THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

GURDEEP SINGH,

Petitioner

vs.

PAMELA BONDI, in her official capacity as Attorney General of the United States, KRISTI NOEM, in her official capacity as Secretary of the Department of Homeland Security, TODD LYONS, in his official capacity as Acting Director of Immigration and Customs Enforcement; JUAN BALTAZAR, in his official capacity as Warden of the Denver Contract Detention Facility,

Respondents.

Case No.: 1:26-cv-00783-TPO

Agency File: [redacted]

PETITIONER'S REPLY TO RESPONDENTS' RESPONSE TO HABEAS PETITION

INTRODUCTION

Petitioner filed his Petition for Writ of Habeas Corpus and Request for Order to Show Cause on February 25, 2026. (Doc. 1). On March 4, 2026, this Court entered an Order to Show Cause directing service upon Respondents and requiring a response on or before March 13, 2026. (Doc. 4). Respondents timely filed their Response on March 13, 2026. (Doc. 9).

Respondents' filing does not meaningfully rebut the Petition. Instead, Respondents largely concede that the central legal issue in this case has already been resolved by this Court and that the facts here are not materially distinguishable from prior cases rejecting the Government's interpretation of the detention statutes. (Doc 9.) Respondents' response therefore confirms that the Petition should be granted.

I. RESPONDENTS DO NOT DISPUTE THAT THIS COURT HAS ALREADY REJECTED THEIR STATUTORY INTERPRETATION

Respondents acknowledge that this Court has previously rejected the Government's position that noncitizens who have entered the United States but were not formally admitted are categorically subject to mandatory detention under 8 U.S.C. § 1225(b). *Id.* at 1. They further concede that the facts presented here are not materially different from those previously considered by this Court. *Id.* at 6.

Rather than attempting to distinguish those rulings, Respondents state that they "respectfully disagree" with them and wish to preserve their arguments for appeal. Such concession is dispositive. Where the governing legal issue has already been resolved by this Court and the Government identifies no meaningful factual distinction, the same reasoning compels the same result here.

II. RESPONDENTS' CLAIM THAT PETITIONER'S PRIOR RELEASE WAS "IMPROPER" DOES NOT ALTER THE GOVERNING DETENTION STATUTE

Respondents attempt to avoid the statutory analysis by asserting that Petitioner's prior release under § 1226(a) "appears to have been improper." *Id.* at 4. This argument fails.

The legality of Petitioner's current detention does not depend on whether Respondents now believe the earlier custody determination was correct. The relevant question is which statutory provision governs detention under the Immigration and Nationality Act.

Petitioner was arrested inside the United States; placed in removal proceedings under § 1229a; issued an Order of Release on Recognizance explicitly referencing § 236 of the INA (8 U.S.C. § 1226); and released into the community for more than a year while complying with all conditions.

Respondents cannot retroactively recharacterize that custody determination simply because their litigation position has changed. Allowing DHS to relabel past custody decisions in order to impose mandatory detention would render the statutory detention framework meaningless.

More fundamentally, Respondents' theory conflicts with the structure of the INA itself. Section 1225 governs inspection and detention of individuals seeking admission at the border, whereas § 1226 governs detention of noncitizens already present in the United States pending removal proceedings. As the Supreme Court explained in *Jennings v. Rodriguez*, § 1226 governs the detention of individuals "already in the country" while removal proceedings are pending. Petitioner falls squarely within that framework.

III. RESPONDENTS FAIL TO REBUT PETITIONER'S PAROLE-REVOCATION ARGUMENT

Respondents also fail to rebut Petitioner's alternative argument regarding parole.

The Petition explained that if the Court were to conclude that Petitioner was detained as an applicant for admission, then his prior release must be treated as parole under 8 U.S.C. § 1182(d)(5)(A). (Doc 1. at 3). Under the governing regulations, parole may only be terminated either automatically or through written notice and an individualized determination. *See* 8 C.F.R. § 212.5(e).

Respondents do not identify any such notice here. Instead, they speculate that parole might have terminated "automatically" or "on notice," while simultaneously acknowledging that they do not yet possess Petitioner's full records and cannot determine whether parole was ever formally granted or terminated. (Doc 9. at 4-5). Such admission by Respondents is significant. If Respondents cannot demonstrate that the regulatory procedures governing parole termination were followed, then Petitioner's re-detention lacks lawful authority.

Federal courts addressing this issue have repeatedly held that DHS must comply with the procedures governing parole termination before re-detaining an individual previously released into the United States. Respondents' response offers no evidence that those procedures were followed here.

IV. RESPONDENTS' RELIANCE ON OUT-OF-CIRCUIT AUTHORITY DOES NOT ALTER THIS COURT'S ANALYSIS

Respondents rely primarily on the Fifth Circuit's decision in *Buenrostro-Mendez v. Bondi*. However, that case is not controlling here. The Tenth Circuit has not adopted Respondents' interpretation, and this Court has already rejected it in prior decisions.

Respondents themselves acknowledge that an appeal raising this same issue is currently pending before the Tenth Circuit. Until the Tenth Circuit rules otherwise, this Court's prior interpretation of the statutory framework remains the governing law in this District.

V. THE GOVERNMENT EFFECTIVELY CONCEDES THE APPROPRIATE RELIEF

Finally, Respondents acknowledge that if this Court concludes Petitioner is detained under § 1226(a), the appropriate remedy is to order a bond hearing before an immigration judge.

Because Respondents do not identify any meaningful factual distinction between this case and the Court's prior rulings rejecting the Government's statutory interpretation, the Court should grant the Petition and order such a hearing or alternatively order release.

CONCLUSION

For the foregoing reasons and those expressed in the Petition for Habeas Corpus and Request for Order to Show Cause, this Court should grant the petition.

Respectfully submitted,

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Dated: March 17, 2026

CERTIFICATE OF SERVICE

I hereby certify that on March 17, 2026, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system.

Respectfully submitted,

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