THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

JARNAIL SINGH, Petitioner vs. PAMELA BONDI, in her official capacity as Attorney General of the United States, et. al. [1] Respondents.	Case No.: 1:26-cv-00594-RBJ

PETITIONER'S MOTION TO ENFORCE HABEAS ORDER AND FOR FURTHER RELIEF

Petitioner, through undersigned counsel, respectfully moves this Court to enforce its prior habeas order requiring a constitutionally adequate bond hearing at which Respondents bore the burden of proving by clear and convincing evidence that continued detention was justified. Because the Immigration Judge failed to apply the standard ordered by this Court and instead relied primarily on legally insufficient and extra-record factors—including the denial of asylum, the existence of a non-final removal order, and credibility findings never introduced by Respondents—Petitioner remains detained in violation of this Court's directive. Petitioner therefore respectfully requests enforcement relief.

BACKGROUND

On April 9, 2026, this Court granted habeas relief and ordered that Petitioner receive a bond hearing before an Immigration Judge within seven (7) days of the order, at which

[1] Secretary of Homeland Security Markwayne Mullin and Interim Attorney General Todd Blanche are automatically substituted for their predecessors under Rule 25(d) of the Federal Rules of Civil Procedure.

Respondents would bear the burden of proof by clear and convincing evidence "to maintain petitioner's detention". (Doc. 11). The Court further ordered that, if bond were granted, the Immigration Judge must consider Petitioner's financial circumstances and ability to pay in setting any bond amount.

Petitioner received the ordered bond hearing on April 14, 2026, before Immigration Judge Bobbie C. Masters. At that hearing, the Immigration Judge denied bond. To meet their burden, Respondents submitted only a summary removal order from Petitioner's underlying removal proceedings dated April 10, 2026. That document reflects that asylum, withholding of removal, and CAT protection were denied, but it does not contain any credibility findings. Despite this Court's order shifting the burden to Respondents, the Immigration Judge concluded that Petitioner presented a flight risk because he was "found not credible, I-589 denied, and ordered removed at his Individual Hearing on April 10, 2026." Petitioner remains detained.

LEGAL STANDARD

Federal courts retain authority to enforce compliance with their habeas judgments. *Hilton v. Braunskill*, 481 U.S. 770, 775 (1987). Where a court orders a constitutionally adequate bond hearing with a specified burden of proof, continued detention following a hearing that fails to apply that burden violates the court's order and the Due Process Clause.

Under this Court's order, the bond hearing satisfied due process only if Respondents proved by clear and convincing evidence that continued detention was justified. "Clear and convincing" evidence requires proof that produces a firm belief or conviction that the asserted facts are highly probable. *Colorado v. New Mexico*, 467 U.S. 310 (1984). A hearing that nominally occurs but does not apply the ordered burden does not satisfy the relief granted.

I. THE IMMIGRATION JUDGE FAILED TO APPLY THE COURT-ORDERED BURDEN

This Court's order required Respondents to justify continued detention by clear and convincing evidence. (Doc. 11). At the bond hearing, the Department of Homeland Security submitted only one document: the summary removal order issued in Petitioner's removal proceedings. That document reflects only that asylum, withholding of removal, and CAT protection were denied. It does not contain any credibility findings and does not address flight risk. This sole piece of evidence does not make flight risk "highly probable" and therefore cannot satisfy the clear-and-convincing standard imposed by this Court's order.

The Immigration Judge's reliance on the existence of a non-final removal order—particularly where Petitioner reserved appeal—as the principal basis for detention is particularly inconsistent with this Court's directive. If the mere existence of a removal order were sufficient to establish flight risk, the clear-and-convincing burden imposed by this Court would be rendered meaningless.

A non-final removal order does not establish that absconding is highly probable. Nor does the denial of protection relief demonstrate that a respondent will fail to appear for future proceedings. Respondents introduced no individualized evidence demonstrating that Petitioner was likely to abscond, and therefore necessarily failed to meet the burden imposed by this Court. Respondents introduced no evidence of prior failures to appear, supervision violations, lack of community ties, or any other individualized factor supporting flight risk. The absence of such evidence confirms that Respondents did not meet the burden imposed by this Court.

The Immigration Judge also relied on an adverse credibility finding from Petitioner's asylum proceedings. However, Respondents introduced no evidence supporting that finding at the

bond hearing. Because this Court placed the burden on Respondents to justify detention by clear and convincing evidence, Respondents were required to introduce evidence establishing flight risk at the bond hearing itself. The Immigration Judge could not rely on findings from separate proceedings that were never introduced by Respondents. Doing so effectively shifted the burden back to Petitioner and prevented implementation of the habeas remedy this Court ordered.

Because Respondents did not carry their burden as required by this Court's order, the bond hearing did not comply with the habeas remedy previously granted, and Petitioner's continued detention is therefore unlawful.

II. CONTINUED DETENTION IS UNLAWFUL AND RELEASE IS THE PROPER REMEDY

Because Respondents failed to justify continued detention under the standard imposed by this Court, Petitioner's continued confinement violates both this Court's habeas order and the Due Process Clause of the Fifth Amendment. Enforcement relief in the form of release is therefore appropriate.

Where the government fails to comply with the terms of a habeas remedy requiring a constitutionally adequate bond hearing, courts can order release rather than remand for repeated noncompliant proceedings. *Quiroz Vacarias v. Noem et al.*, Civil Action No. 1:26-cv-0574-WJM, ECF No. 14-1; *Zheng v. Rokosky, et al.*, --- F. Supp. 3d ---, 2026 WL 800203, at *6 (D.N.J. Mar. 23, 2026) (ordering immediate release after "IJ erroneously stated that she lacked jurisdiction in direct defiance of [the] Court's Order, failed to provide any explanation whatsoever for her supposed alternative holding that Petitioner is a flight risk, and by all appearances acted as a 'mere rubber-stamp' . . . for Respondents' predetermined decision to deny bond"); *Montero-Martinez v. Mattos*, et al., 2026 WL 674497, at *1–2 (D. Nev. Mar. 9, 2026) (ordering release after petitioner's

due process rights were violated when his bond was "revoked based on materially false information" regarding his criminal record); *Miri v. Bondi*, 2026 WL 622302, at *9 (C.D. Cal. Mar. 5, 2026) (ordering release after finding IJ abused its discretion in denying bond where they "did not explain the reasons for denying Miri's bond," "did not describe which Martinez factors were considered, if any, or what evidence was relied on," and "did not explain the reasons for denying Miri's bond and the record does not establish that the [IJ] relied on the appropriate factors"); *Rodriguez v. Greene*, 2026 WL 574961, at *12 (N.D. Ohio Mar. 2, 2026) (finding due process violation where "the IJ's decision . . . contain[ed] zero reference to any record or arguments put forth by either party," denied bond "exclusively on jurisdictional grounds," and held in the "alternative" that the petitioner was a danger to the community and a flight risk "without supplying any reasoning [as to] how the IJ came to such a conclusion").

This Court has also ordered release where the record demonstrated that immigration bond proceedings failed to provide a meaningful opportunity for individualized custody review. *See Gurjant Singh v. Valdez, et. al.,* No. 26-cv-1109-WJM (ordering release based on "the mounting evidence that bond determination hearings conducted in Immigration Court under § 1226(a) have preordained outcomes has become impossible to ignore).

Another bond hearing is unlikely to remedy the violation because Respondents already failed to comply with the burden allocation required by this Court's order. Respondents introduced no individualized evidence supporting flight risk, and the Immigration Judge relied instead on extra-record findings and the existence of a non-final removal order. In fact, the Immigration Judge's denial of bond consists of a single line indicating "flight risk. R found not credible, I-589 denied, and ordered removed at this Individual Hearing on April 10, 2026." This decision provides

little to no reasoning as to why Petitioner is a flight risk. Under these circumstances, continued detention following a noncompliant bond hearing is indistinguishable from detention without the hearing this Court ordered.

Given Respondents' failure to comply with this Court's order and the absence of any individualized evidence supporting continued detention, release is the appropriate remedy.

REQUESTED RELIEF

Petitioner respectfully requests that this Court:

1. Find that Respondents failed to comply with the Court's prior habeas order;
2. Order Petitioner released from custody;
3. Alternatively, order Respondents to provide Petitioner with a new bond hearing where Respondents are held to their burden of proving continued detention by clear and convincing evidence; and
4. Grant such further relief as the Court deems just and proper.

Respectfully submitted,

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Dated: April 19, 2026

DUTY TO CONFER

Pursuant to D.C. Colo. LCivR 7.1 (a), undersigned counsel has conferred with opposing counsel to resolve any disputed matter. Opposing counsel does not consent to the relief requested at this time.