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9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE DISTRICT OF COLORADO**
11 **Judge William J. Martínez**

12 Civil Action No. 26-cv-0726-WJM

13 MANTAJBEER SINGH,

14 Petitioner,

15 v.

16 ROBERT HAGAN, in his official capacity as Field Office Director, Denver Field Office,
17 Immigration and Customs Enforcement, *et al.*

18 Respondents.

19 **REPLY IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS**

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21
22 Petitioner, through undersigned counsel, hereby replies to Respondents' Response
23 (ECF No. 16) in support of the Petition for Writ of Habeas Corpus (ECF No. 1), Motion
24 for Temporary Restraining Order and/or Preliminary Injunction (ECF No. 16).

25 **I. The Court Has Jurisdiction Over Petitioner's Detention Claim**

26
27 Respondents incorrectly argue that this Court lacks jurisdiction under 8 U.S.C. §§
28 1252(a)(5), (b)(9), and (g). That argument mischaracterizes both the nature of Petitioner's
claim and the scope of those provisions. Petitioner does not challenge a final order of

1 removal, nor does he seek review of removal proceedings. Instead, he challenges the
2 statutory and constitutional basis of his ongoing detention without a bond hearing—a
3 claim that lies at the core of habeas review.

4
5 The Supreme Court has repeatedly made clear that § 1252 does not strip
6 jurisdiction over claims that are independent of, or collateral to, removal proceedings. A
7 challenge to whether detention is authorized under § 1225(b) or § 1226(a) is precisely
8 such a claim. It does not require review of the merits of removal, does not interfere with
9 removal proceedings, and can be resolved purely as a matter of statutory interpretation.

10 Courts—including within this District—have consistently exercised jurisdiction
11 over materially identical claims. Indeed, this Court has already addressed this precise
12 issue and rejected the government’s jurisdictional arguments. Respondents acknowledge
13 as much, conceding that the legal issue presented here is not materially different from
14 prior cases before this Court.

15 Moreover, Respondents’ position raises serious constitutional concerns. Under
16 their theory, a noncitizen could be subjected to prolonged or even indefinite mandatory
17 detention without any individualized hearing, while being denied access to judicial
18 review until the conclusion of removal proceedings. That result is incompatible with the
19 Due Process Clause and the historic role of habeas corpus as a safeguard against unlawful
20 executive detention.

21
22 The Supreme Court has long held that statutes must be construed, where possible,
23 to avoid such constitutional problems. See *Zadvydas v. Davis*, 533 U.S. 678 (2001).
24 Interpreting § 1252 to bar review here would effectively eliminate meaningful judicial
25 oversight of prolonged immigration detention—an outcome the Constitution does not
26 permit.

27 Accordingly, because Petitioner challenges only the legality of his detention—not
28 his removal—this Court has jurisdiction to adjudicate his habeas petition.

1 **II. Petitioner Is Detained Under § 1226(a), Not § 1225(b)**

2 Respondents’ argument rests on an overbroad and textually unsupported
3 interpretation of the term “applicant for admission.” Their reading improperly expands §
4 1225 beyond its statutory context and collapses the carefully structured detention scheme
5 established by Congress.

6
7 ***A. Section 1225 Does Not Apply to Individuals Long Present in the United States***

8 Section 1225 governs individuals seeking admission at or near the border, not
9 those who entered the United States long ago and have since established substantial
10 presence in the country.

11
12 Petitioner is not an arriving alien. He has resided in the United States for years and
13 is currently in full removal proceedings under § 1229a. Treating him as an “applicant for
14 admission” ignores the statutory framework and erases the distinction Congress drew
15 between:

- 16
- 17 • Individuals at the threshold of entry, and
 - 18 • Individuals already present in the United States facing removal

19 Respondents’ interpretation would allow the government to reclassify virtually
20 any noncitizen who entered without inspection—no matter how long ago—as an
21 “applicant for admission,” thereby subjecting them to mandatory detention without bond.
22 That result is inconsistent with both the structure of the INA and this Court’s prior
23 rulings.

24 Indeed, as this Court has recognized, applying § 1225 to long-present individuals
25 would create the very anomaly Congress sought to eliminate, while simultaneously
26 raising serious constitutional concerns.

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B. Section 1226(a) Is the Proper Detention Authority

Section 1226(a) is the default detention provision governing noncitizens who are already inside the United States and are awaiting a decision on removal. That is precisely Petitioner’s situation.

Unlike § 1225, § 1226(a) provides for individualized custody determinations, including the possibility of release on bond. This reflects Congress’s recognition that noncitizens with established ties to the United States are entitled to procedural protections before being subjected to prolonged detention.

Respondents’ interpretation would effectively nullify § 1226(a) for a broad class of noncitizens—those who entered without inspection—by sweeping them into § 1225’s mandatory detention scheme. Courts, including this one, have rejected that approach because it:

- Contradicts the statutory structure
- Renders § 1226(a) largely superfluous
- Produces constitutionally suspect results

Accordingly, Petitioner’s detention must be governed by § 1226(a), entitling him to a bond hearing.

C. Respondents’ Reliance on Jennings and Buenrostro-Mendez Is Misplaced

Respondents’ reliance on *Jennings v. Rodriguez* is misplaced. Jennings did not address the question presented here—namely, whether individuals long present in the United States fall under § 1225 or § 1226. Instead, Jennings addressed whether certain detainees were entitled to periodic bond hearings. It did not collapse the distinction between the two detention statutes.

1 Similarly, Respondents' reliance on the Fifth Circuit's decision in *Buenrostro-*
2 *Mendez* is unpersuasive. That decision is:

- 3 • Not binding in this Circuit; and
- 4 • Contrary to multiple district court decisions, including those within this District

5 Moreover, Respondents concede that this Court has already ruled differently on
6 this issue and that no intervening change in law compels a different result here.
7

8 **III. Petitioner Is Entitled to a Bond Hearing**

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10 If the Court determines that Petitioner is detained under § 1226(a), then a bond
11 hearing is required. Respondents themselves acknowledge that a bond hearing would be
12 the appropriate remedy under such circumstances.

13 However, due process requires that the bond hearing be meaningful, not merely
14 procedural. Given the length and nature of Petitioner's detention, the Court should ensure
15 that:

- 16 • The government bears the burden of justifying continued detention;
- 17 • The Immigration Judge considers ability to pay and alternatives to detention; and
- 18 • The hearing is conducted promptly, within a specified timeframe (e.g., 7 days)

19 Absent these safeguards, the bond hearing would fail to cure the constitutional
20 deficiencies of prolonged detention without review.
21

22 **IV. Respondents' Jurisdictional and Policy Arguments Fail**

23 Respondents rely on legislative history, prior agency practice, and policy
24 considerations to support their interpretation. But none of these can override the plain text
25 and structure of the statute, which clearly distinguishes between:
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- 27 • § 1225 → admission-stage detention
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- § 1226 → post-entry removal detention

Their interpretation would:

- Authorize mandatory detention without bond for a broad class of long-present noncitizens;
- Allow prolonged or indefinite detention without individualized review; and
- Undermine the procedural protections Congress explicitly provided in § 1226(a)

Courts have consistently rejected such expansive readings, particularly where they raise serious constitutional concerns.

V. The Court Need Not Reach Additional Issues

As Respondents acknowledge, this case turns on a single dispositive issue: whether Petitioner is detained under § 1225 or § 1226.

If the Court concludes that § 1226(a) governs, it need not reach Petitioner’s additional statutory or constitutional claims.

VI. CONCLUSION

For the foregoing reasons, the Court should:

1. Grant the Petition for Writ of Habeas Corpus;
2. Order Respondents to provide Petitioner with a bond hearing within 7 days; and
3. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted this 17th Day of March 2026,

/s/Laxman Adhikari
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