

1 Gurpreet Kaur, Esq.
2 Kaur Legal Group, PC
3 674 County Square Dr, Suite 305
4 Ventura, CA 93003
5 Ph. 805-300-9003; Cell 909-997-4570
6 Fax: 805-716-6100
7 E-mail: gurpreetkauresq@gmail.com
8 *Attorney for Petitioner*

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO**

PARVINDER SINGH

Petitioner,

v.

JUAN BALTASAR, Warden of the Denver
Contract Detention Facility; TODD LYONS,
Acting Director of Immigration and Customs
Enforcement; KRISTI NOEM, Secretary of the
U.S. Department of Homeland Security; PAMELA
BONDI, Attorney General of the United States

Respondents.

Civil Action No.

**MOTION FOR TEMPORARY
RESTRAINING ORDER AND
ORDER TO SHOW CAUSE RE
PRELIMINARY INJUNCTION**

**MOTION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE
PRELIMINARY INJUNCTION**

1 **I. INTRODUCTION**

2 Petitioner Singh respectfully moves this Court for an emergency Temporary Restraining Order
3 (“TRO”) to halt ongoing and irreparable constitutional and statutory harm resulting from Respondents’
4 continued unlawful detention without access to bond.

5 Petitioner is a native and citizen of India who entered the United States without inspection on April
6 17, 2023. Shortly after entry, the Department of Homeland Security (“DHS”) detained Petitioner pursuant
7 to a Form I-200 Warrant for Arrest of Alien and then released him on his own recognizance under
8 Alternatives to Detention (“ATD”) supervision, requiring regular check-ins with Immigration and
9 Customs Enforcement (“ICE”).
10

11 Petitioner fully complied with all conditions of release. He never missed a scheduled ICE check-
12 in, never violated ATD requirements, never absconded, and was never alleged to pose a danger to the
13 community or a flight risk. DHS repeatedly reaffirmed that Petitioner could safely remain at liberty while
14 pursuing his removal proceedings.
15

16 Petitioner is actively seeking asylum before the Immigration Court, having fled India due to a well-
17 founded fear for his life. His removal proceedings remain pending, and no final order has been entered.
18

19 Despite Petitioner’s perfect compliance and two years of liberty under supervision, he was re-
20 detained on December 23, 2025, after being stopped in a vehicle by the local Sheriff. The Sheriff did not
21 issue any traffic citation but questioned Petitioner about his immigration status. After Petitioner informed
22 the officers of his pending Immigration Court case, he was detained without a judicial warrant or any
23 individualized custody determination and transferred to ICE custody. This re-detention represents an
24 unlawful exercise of authority by the Sheriff, violating Petitioner’s Fourth Amendment rights.
25

26 Following re-detention, Petitioner sought release through standard Immigration Court custody
27 procedures. DHS and the Executive Office for Immigration Review (“EOIR”) have taken the categorical
28

1 position that, under DHS's July 8, 2025 Interim Guidance and the Board of Immigration Appeals' decision
2 in Matter of Yajure Hurtado, no Immigration Judge may conduct a bond hearing for Petitioner because
3 DHS classifies him as subject to mandatory detention under 8 U.S.C. § 1225(b).

4 Petitioner now challenges ongoing constitutional and statutory violations: detention without bond
5 pursuant to an unlawful reinterpretation of the Immigration and Nationality Act. Without immediate
6 injunctive relief, Petitioner will continue to suffer irreparable loss of liberty. Furthermore, ICE routinely
7 transfers detainees without notice, creating a substantial risk that Petitioner may be moved outside the
8 District of Colorado, depriving this Court of jurisdiction and frustrating meaningful review.

9
10 Emergency relief is therefore necessary to preserve the status quo, prevent irreparable harm, and
11 ensure Petitioner receives the bond hearing to which he is statutorily and constitutionally entitled.

12 **II. STATEMENT OF FACTS**

- 13
14 1. Petitioner Singh is a native and citizen of India who entered the United States without inspection
15 on April 17, 2023.
- 16
17 2. Shortly after entry, DHS detained Petitioner pursuant to a Form I-200 Warrant for Arrest of Alien
18 and subsequently released him on his own recognizance.
- 19
20 3. As a condition of release, Petitioner was enrolled in the Alternatives to Detention ("ATD")
21 program and required to report regularly to ICE.
- 22
23 4. On April 18, 2023, DHS served Petitioner with a Notice to Appear ("NTA"), charging him solely
24 under INA § 212(a)(6)(A)(i).
- 25
26 5. Petitioner has no criminal history and has never been charged, convicted, or cited for any offense.
- 27
28 6. From the date of his release through December 22, 2025, Petitioner fully complied with all ATD
and ICE supervision requirements. He never missed a check-in, never violated ATD conditions,
never absconded, and was never alleged to pose a danger to the community or a flight risk.

- 1 7. During this period, DHS repeatedly reaffirmed Petitioner's suitability for release by allowing him
2 to remain at liberty while pursuing his asylum application before the Immigration Court.
- 3 8. On December 23, 2025, Petitioner was a passenger in a vehicle stopped by the local Sheriff. The
4 Sheriff did not issue any traffic citation but instead questioned Petitioner about his immigration
5 status. After Petitioner explained that he had a pending Immigration Court case, he was detained
6 without a judicial warrant and without any individualized custody determination, and was
7 subsequently transferred to ICE custody.
- 8 9. Following re-detention, Petitioner sought release through Immigration Court custody procedures.
9 DHS and EOIR have taken the categorical position that, under DHS's July 8, 2025 Interim
10 Guidance and Matter of Yajure Hurtado, Immigration Judges lack authority to conduct bond
11 hearings for individuals whom DHS classifies as applicants for admission under 8 U.S.C. §
12 1225(b).
13
14
- 15 10. As a result, Petitioner has been denied access to any bond hearing and remains detained without
16 an individualized assessment of danger or flight risk.

17 **III. LEGAL STANDARD**

18 A temporary restraining order is an extraordinary remedy governed by Federal Rule of Civil
19 Procedure 65. In the Tenth Circuit, the standards for issuing a temporary restraining order and a
20 preliminary injunction are the same.
21

22 To obtain such relief, the movant must establish: a substantial likelihood of success on the merits;
23 a likelihood of irreparable harm in the absence of preliminary relief; the threatened injury outweighs the
24 harm the proposed injunction may cause the opposing party; and the injunction would not be averse to the
25 public interest. *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 20 (2008); *Awad v. Zirriax*,
26 670 F.3d 1111, 1125 (10th Cir. 2012).
27
28

1 A showing of irreparable harm is the single most important prerequisite for injunctive relief. *Diné*
2 *Citizens Against Ruining Our Environment v. Jewell*, 839 F.3d 1276, 1281 (10th Cir. 2016).

3 In the Tenth Circuit, certain injunctions are disfavored, including those that are mandatory or that
4 alter the status quo. Where a movant seeks such relief, the movant must make a heightened showing that
5 the four factors weigh heavily and compellingly in his favor. *O Centro Espirita Beneficiente União do*
6 *Vegetal v. Ashcroft*, 389 F.3d 973, 975–76 (10th Cir. 2004) (en banc).

7
8 Petitioner’s request for immediate release constitutes mandatory relief because it requires
9 affirmative action by Respondents. Accordingly, Petitioner satisfies the heightened standard applicable to
10 disfavored injunctions.

11
12 Alternatively, Petitioner seeks an order requiring Respondents to provide an individualized bond
13 hearing before an Immigration Judge within seven days, with the burden on the government to justify
14 continued detention. Such relief restores the statutory process required under 8 U.S.C. § 1226(a) and
15 preserves the lawful status quo pending final adjudication of this case.

16
17 When the government is the opposing party, the balance-of-equities and public-interest factors
18 merge. *Nken v. Holder*, 556 U.S. 418, 435 (2009).

19 **IV. ARGUMENT**

20 **A. Petitioner Is Likely to Succeed on the Merits**

21 **1. Petitioner Is Detained Under 8 U.S.C. § 1226(a), Not 8 U.S.C. § 1225(b)**

22
23 Petitioner is in pre-final order removal proceedings and is therefore subject to detention, if at all,
24 under 8 U.S.C. § 1226(a)—not 8 U.S.C. § 1225(b). Petitioner is a native and citizen of India who entered
25 the United States without inspection on April 17, 2023. Shortly thereafter, DHS detained him pursuant to
26 a Form I-200 and then released him on his own recognizance subject to Alternatives to Detention (“ATD”)
27 supervision. For approximately nineteen months, DHS exercised discretionary release authority and
28

1 repeatedly reaffirmed—through continued supervision—that Petitioner could safely remain at liberty
2 while his asylum-based removal proceedings were pending.

3 Petitioner complied perfectly with every supervision requirement. He attended all ICE check-ins,
4 committed no violations, has no criminal history, and was never accused of posing a danger or flight risk.

5 On December 23, 2025, Petitioner was re-detained after a traffic stop (see below). No violation of
6 immigration supervision was alleged, and no individualized custody determination was conducted. DHS
7 invoked its July 8, 2025 Interim Guidance and classified Petitioner as subject to mandatory detention
8 under § 1225(b), denying him access to a bond hearing.
9

10 That position is contrary to the statutory framework and controlling authority in this District. For
11 more than two and a half years, DHS exercised its discretionary authority to release Petitioner, repeatedly
12 reaffirming—through continued supervision—that Petitioner could safely remain at liberty while his
13 removal proceedings were pending. Petitioner complied with every condition of release, appeared at every
14 ICE check-in, and was never accused of posing a danger to the community or a flight risk. Petitioner has
15 no criminal history, has continuously remained in the interior of the United States, and has never been
16 treated as an “arriving alien.”
17

18 For decades, DHS and EOIR consistently treated noncitizens in Petitioner’s posture—individuals
19 who entered without inspection, were placed in standard removal proceedings, and were released into the
20 interior—as detained, if at all, under § 1226(a), which provides for discretionary detention and eligibility
21 for a bond hearing before an Immigration Judge.
22

23 DHS’s July 8, 2025 Interim Guidance abruptly reversed that long-settled interpretation, asserting
24 for the first time that noncitizens who entered without inspection are categorically subject to mandatory
25 detention under § 1225(b) and ineligible for bond—even after extended periods of government-authorized
26 release, perfect compliance with supervision, and placement in pre-final order removal proceedings.
27
28

1 That position is contrary to the statutory text, the structure of §§ 1225 and 1226, and congressional
2 intent, and it raises serious due process concerns. Federal district courts nationwide—including courts
3 within the District of Colorado—have rejected DHS’s attempt to retroactively reclassify long-released
4 noncitizens as subject to mandatory detention under § 1225(b). These courts have held that individuals
5 like Petitioner remain governed by § 1226(a) and are therefore entitled to an individualized bond hearing.
6

7 Because Petitioner is detained under § 1226(a), continued detention without access to bond
8 violates the INA and the Fifth Amendment. Petitioner has therefore demonstrated a strong—and indeed
9 compelling—likelihood of success on the merits.

10 **B. The Sheriff Stop: Unlawful Seizure**

11 Petitioner’s re-detention on December 23, 2025 followed a traffic stop by local law enforcement.
12 Petitioner was a passenger in a vehicle stopped for a minor traffic matter. During the stop, officers
13 questioned Petitioner about his immigration status. He disclosed his pending Immigration Court case.
14

15 At no point was a judicial warrant presented. No individualized determination regarding danger or
16 flight risk was made prior to transfer into ICE custody.
17

18 The stop violated the Fourth Amendment, which protects all persons within the United States from
19 unreasonable seizures. A traffic stop requires at minimum reasonable suspicion of a traffic violation or
20 criminal activity, neither of which existed here. The stop was used solely as a pretext to investigate
21 immigration status, which is constitutionally impermissible absent independent legal authority.
22

23 Petitioner’s detention flows directly from this unlawful seizure, compounding constitutional injury
24 and reinforcing the need for immediate injunctive relief.

25 **C. Petitioner Is Suffering Irreparable Harm**

1 The loss of physical liberty constitutes irreparable harm as a matter of law. Civil immigration
2 detention imposes a severe deprivation of bodily freedom that cannot be remedied through monetary
3 damages.

4 Petitioner has now been detained since December 23, 2025, without any opportunity for an
5 individualized custody determination. Each day of confinement inflicts renewed constitutional injury.

6 The harm is especially acute here because DHS previously determined for nineteen months that
7 Petitioner could safely remain at liberty. His sudden re-detention—without any alleged violation or
8 changed circumstance—constitutes a categorical deprivation of liberty untethered to any individualized
9 assessment. Petitioner’s detention has severed him from his family, impaired his ability to assist in his
10 pending asylum case, and subjected him to confinement despite a spotless compliance record.

11 He also faces a real and imminent risk of transfer outside the District of Colorado, a routine ICE
12 practice. Transfer would disrupt access to counsel and complicate this Court’s jurisdiction, further
13 compounding irreparable harm.

14 The harm is heightened because DHS previously determined Petitioner could safely remain at
15 liberty. His sudden re-detention—without violation or changed circumstance—is a categorical deprivation
16 of liberty. Petitioner is separated from family, hindered in pursuing his asylum claim, and faces the risk
17 of transfer outside the District of Colorado, which would frustrate judicial review.

18 This ongoing detention satisfies the Tenth Circuit standard for irreparable harm.

19 **D. The Balance of Equities and Public Interest Favor Relief**

20 The balance of equities weighs decisively in Petitioner’s favor. For more than nineteen months,
21 DHS itself determined—through continued release under ATD supervision—that Petitioner posed no
22 danger to the community and no risk of flight. Petitioner complied with every supervision requirement
23 and remained fully available to DHS for monitoring and enforcement.
24
25
26
27
28

1 By contrast, Petitioner’s sudden re-detention on December 23, 2025, without notice, without any
2 alleged violation, and without an individualized custody determination, inflicts severe and immediate
3 harm on Petitioner.

4 Respondents, however, would suffer no cognizable harm from Petitioner’s release or from
5 providing a prompt, individualized bond hearing. Granting relief would merely restore the lawful status
6 quo ante—the very conditions under which DHS itself permitted Petitioner to remain at liberty—and
7 ensure compliance with the Constitution and the Immigration and Nationality Act.
8

9 Because Petitioner has demonstrated a strong likelihood of success on the merits and an ongoing
10 irreparable deprivation of physical liberty, immediate injunctive relief is warranted. Under Federal Rule
11 of Civil Procedure 65(c), the Court may issue injunctive relief without requiring a bond where, as here,
12 the injunction serves to halt unconstitutional government action and Respondents face no risk of monetary
13 loss.
14

15 The public interest is likewise served by ensuring that federal agencies act within constitutional
16 and statutory bounds. An injunction ordering Petitioner’s immediate release, or alternatively restoring his
17 eligibility for bond under 8 U.S.C. § 1226(a), promotes respect for the rule of law and prevents ongoing
18 constitutional violations.
19

20 **E. In the Alternative, the Court Should Order a Bond Hearing Within Seven Days With the**
21 **Burden on the Government**

22 If the Court declines to order immediate release, it should order Respondents to provide an
23 individualized bond hearing before an Immigration Judge within seven days.
24

25 Because detention is governed by § 1226(a), due process requires that the government bear the
26 burden of justifying continued detention by clear and convincing evidence of danger or flight risk.
27
28

1 Such relief restores the statutory framework, preserves meaningful judicial review, and ensures
2 that detention is not imposed categorically without individualized assessment.

3 **V. REQUESTED RELIEF**

4 Petitioner respectfully requests that the Court:

- 5 1. Issue a Temporary Restraining Order Prohibiting Respondents from transferring Petitioner outside
6 the District of Colorado during the pendency of this action;
7
8 2. Order Petitioner's immediate release, or in the alternative,
9
10 3. Order Respondents to provide an individualized bond hearing before an Immigration Judge within
11 a fixed time period, with the burden on DHS; and
12
13 4. Set an Order to Show Cause re preliminary injunction.

13 **VI. CONCLUSION**

14 Respondents' continued detention of Petitioner without bond violates the INA, the Fifth
15 Amendment, and binding federal court authority. Immediate injunctive relief is necessary to prevent
16 further irreparable harm and to preserve this Court's jurisdiction.
17

18 Respectfully,

19 /s/Gurpreet Kaur

20 Gurpreet Kaur, Esq.

21 **Kaur Legal Group, PC**

22 674 County Square Dr, Suite 305

23 Ventura, CA 93003

24 Ph. 805-300-9003; Cell 909-997-4570

25 Dated this 16th day of February, 2026.
26
27
28