issued its February 11 Order. Petitioner
6 respectfully submits this emergency request based on materially changed circumstances
7 demonstrating that Respondents now intend to execute removal before the Court can adjudicate
8 the pending habeas petition or enforce its Show Cause Order.

9 Temporary relief is therefore necessary to preserve this Court's jurisdiction and ensure
10 meaningful judicial review.

11 STATEMENT OF FACTS

12
13 Petitioner Manjinder Singh is a citizen and national of India. He entered the United States on or
14 about September 1, 2018, seeking asylum after suffering persecution and fearing serious harm if
15 returned to India. Upon entry, the Department of Homeland Security ("DHS") apprehended
16 Petitioner. After he expressed a credible fear of return, DHS released him from custody on an
17 Order of Release on Recognizance on or about September 1, 2018.

18 Shortly thereafter, Petitioner pursued protection in the United States and sought asylum and
19 related relief. Since his release, he has consistently appeared for all required hearings,
20 appointments, and reporting obligations before the Immigration Court and immigration
21 authorities.

22 For more than seven years following his release, Petitioner fully complied with every condition
23 imposed by ICE. He attended all required check-ins, maintained regular contact with
24 immigration authorities, remained continuously available for supervision, and lived openly in the
25 community. During this entire period, Petitioner committed no criminal offenses and has no
26 criminal history in the United States or any other country.
27

1 On January 14, 2026, notwithstanding Petitioner's exemplary compliance, stability, and absence
2 of any intervening misconduct, ICE abruptly re-arrested and re-detained him while he was
3 working in Minnesota. The re-detention occurred without warning and without any prior
4 indication that his release would be revoked.

5 Prior to re-detaining Petitioner, Respondents provided no written notice identifying any alleged
6 violation or legal basis for revoking his release. Respondents did not conduct any individualized
7 assessment of whether Petitioner posed a flight risk or danger to the community. Nor did they
8 provide Petitioner with a hearing before a neutral decisionmaker at which the government was
9 required to justify re-detention or demonstrate that less restrictive alternatives were inadequate.

10 Following his arrest, Petitioner was initially confined at El Paso Service Processing Center and,
11 on February 18, 2026, transferred to Port Isabel Detention Center, where he is currently detained.

12 As of the filing of this motion, Petitioner has been detained for more than one month despite his
13 longstanding compliance, strong equities, and lack of any lawful justification for continued
14 detention. He now faces imminent removal on February 20, 2026, which will permanently
15 separate him from the protections of this Court, moot his pending habeas petition, and deprive
16 him of any meaningful opportunity for judicial review unless immediate injunctive relief is
17 granted.

18 ARGUMENT

19
20 As a threshold matter, this Court retains jurisdiction under 28 U.S.C. § 2241 to adjudicate
21 Petitioner's detention-based constitutional claims. Petitioner does not challenge the validity of
22 his removal order, which would fall within the exclusive jurisdiction of the court of appeals
23 under 8 U.S.C. § 1252. Rather, he seeks temporary, narrowly tailored relief necessary to preserve
24 this Court's ability to adjudicate his pending habeas petition.

25 A temporary restraining order is an extraordinary remedy, but it is appropriate where the movant
26 establishes: (1) a substantial likelihood of success on the merits; (2) a substantial threat of
27 irreparable injury if the injunction is not issued; (3) that the threatened injury outweighs any
damage the injunction may cause the opposing party; and (4) that the injunction will not disserve

1 the public interest. *Canal Auth. of the State of Fla. v. Callaway*, 489 F.2d 567, 572 (5th Cir.
2 1974). The Fifth Circuit has reaffirmed that the movant need not prove certain success, only a
3 substantial likelihood. *Janvey v. Alguire*, 647 F.3d 585, 595 (5th Cir. 2011). Additionally,
4 irreparable harm must be likely and imminent, not speculative. *Texas v. EPA*, 829 F.3d 405, 418
5 (5th Cir. 2016).

6 Each of these factors weighs decisively in Petitioner's favor. Absent immediate injunctive relief,
7 Petitioner will be removed from the United States on February 20, 2026—before this Court can
8 adjudicate his pending habeas petition—thereby mooting this action and permanently depriving
9 this Court of jurisdiction to provide effective relief.

10 This Court has jurisdiction over Petitioner's constitutional and statutory claims pursuant to 28
11 U.S.C. §§ 2241 and 1331. Once jurisdiction attaches upon filing of a habeas petition, it is not
12 defeated by the government's unilateral action. *Ex parte Endo*, 323 U.S. 283, 304–07 (1944).
13 Federal courts possess the authority to issue injunctive relief necessary to preserve their
14 jurisdiction and prevent litigation from being rendered meaningless. *ITT Cmty. Dev. Corp. v.*
15 *Barton*, 569 F.2d 1351, 1359 (5th Cir. 1978); 28 U.S.C. § 1651. A temporary restraining order is
16 therefore necessary to preserve this Court's jurisdiction and maintain the status quo pending
17 review.

18 Petitioner's habeas petition challenges the lawfulness of his detention and the government's
19 attempt to execute removal in a manner that would defeat meaningful judicial review. He has
20 demonstrated a substantial likelihood of success on these claims.

21 The Fifth Amendment provides that “[n]o person shall be deprived of life, liberty, or property,
22 without due process of law.” U.S. Const. amend. V. The Supreme Court has made clear that
23 noncitizens physically present in the United States are entitled to due process protections.
24 *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); *Landon v. Plasencia*, 459 U.S. 21, 32 (1982).

25 Petitioner was released on his own recognizance in 2018 after expressing fear of return. For more
26 than seven years, he complied fully with ICE supervision, appeared at all required proceedings,
27 and maintained a spotless record. Despite this extraordinary compliance, ICE abruptly re-
detained him on January 14, 2026, without prior notice, without individualized findings, and

1 without affording him a hearing.

2 Where the government seeks to revoke previously granted liberty, due process requires notice
3 and an opportunity to be heard. *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972). The abrupt
4 termination of liberty without pre-deprivation process raises serious constitutional concerns
5 under settled Supreme Court authority.

6 Petitioner timely filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. This
7 Court accepted jurisdiction and issued an Order to Show Cause directing Respondents to respond
8 by February 25, 2026. At that time, the Court declined to issue emergency relief because there
9 was no evidence that removal was imminent.

10 Since the issuance of the Show Cause Order, circumstances have materially changed.

11
12 On February 18, 2026, ICE transferred Petitioner from the El Paso Service Processing Center to
13 the Port Isabel Detention Center in Los Fresnos, Texas. Petitioner's family and counsel have
14 confirmed that he is now physically housed at Port Isabel. Petitioner has been informed by ICE
15 officers that detainees at Port Isabel are scheduled for removal on a flight to India on February
16 20, 2026. The February 20 removal date is based on statements made by ICE officers to
17 Petitioner and other detainees at Port Isabel and is supported by the accompanying declaration of
18 counsel.

19 Thus, while this Court's Show Cause Order remains pending and unanswered, Respondents have
20 moved Petitioner into final removal staging and initiated removal procedures.

21 This sequence of events raises serious concerns that removal is being accelerated before this
22 Court can rule on the pending habeas petition

23 The Supreme Court has repeatedly held that habeas review must be meaningful and effective.
24 *Boumediene v. Bush*, 553 U.S. 723, 779 (2008); *INS v. St. Cyr*, 533 U.S. 289, 300–05 (2001).
25 Removal before adjudication would extinguish Petitioner's claims and nullify this Court's ability
26 to grant relief. The Supreme Court has recognized that a stay serves precisely to preserve judicial
27 review where removal is imminent. *Nken v. Holder*, 556 U.S. 418, 434–35 (2009).

1 The Fifth Circuit likewise recognizes that federal courts may issue injunctive relief where
2 necessary to preserve jurisdiction and prevent litigation from being rendered meaningless. *ITT*
3 *Cmty. Dev. Corp. v. Barton*, 569 F.2d 1351, 1359 (5th Cir. 1978).

4 Because Respondents are now poised to remove Petitioner before this Court can enforce its
5 Show Cause Order or adjudicate the pending habeas petition, Petitioner has demonstrated a
6 substantial likelihood of success on the merits of his request for injunctive relief.

7 **II. Petitioner Will Suffer Irreparable Harm Absent Injunctive Relief**

8
9 Petitioner faces immediate, imminent, and irreversible harm if removed on February 20, 2026.

10 First, removal constitutes a paradigmatic form of irreparable injury. The Supreme Court has
11 recognized that deportation is a serious and often irreversible consequence. *Nken*, 556 U.S. at
12 435. Once removed, Petitioner cannot be restored to the legal and practical position he occupies
13 today.

14 Second, removal will moot this habeas action and deprive this Court of jurisdiction before it can
15 rule. Because Petitioner challenges present detention and seeks release, removal would eliminate
16 the live custody necessary for habeas jurisdiction. This Court has already exercised jurisdiction
17 and issued a Show Cause Order. If removal occurs before Respondents respond and before the
18 Court adjudicates the petition, the Court's order will be rendered meaningless.

19 The Fifth Circuit has held that injunctive relief is appropriate where necessary to preserve
20 jurisdiction and prevent litigation from becoming meaningless. *ITT Cmty. Dev. Corp.*, 569 F.2d
21 at 1359.

22 Third, removal will permanently deprive Petitioner of meaningful access to counsel, to this
23 Court, and to judicial review of his constitutional claims. No later court order can undo
24 deportation or recreate the conditions necessary for effective habeas litigation.

25 Fourth, the loss of constitutional rights constitutes irreparable injury. The Fifth Circuit has long
26 recognized that the deprivation of constitutional protections, even for minimal periods of time,
27 satisfies the irreparable harm requirement. *Deerfield Med. Ctr. v. City of Deerfield Beach*, 661

1 F.2d 328, 338 (5th Cir. 1981); *Opulent Life Church v. City of Holly Springs*, 697 F.3d 279, 295
2 (5th Cir. 2012).

3 Here, removal would permanently deprive Petitioner of meaningful access to habeas review and
4 due process protections.

5 Because ICE has transferred Petitioner to Port Isabel and informed him of a scheduled February
6 20 flight, irreparable harm is not speculative. It is immediate, concrete, and certain absent
7 judicial intervention.

8 9 10 **III. The Balance of Harms and the Public Interest Strongly Favor Relief**

11 When the government is a party, the balance of harms and public interest factors substantially
12 overlap. *Nken*, 556 U.S. at 435.

13
14 Petitioner faces catastrophic harm: permanent removal from the United States, extinguishment of
15 his pending habeas petition, loss of access to counsel, separation from ongoing legal
16 proceedings, and denial of judicial review.

17 By contrast, the government faces minimal hardship from a narrowly tailored, temporary stay
18 preserving the status quo while this Court adjudicates the pending habeas petition and enforces
19 its Show Cause Order.

20 A short stay will not impede the government's ultimate enforcement authority if it prevails. It
21 merely ensures that removal does not occur in violation of this Court's jurisdiction and before
22 constitutional claims are adjudicated.

23 The public interest is served when courts are able to exercise their jurisdiction and adjudicate
24 constitutional claims without interference. Preserving meaningful judicial review is a structural
25 constitutional value recognized by the Supreme Court. *St. Cyr*, 533 U.S. at 300–05; *Boumediene*,
26 553 U.S. at 779.

27 Allowing removal to proceed while a Show Cause Order remains pending would undermine

1 public confidence in the judicial process and permit executive action to nullify judicial authority.

2 Accordingly, the balance of harms and the public interest weigh overwhelmingly in Petitioner's
3 favor.

4 5 **IV. Preservation of the Status Quo and Immediate Relief Are Required**

6 The purpose of a temporary restraining order is to preserve the status quo pending judicial
7 review. *Canal Auth. of the State of Fla. v. Callaway*, 489 F.2d 567, 572 (5th Cir. 1974).

8 Here, the relevant status quo is Petitioner's continued presence within the United States and
9 within this Court's jurisdiction while his habeas petition and the Court's Show Cause Order
10 remain pending.

11 Respondents' post-filing transfer of Petitioner to Port Isabel and initiation of removal procedures
12 threatens to destroy that status quo and defeat this Court's ability to rule.

13
14 Transfer of custody does not divest this Court of jurisdiction once habeas jurisdiction has
15 attached. *Ex parte Endo*, 323 U.S. at 304–07. Nor may the government defeat jurisdiction by
16 accelerating removal after litigation has commenced.

17 Federal courts are empowered under the All Writs Act, 28 U.S.C. § 1651, and longstanding
18 equitable principles to prevent jurisdiction-defeating actions. *United Mine Workers*, 330 U.S. at
19 290; *ITT Cmty. Dev. Corp.*, 569 F.2d at 1359.

20 If removal proceeds on February 20, no later order can restore this Court's jurisdiction or revive
21 meaningful habeas review. The pending Show Cause Order will be nullified, and judicial review
22 will be permanently foreclosed.

23 Immediate injunctive relief is therefore necessary to prevent mootness, preserve jurisdiction,
24 enforce this Court's orders, and protect Petitioner's constitutional rights.

25 26 27 **CONCLUSION**

1 Petitioner faces imminent and irreversible harm. Absent immediate intervention by this Court,
2 Respondents will remove him from the United States on February 20, 2026—before this Court
3 can adjudicate his habeas petition—thereby mooted this action, extinguishing Petitioner’s
4 constitutional and statutory rights, and permanently depriving this Court of jurisdiction to grant
5 effective relief.

6 Once removal occurs, no later court order can restore Petitioner’s liberty, reinstate this Court’s
7 authority, or remedy the unlawful deprivation of due process. The destruction of judicial review
8 itself constitutes irreparable injury.

9 Petitioner has demonstrated a strong likelihood of success on the merits, ongoing and irreparable
10 harm, and that the balance of equities and public interest overwhelmingly favor relief. A
11 temporary restraining order is therefore necessary to preserve the status quo, protect this Court’s
12 jurisdiction, and prevent Respondents from rendering these proceedings meaningless through
13 unilateral executive action.

14 Accordingly, Petitioner respectfully requests that this Court immediately:

- 15 1. Issue a temporary restraining order staying Petitioner’s removal from the United States
16 pending adjudication of the pending Petition for Writ of Habeas Corpus and
17 Respondents’ compliance with this Court’s Show Cause Order;
- 18 2. Enjoin Respondents from transferring or removing Petitioner outside the territorial
19 jurisdiction of this Court in a manner that would defeat this Court’s ability to grant
20 effective relief;
- 21 3. Preserve the status quo pending resolution of the habeas petition; and
- 22 4. Grant such other and further relief as the Court deems just and proper.

23 Emergency relief is warranted. Without it, Petitioner will suffer permanent and irreparable loss
24 of liberty, and this Court’s authority will be nullified. The Constitution, the habeas statute, and
25 controlling precedent require immediate judicial intervention.
26
27

1 RESPECTFULLY SUBMITTED THIS 19TH DAY OF FEBUARY 2026

2
3 /s/ Jashan Multani

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