

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

**Sukhbir Singh Gujral,**

Petitioner,

v.

**Vernon Liggins, et al.,**

Respondents.

Action No. 1:26-cv-656

**PETITIONER'S MOTION TO ENFORCE THE COURT'S FEBRUARY 19, 2026 ORDER**

Petitioner respectfully moves this Court to enforce its February 19, 2026, Order granting habeas relief in part and directing that Petitioner receive a bond hearing pursuant to 8 U.S.C. § 1226(a) that “**MUST COMPLY in all respects**” with governing regulations and process. The Court expressly retained jurisdiction “**to enforce compliance with this Order.**”

Although a bond hearing was conducted on February 27, 2026, the hearing did not comply with this Court's Order. The Immigration Judge found that Petitioner is not a danger to the community and acknowledged substantial equities, yet denied bond solely based on a predictive assessment that Petitioner's asylum application was unlikely to succeed and could be pretermitted.

That reasoning does not constitute an individualized, evidence-based determination of flight risk. It therefore fails to comply with § 1226(a), governing regulations, and this Court's Order.

**I. THE COURT RETAINED JURISDICTION TO ENFORCE COMPLIANCE**

In its February 19, 2026 Memorandum Opinion and Order, this Court: Held that Petitioner's detention is governed by § 1226(a), not § 1225(b); Ordered that a bond hearing be held within 10 days; Directed that the hearing “**MUST COMPLY in all respects**” with 8 C.F.R. §§ 236.1(d),

1003.19, and 1236.1(d); and Explicitly retained jurisdiction “**to enforce compliance with this Order.**”

This Motion invokes that retained jurisdiction.

Petitioner does not seek review of discretionary weighing of bond factors. He seeks enforcement of this Court’s mandate that the bond hearing comply with governing law and constitutional requirements.

Federal courts possess inherent authority to enforce their own orders. Where a court conditions habeas relief on the provision of a constitutionally sufficient process and retains jurisdiction to ensure compliance, the court may determine whether that process was provided.

**II. THE FEBRUARY 27 BOND HEARING DID NOT COMPLY WITH THE COURT’S ORDER**

**A. The Immigration Judge Found No Danger and Strong Positive Equities**

At the February 27, 2026 bond hearing, the Immigration Judge expressly found: Petitioner is “not a danger to the community”; He has a stable residence; He resides with U.S. citizen family members; He is working with employment authorization; He has no criminal history.

DHS presented no evidence of criminal conduct, no evidence of prior failures to appear, and no evidence of attempts to evade immigration authorities. These findings align with the individualized factors contemplated under § 1226(a).

**B. Bond Was Denied Solely Based on a Predictive Merits Assessment**

Despite those findings, the Immigration Judge denied bond because he believed: The asylum claim could be pretermitted; The likelihood of relief was “not very great”; Petitioner has no other apparent pathway to status. The written order reflects denial based on flight risk.

The dispositive reasoning was not based on: Past failures to appear, Attempts to flee, Violations of supervision, Criminal history, or Any conduct indicating nonappearance.

Instead, detention was justified by a speculative assessment of how a future merits hearing might be resolved.

**C. The Immigration Judge Treated Likelihood of Relief as Dispositive**

Although likelihood of relief may be considered as one discretionary factor in a bond determination, it cannot serve as the sole and determinative basis for detention where the Immigration Judge has found no danger, no history of nonappearance, and no evidence of evasion.

Here, after acknowledging Petitioner's stable residence, U.S. citizen family ties, employment authorization, and lack of criminal history, the Immigration Judge concluded: "Likelihood of relief not very great, so no bond."

The written order reflects denial based solely on "flight risk."

This reasoning demonstrates that the perceived weakness of the asylum claim was treated as dispositive, despite contrary findings on all traditional flight-risk indicators. That conclusion followed an express finding that Petitioner is not a danger and without identifying any evidence of prior nonappearance, evasion, or failure to comply with immigration proceedings.

Section 1226(a) requires an individualized custody determination. When a speculative merits assessment overrides all other factors and becomes outcome-determinative, the hearing ceases to be a genuine flight-risk inquiry and instead functions as a predictive merits ruling.

That is not the process this Court ordered

**D. A Predictive Merits Determination Is Not an Individualized Flight Risk Finding**

Section 1226(a) requires an individualized custody determination. That determination must be grounded in evidence relevant to danger or flight risk.

Here, the Immigration Judge effectively conducted a preliminary merits evaluation of asylum and treated the perceived weakness of the claim as dispositive of flight risk.

That is not the individualized custody determination required by § 1226(a) or by this Court's Order. No motion to pretermitt had been adjudicated. No evidentiary record had been developed on the merits of asylum. No opportunity to amend the application had been provided. Yet the Immigration Judge effectively resolved the likelihood of relief for purposes of detention.

Detention based on a preliminary, unbriefed, and undeveloped merits assessment does not constitute the individualized custody determination required under § 1226(a) or by this Court's Order

### **III. THIS COURT MAY REVIEW WHETHER THE BOND HEARING WAS CONSTITUTIONALLY SUFFICIENT**

Although § 1226(e) limits review of discretionary judgments, the Fourth Circuit has recognized that courts retain jurisdiction to assess whether the procedures and factors used in bond determinations comply with constitutional requirements. *Miranda v. Garland*, 34 F.4th 338 (4th Cir. 2022). This Court is not being asked to reweigh discretionary factors or substitute its judgment for that of the Immigration Judge. Rather, the question is whether Respondents complied with this Court's mandate that the bond hearing "MUST COMPLY in all respects" with governing law and process.

Petitioner does not ask this Court to substitute its judgment for that of the Immigration Judge. He asks only that the Court determine whether the hearing provided complied with the process this Court ordered and with the individualized inquiry required by § 1226(a).

Because this Court expressly retained jurisdiction to enforce compliance, it may determine whether the bond determination rested on a legally sufficient basis.

Here, the sole basis for detention was a speculative assessment of the merits of asylum. That is not probative evidence of flight risk. If predictive weakness of relief alone justifies detention,

then § 1226(a)'s discretionary framework becomes functionally mandatory for any applicant whose case appears difficult.

Courts within this Circuit have recognized that where the considerations relied upon to deny bond are “so lacking in probative value” as to flight risk, their use in determining custody fails to provide constitutionally sufficient due process. See, e.g., *Aguilon Fuentes v. Bondi*, No. 1:26-cv-167 (E.D. Va. Feb. 24, 2026). Here, the Immigration Judge’s reliance on a speculative merits prediction—despite express findings of no danger and no evidence of nonappearance—was so lacking in probative value as to flight risk that it cannot satisfy the individualized inquiry required under § 1226(a) or this Court’s Order.

Because this Court required that the bond hearing “MUST COMPLY in all respects” with governing law, a determination resting on considerations so lacking in probative value as to flight risk does not comply with that mandate.

That result is inconsistent with this Court’s Order and with due process. Because Respondents failed to provide the process this Court required, continued detention under these circumstances is unlawful.

#### **IV. Relief Requested**

Because the February 27, 2026 bond hearing did not comply with this Court’s February 19, 2026 Order, Petitioner respectfully requests that the Court:

1. **GRANT** this Motion to Enforce;
2. **ORDER** that within **three (3) days**, Respondents must either: a. Release Petitioner under reasonable conditions of supervision; **or** b. Provide Petitioner with a new, individualized, constitutionally compliant bond hearing consistent with this Court’s February 19, 2026 Order; and

3. Require Respondents to file a status notice within **24 hours** of any new bond decision, stating the outcome and the reasons for any denial.

DATED this 17th day of February, 2026.

**Respectfully Submitted,**

By: /s/ Ishan Anand

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