

DETAINED

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8 THE UNITED STATES DISTRICT COURT
9 FOR THE WESTERN DISTRICT OF OKLAHOMA

10 Dilpreet Singh

11 Petitioners,

Case No.

12 v.

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

13 Kristi NOEM, Secretary of U.S. Department of
14 Homeland Security;
15 Pamela BONDI, United States Attorney
16 General;
17 Todd LYONS, Acting Director, U.S.
18 Immigration and Customs Enforcements;
19 Joshua Johnson, Field Office
20 Director of Enforcement and
21 Removal Operations, Dallas Field
22 Office, Immigration and Customs
23 Daren Margolin, Director of the
24 Executive Office of Immigration
25 Review, in his official capacity;
26 Fred Figueroa, Warden of Cimarron Correctional
27 Facility, in her official capacity
Respondents.

INTRODUCTION

1. Petitioner Dilpreet Singh is in the physical custody of Respondents at Diamondback Correctional Facility in Watonga, Oklahoma. Petitioner faces unlawful detention because the Department of Homeland Security ("DHS") and the Executive Office of Immigration

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1 Review (“EOIR”) have concluded Petitioner is subject to mandatory detention. Although
2 Petitioner was previously processed and is now in removal proceedings, DHS has
3 adopted an interpretation that retroactively classifies individuals charged as inadmissible
4 under 8 U.S.C. § 1182(a)(6)(A)(i) as “applicants for admission” subject to detention
5 under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released on bond.
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7 2. Petitioner is charged with having entered the United States without admission or
8 inspection under 8 U.S.C. § 1182(a)(6)(A)(i).

9 3. The Department of Homeland Security issued a new policy on or about July 8, 2025,
10 instructing Immigration and Customs Enforcement (“ICE”) to treat individuals
11 inadmissible under § 1182(a)(6)(A)(i) as subject to detention under 8 U.S.C. §
12 1225(b)(2)(A), rendering them categorically ineligible for bond.
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14 4. Thereafter, on September 5, 2025, the Board of Immigration Appeals (“BIA”) issued a
15 precedent decision, binding on immigration judges, holding that an immigration judge
16 lacks authority to consider bond requests for individuals who entered without admission,
17 concluding such individuals are detained under 8 U.S.C. § 1225(b)(2)(A). See Matter of
18 Yajure Hurtado, 29 I. & N. Dec. 216 (BIA 2025).
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20 5. Respondents’ new legal interpretation is contrary to the statutory framework, contrary to
21 decades of agency practice, and violates the Due Process Clause.

22 6. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be released or, in
23 the alternative, that Respondents provide a bond hearing within five days.
24

25 **JURISDICTION**
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27

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- 1 7. Petitioner is in the physical custody of Respondents, detained at Diamondback
2 Correctional Facility in Watonga, Oklahoma.
- 3 8. This Court has jurisdiction under 28 U.S.C. § 2241(c)(1), (3); 28 U.S.C. § 1331; Article I,
4 section 9, clause 2 of the U.S. Constitution; and U.S. Const. amend. V.
- 5 9. This Court may grant relief pursuant to 28 U.S.C. § 2241 et seq., the Declaratory
6 Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.


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8
9 **VENUE**

- 10 10. Venue lies in the Western District of Oklahoma because Petitioner is detained in this
11 district and Respondent Fred Figueroa, the immediate custodian, is located in this district.
- 12 11. Venue is also proper under 28 U.S.C. § 1391(e) because Respondents are
13 officers/employees of the United States and a substantial part of the events giving rise to
14 these claims occurred in this district.

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

- 18 12. The Court must grant the writ or issue an order to show cause “forthwith,” unless the
19 petition shows petitioner is not entitled to relief. 28 U.S.C. § 2243.
- 20 13. Habeas corpus provides a swift remedy in cases of illegal restraint or confinement. See
21 *Fay v. Noia*, 372 U.S. 391, 400 (1963).

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24 **PARTIES**

- 25 14. Petitioner Dilpreet Singh () is a citizen of India. Petitioner has been
26 detained at Diamondback Correctional Facility since on or about September 1, 2025, after
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1 being pulled over by police while driving a truck. ICE did not set bond. Petitioner did not
2 seek an immigration court bond hearing because, under the DHS detention policy and
3 Matter of Yajure Hurtado, immigration judges lack jurisdiction to consider bond for
4 individuals detained under § 1225(b)(2)(A).

5
6 15. Respondent Kristi Noem is the Secretary of DHS and is responsible for implementing
7 and enforcing the INA, overseeing ICE, and has ultimate custodial authority over
8 Petitioner.

9
10 16. Respondent Pamela Bondi is the Attorney General of the United States and oversees
11 EOIR and the immigration courts.

12
13 17. Respondent Todd Lyons is the Acting Director of ICE and is responsible for ICE
14 detention policies causing Petitioner's unlawful detention.

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16 18. Respondent Joshua Johnson is the Field Office Director of ICE ERO for the Dallas Field
17 Office and is responsible for implementing detention policy applied to Petitioner.

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19 19. Respondent Daren Margolin is the Director of EOIR and is responsible for EOIR policies
20 and immigration court operations implicated by the categorical denial of bond
21 jurisdiction.

22
23 20. Respondent Fred Figueroa is the Warden of Diamondback Correctional Facility and
24 Petitioner's immediate custodian.

25 **FACTS**

26 21. Petitioner entered the United States in or about August 2022.

27 22. Petitioner has no criminal record.

1 23. Petitioner applied for asylum; the asylum application was denied on December 12, 2025,
2 and that decision has been appealed. The appeal remains pending.

3 24. Petitioner remains in ICE detention at Diamondback Correctional Facility in Watonga,
4 Oklahoma.

5 25. Petitioner has prior removals or voluntary departures. (To the extent Respondents rely on
6 this history to justify mandatory detention without bond, that position is still governed by
7 the statutory detention scheme and constitutional due process; categorical denial of a
8 custody hearing is unlawful.)

9 26. Any request for an immigration bond hearing would be futile because immigration judges
10 are bound by Matter of Yajure Hurtado and ICE's detention position asserting §
11 1225(b)(2) applies. Exhaustion is therefore excused. See *McCarthy v. Madigan*, 503 U.S.
12 140, 148 (1992).

13 27. As a result, Petitioner faces the prospect of months or years in immigration custody
14 absent relief from this Court.

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18 **CLAIMS FOR RELIEF**

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20 **COUNT I**
21 **Violation of the INA**

22 28. Petitioner incorporates by reference the preceding paragraphs.

23 29. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not authorize DHS to
24 impose mandatory detention categorically on all individuals living in the United States
25 who are charged with inadmissibility, particularly where DHS previously exercised
26 discretionary detention authority under a different statutory scheme. Section 1226
27

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1 governs a separate (non-mandatory) detention scheme applicable when an individual is
2 “already in the country.” *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018).

3 30. Nothing in § 1225 authorizes DHS to impose mandatory detention without bond years
4 after a person has been living in the United States and is in ongoing removal proceedings.
5 Congress’s use of distinct triggers—“arriving” in § 1225 versus “arrested and detained”
6 in § 1226—confirms these are distinct detention schemes.

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8 31. The application of § 1225(b)(2) to Petitioner to bar any bond hearing is unlawful and
9 violates the INA.

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

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14 32. Petitioner repeats and incorporates the preceding paragraphs.

15 33. The government may not deprive a person of liberty without due process of law. U.S.
16 Const. amend. V. “Freedom from imprisonment—from government custody, detention,
17 or other forms of physical restraint—lies at the heart of the liberty that the Clause
18 protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

19
20 34. Petitioner has a fundamental liberty interest in freedom from physical restraint.

21 35. Respondents’ categorical detention of Petitioner without a bond hearing to determine
22 whether he is a flight risk or danger violates due process.

23 36. Under *Mathews v. Eldridge*, 424 U.S. 319 (1976), the balance of interests favors a bond
24 hearing: (1) Petitioner’s liberty interest is fundamental; (2) the risk of erroneous detention
25 is high under a categorical bar; and (3) the government’s interest in automatic detention is
26 minimal where individualized process is feasible.
27

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- a. Assume jurisdiction over this matter;
- b. Order that Petitioner shall not be transferred outside the Western District of Oklahoma while this habeas petition is pending;
- c. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- d. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner or, in the alternative, provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within five days;
- e. Enter injunctive relief necessary to preserve jurisdiction and prevent irreparable harm, including an order barring transfer, upon the Court's finding that the Winter factors are satisfied. See *Winter v. NRDC*, 555 U.S. 7 (2008);
- f. Declare that Petitioner's detention is unlawful;
- g. Award reasonable attorneys' fees and costs under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412, and any other applicable basis; and
- h. Grant such other and further relief as the Court deems just and proper.

1 Respectfully submitted this 11th day of February 2026

2 /s/ Jashan Multani
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VERIFICATION OF PETITIONER

On behalf of Dilpreet 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 11, 2026

Date

/s/ Jashan Multani

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