

DETAINED

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

10 Jagtar 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 Scarlet Grant, Warden of Cimarron Correctional
27 Facility, in her official capacity
Respondents.

INTRODUCTION

1. This Petition challenges the unlawful re-detention of Petitioner Jagtar Singh, an adult citizen of India. Mr. Singh entered United States on June 7, 2022. Petitioner was initially apprehended by the Department of Homeland Security (DHS). He expressed a fear of

1 return to India and was released by the DHS on an order of release on recognizance on or
2 around June 9, 2022.

- 3 2. Petitioner timely filed an I-589, Application for Asylum and for Withholding of Removal
4 and complied with all conditions of release set by Immigration and Customs Enforcement
5 (ICE). Petitioner has no criminal history in the United States or any other country.
6
- 7 3. Despite Petitioner's compliance while released, including court attendance in removal
8 proceedings, he was abruptly and unlawfully re-detained by the Department of Homeland
9 Security (DHS) on Nov 26th 2025 in Oklahoma. Petitioner was then transported and
10 taken to Cimarron Correctional Facility.
11
- 12 4. Petitioner is in the physical custody of Respondents at Cimarron Correctional Facility in
13 Cushing, Oklahoma. He now faces unlawful detention because the Department of
14 Homeland Security (DHS) and the Executive Office of Immigration Review (EOIR) have
15 concluded Petitioner is subject to mandatory detention. Although Petitioner was
16 previously arrested, processed, and released under 8 U.S.C. § 1226(a), DHS now
17 retroactively reclassifies her as an 'applicant for admission' subject to § 1225(b)(2).
18
- 19 5. Prior to re-detaining Petitioner, Respondents did not provide any written notice
20 explaining the basis for the revocation of his release. Likewise, Respondents did not
21 assess whether Petitioner presented a flight risk or danger to the community prior to his
22 rearrests. Nor did Respondents provide a hearing before a neutral decisionmaker, where
23 ICE was required to justify the basis for re-detention or to explain why Petitioner is a
24 flight risk or danger to the community.
25
- 26 6. The Department of Homeland Security ("DHS") issued a new policy on July 8, 2025,
27 instructing all Immigration and Customs Enforcement ("ICE") employees to consider

1 anyone inadmissible under § 1182(a)(6)(A)(i)-i.e., those who entered the United States
2 without admission or inspection-to be subject to detention under 8 U.S.C. §1225(b)(2)(A)
3 and therefore ineligible to be released on bond. According to one court, DHS “revisited
4 its legal position on detention and release authorities” and “determined that [section
5 1225]..., rather than [section 1226], is the applicable immigration detention authority for
6 all applicants for admission,” meaning all non-citizens who were “present in the United
7 States [without having] been admitted,” 8 U.S.C. § 1225(a)(1). *See Diaz Martinez v.*
8 *Hyde*, 792 F. Supp. 3d 211, 217–18 & n.10 (D. Mass. 2025) (quoting the same internal
9 ICE memorandum issued by Acting Director Todd M. Lyons).

- 10
11
12 7. Thereafter, on September 5, 2025, the Board of Immigration Appeals (“BIA”) issued
13 a precedent decision, binding on all immigration judges, holding that an immigration judge
14 has no authority to consider bond requests for any person who entered the United States
15 without admission. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). The
16 BIA determined that such individuals are subject to detention under 8 U.S.C. §
17 1225(b)(2)(A) and are therefore ineligible to be released on bond.
18
19 8. Respondents' new legal interpretation is plainly contrary to the statutory framework,
20 contrary to decades of agency practice and violates the Due Process Clause.
21
22 9. Accordingly, Petitioner seeks a writ of habeas corpus requiring that she be released or in
23 the alternative require Respondents to provide a bond hearing within five days.

24 **JURISDICTION**

- 25 10. Petitioner is in the physical custody of Respondents. Petitioner is detained at the
26 Cimarron Correctional Facility in Cushing, Oklahoma
27

- 1 11. This Court has jurisdiction under 28 U.S.C. § 2241(c)(1), (3) (habeas corpus), 28
2 U.S.C. § 1331 (federal question), Article I, section 9, clause 2 of the U.S. Constitution
3 (the Suspension Clause), and U.S. Const. amend. V (the Due Process Clause).
4
5 12. 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.

7 **VENUE**

- 8 13. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500
9 (1973), venue lies in the United States District Court for the Western District of
10 Oklahoma, the judicial district in which Petitioner currently is detained. Respondent
11 Scarlet Grant, is the Warden of the Cimarron Correctional Facility, is the immediate
12 custodian of Petitioner, is in the Western District of Oklahoma.
13
14 14. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because
15 Respondents are employees, officers, and agencies of the United States, and because a
16 substantial part of the events or omissions giving rise to the claims occurred in the Western
17 District of Oklahoma.
18

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

- 20 15. The Court must grant the petition for writ of habeas corpus or order Respondents to show
21 cause "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an
22 order to show cause is issued, Respondents must file a return "within three days unless for
23 good cause additional time, not exceeding twenty days, is allowed." *Id.*
24
25 16. Habeas corpus is "perhaps the most important writ known to the constitutional law...
26 affording as it does a swift and imperative remedy in all cases of illegal restraint or
27 confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963). "The application for the writ

1 usurps the attention and displaces the calendar of the judge or justice who entertains it
2 and receives prompt action from him within the four comers of the application." *Yong v.*
3 *I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

4 **PARTIES**

- 5
6 17. Petitioner Jagtar Singh is a citizen of India who has been in immigration detention since
7 November 26, 2025. He was taken into custody in Oklahoma. After taking custody of
8 Petitioner, ICE did not set bond. Petitioner did not apply for a bond with the Immigration
9 Court due to the Lyons memo and the binding decision of the BIA in *Matter of Yajure*
10 *Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).
11
12 18. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is
13 responsible for the implementation and enforcement of the Immigration and Nationality
14 Act ("INA"), and oversees ICE, which is responsible for Petitioner's detention. Ms. Noem
15 has ultimate custodial authority over Petitioner and is sued in her official capacity.
16
17 19. Respondent Pamela Bondi is the Attorney General of the United States. She is
18 responsible for the Department of Justice, of which the Executive Office for Immigration
19 Review and the immigration court system it operates is a component agency. She is sued
20 in her official capacity.
21
22 20. Respondent Todd Lyons is the Acting Director for Immigration and Customs
23 Enforcement. As such, he is responsible for the policies causing Petitioner's unlawful
24 detention. He is named in his official capacity.
25
26 21. Respondent Daren Margolin is the Director of EOIR with the Department of Justice. EOIR
27 (the Executive Office for Immigration Review) includes the immigration court system.
He is sued in his official capacity.

1 22. Respondent Joshua Johnson is the Field Office Director of Enforcement and Removal
2 Operations of the Dallas ICE Field Office. As such, he is responsible for implementing
3 the policies that caused Petitioner’s unlawful detention. He is named in his official
4 capacity.

5 23. Respondent Daren Margolin is the Director of EOIR with the Department of Justice.
6 EOIR (the Executive Office for Immigration Review) includes the immigration court
7 system. He is sued in his official capacity.
8

9 24. Respondent Scarlet Grant is employed by the Cimarron Correctional Facility as warden of
10 the facility where Petitioner is detained. She has immediate physical custody of
11 Petitioner. She is sued in his official capacity. Scarlet Grant, Warden of Cimarron
12 Correctional Facility, in her official capacity
13

14 **FACTS**

15
16 25. Petitioner entered the United States on or around June 7, 2022, at or near San Luis,
17 Arizona.

18 26. He was taken into custody and issued a Notice to Appear.

19 27. ICE charged Petitioner in Immigration Court as being inadmissible under 8 U.S.C. §
20 1182(a)(6)(A)(i) as someone who entered the United States without inspection.
21

22 28. ICE affirmatively exercised discretionary detention authority under § 1226(a) by
23 releasing Petitioner on an Order of Release on Recognizance on December 30, 2018, that
24 expressly cited § 236 of the INA. This constituted an agency determination that § 1226—
25 not § 1225—governed his custody. The Order of Release on Recognizance stated, “You
26 have been arrested and placed in removal proceedings. In accordance with section 236 of
27

1 the Immigration and Nationality Act..., you are being released on your own
2 recognizance...”

3 29. Following his release, Petitioner subsequently filed a timely asylum application on,
4 claiming persecution in his home country.

5 30. Petitioner has resided in the United States continuously for over three years. He has no
6 criminal convictions. In summary, Petitioner is not a flight risk nor a danger to society.

7 31. Prior to re-detaining Petitioner, Respondents failed to provide any written notice
8 identifying the legal or factual basis for revoking his release. Respondents likewise made
9 no individualized assessment of whether Petitioner posed a flight risk or danger to the
10 community. No custody redetermination hearing was provided before a neutral
11 decisionmaker, and ICE was never required to meet its burden of justifying re-detention
12 or explaining why less restrictive alternatives to detention were inadequate. This
13 summary re-detention, imposed without notice, hearing, or individualized findings,
14 violates fundamental due process protections guaranteed by the Fifth Amendment.

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

19 33. Any request for bond would have been futile because immigration judges are bound by
20 *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), which strips them of
21 jurisdiction to consider bond for individuals charged under § 1182(a)(6)(A)(i).

22 Exhaustion is therefore excused. *See McCarthy v. Madigan*, 503 U.S. 140, 148 (1992).

1 34. As a result, Petitioner remains in detention. Without relief from this Court, he faces the
2 prospect of months, or even years, in immigration custody, separated from his family
3 and community.

4 **CLAIMS FOR RELIEF**

5
6 **COUNT I**
7 **Violation of the INA**

8 35. Petitioner incorporates by reference the allegations of fact set forth in the preceding
9 paragraphs.

10 36. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all
11 noncitizens residing in the United States who are subject to the grounds of inadmissibility.
12 As relevant here, it does not apply to those released under 8 U.S.C. § 1226 on an Order of
13 Release on Recognizance. Section 1226 governs a separate (non-mandatory) detention
14 scheme applicable when an individual is “already in the country.” *Jennings v. Rodriguez*,
15 583 U.S. 281, 289 (2018).
16

17 37. Nothing in § 1225 authorizes DHS to reassert mandatory detention years after a
18 discretionary release under § 1226(a). Congress’s use of distinct triggers—“arriving” in §
19 1225 versus “arrested and detained” in § 1226—confirms these are mutually exclusive
20 detention schemes.
21

22 38. The application of § 1225(b)(2) to Petitioner unlawfully mandates her continued
23 detention and violates the INA.
24

25 **COUNT II**
26 **Violation of Due Process**

1 39. Petitioner repeats, re-alleges, and incorporates by reference every allegation in the
2 preceding paragraphs as if fully set forth herein.

3 40. Due Process requires that if DHS seeks to re-arrest a person like Petitioner- who has lived
4 in the United States without incident after DHS first released him from custody, has
5 submitted application for asylum, and otherwise complied with the terms of his release –
6 the government must afford a hearing before a neutral decisionmaker to determine
7 whether any re – detention is justified, and whether the person is a flight risk or danger to
8 the community.
9

10 41. The government may not deprive a person of life, liberty, or property without due
11 process of law. U.S. Const. amend. V. "Freedom from imprisonment-from government
12 custody, detention, or other forms of physical restraint-lies at the heart of the liberty that
13 the Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
14

15 42. Consistent with this principle, individuals released on parole or other forms of
16 conditional release have a liberty interest in their "continued liberty." *Morrissey v.*
17 *Brewer*, 408 U.S. 471, 482 (1972).
18

19 43. Petitioner has a fundamental interest in liberty and being free from official restraint.

20 44. Such liberty is protected by the Fifth Amendment because, "although indeterminate, [it]
21 includes many of the core values of unqualified liberty," such as the ability to be
22 gainfully employed and live with family, "and its termination inflicts a 'grievous loss' on
23 the [released individual] and often on others." *Id.*
24

25 45. To protect against arbitrary re-detention and to ensure the right to liberty, due process
26 requires "adequate procedural protections" that test whether the government's asserted
27 justification for a noncitizen's physical confinement "outweighs the individual's

1 constitutionally protected interest in avoiding physical restraint.” *Zadvydas*, 533 U.S. at
2 690 (citation modified).

3 46. Due process thus guarantees notice and an individualized hearing before a neutral
4 decisionmaker to assess danger or flight risk before the revocation of an individual’s
5 release. *Goldberg v. Kelly*, 397 U.S. 254, 267 (1970) (“The fundamental requisite of due
6 process of law is the opportunity to be heard . . . at a meaningful time in a meaningful
7 manner.” (citation modified)); see also, e.g., *Morrissey*, 408 U.S. at 485 (requiring
8 “preliminary hearing to determine whether there is probable cause or reasonable ground
9 to believe that the arrested parolee has committed . . . a violation of parole conditions”
10 and that such determination be made “by someone not directly involved in the case”
11 (citation modified)).
12

13
14 47. The government's detention of Petitioner without a bond redetermination hearing to
15 determine whether he is a flight risk or danger to others violates his right to due process.

16 48. Under *Mathews v. Eldridge*, 424 U.S. 319 (1976), the balance of interests favors a bond
17 hearing: (1) Petitioner’s liberty interest is fundamental; (2) the risk of erroneous detention
18 is high under a categorical bar; and (3) the government’s interest in automatic detention is
19 minimal where Petitioner has lived peacefully for years.
20

21 **PRAYER FOR RELIEF**

22
23 WHEREFORE, Petitioner prays that this Court grant the following relief:

24
25 a. Assume jurisdiction over this matter;

26 b. Order that Petitioner shall not be transferred outside the Western District of

27 Oklahoma while this habeas petition is pending;

Page 10 of 11

PETITION FRO WRIT OF
HABEAS CORPUS

(CASE NO.

Multani Law Group
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1 c. Issue an Order to Show Cause ordering Respondents to show cause why this
2 Petition should not be granted within three days;

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

6 e. Enter injunctive relief necessary to preserve jurisdiction and prevent irreparable
7 harm, including an order barring transfer, upon the Court's finding that the *Winter* factors are
8 satisfied. *See Winter v. NRDC*, 555 U.S. 7 (2008).

9 f. Declare that Petitioner's detention is unlawful;

10 g. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act
11 ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
12

13 h. Grant any other and further relief that this Court deems just and proper.
14

15 Respectfully submitted this 12th day of February 2026
16

17
18 /s/ Jashan Multani

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26
27

VERIFICATION OF PETITIONER

On behalf of Jagtar 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 12, 2026

Date

/s/ Jashan Multani

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