

DETAINED

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THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

SEHAJVEER SINGH GILL

Petitioners,

v.

Kristi NOEM, Secretary of U.S. Department of
Homeland Security;
Pamela BONDI, United States Attorney
General;
Todd LYONS, Acting Director, U.S. Immigration
and Customs Enforcement;
John Doe, in his official capacity as Field Office
Director, ICE Detroit Field Office;
John Doe, in his official capacity as Warden,
Northeast Ohio Correctional Center;
Respondents.

Case No.

**PETITION FOR WRIT OF HABEAS
CORPUS PURSUANT TO 28 U.S.C.
§ 2241**

INTRODUCTION

1. This Petition challenges the unlawful detention of Petitioner Sehajveer Singh Gill, an adult citizen of India who entered the United States on or about December 3, 2024. Petitioner was not apprehended at the border, was not placed into expedited removal

- 1 proceedings, and was not detained upon entry. He entered the United States without
2 inspection and thereafter resided peacefully in the community.
- 3 2. On or about December 9, 2024, Petitioner filed a timely application Form I-589,
4 Application for Asylum and for Withholding of Removal, with U.S. Citizenship and
5 Immigration Services. Since that time, Petitioner has pursued his asylum claim in good
6 faith.
- 7 3. Petitioner has also been approved for Special Immigrant Juvenile Status ("SIJS")
8 pursuant to an approved Form I-360 petition. USCIS approved Petitioner's SIJS petition
9 on August 4, 2025, confirming that he qualifies as a Special Immigrant Juvenile under
10 section 101(a)(27)(J) of the Immigration and Nationality Act.
- 11 4. Petitioner has no criminal history or criminal convictions in the United States or any
12 other country.
- 13 5. On or about January 15, 2026, while in Ohio to meet a friend, Petitioner was stopped
14 during a routine traffic encounter. During that stop, Respondents abruptly and unlawfully
15 detained Petitioner and took him into immigration custody. Petitioner was then
16 subsequently transferred him to the Northeast Ohio Correctional Center detention facility,
17 despite the absence of any criminal conduct, warrant, or individualized determination that
18 he posed a flight risk or danger to the community.
- 19 6. Prior to detaining Petitioner, Respondents did not provide any written notice explaining
20 the basis for detention. Respondents did not conduct any individualized assessment of
21 whether Petitioner posed a flight risk or danger to the community. Nor did Respondents
22 provide Petitioner with any hearing before a neutral decisionmaker at which the
23 Government was required to justify the basis for detention.
- 24 7. Petitioner is not subject to a final order of removal. He has a pending asylum application
25 and an approved SIJS petition that renders him prima facie eligible to apply for lawful
26 permanent residence when a visa becomes available. Despite this, Respondents have
27 confined him without affording constitutionally required procedural protections.
8. Respondents' actions stripped Petitioner of his physical liberty without affording him any
meaningful procedural protections and without complying with the requirements of the
Fifth Amendment's Due Process Clause.

- 1 9. “Freedom from imprisonment—from government custody, detention, or other forms of
2 physical restraint—lies at the heart of the liberty protected by the Due Process Clause.”
3 *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Noncitizens physically present in the
4 United States, including those who entered without inspection, are entitled to due process
5 protections. *Zadvydas*, 533 U.S. at 693.
- 6 10. Because Petitioner was residing in the United States, had established community ties, and
7 had active immigration relief pending, including an approved SIJS petition, Respondents
8 were required to provide notice and a meaningful opportunity to be heard before
9 depriving him of his physical liberty. Because Respondents detained Petitioner without
10 notice, without a hearing, and without any individualized determination of necessity, his
11 continued detention violates the Fifth Amendment.
- 12 11. Under the balancing framework articulated in *Mathews v. Eldridge*, 424 U.S. 319 (1976),
13 Petitioner’s fundamental liberty interest outweighs any governmental interest in summary
14 detention without process. The risk of erroneous deprivation is substantial where, as here,
15 no individualized custody determination occurred.
- 16 12. Respondents’ failure to provide notice, a neutral hearing, or individualized findings prior
17 to detention violates the Fifth Amendment.
- 18 13. Accordingly, this Court should grant the Petition for Writ of Habeas Corpus and order
19 Petitioner’s immediate release or, at minimum, require a prompt constitutionally adequate
20 custody hearing before a neutral decisionmaker.

21 **PARTIES**

- 22 14. Petitioner Sehajveer Singh Gill (A ) is an adult citizen of India currently
23 detained at the Northeast Ohio Correctional Center (“NEOCC”), located in Youngstown,
24 Ohio, within the jurisdiction of the Northern District of Ohio, Eastern Division.
- 25 15. Respondent Kristi Noem is sued in her official capacity as Secretary of the U.S.
26 Department of Homeland Security. She is the cabinet-level official responsible for all
27 immigration enforcement in the United States and has ultimate custodial authority over
Petitioner.

- 1 16. Respondent Pamela Bondi is sued in her official capacity as Attorney General of the
2 United States. Immigration Judges who adjudicate removal proceedings and applications
3 for relief from removal act as her designees.
- 4 17. Respondent Todd Lyons is sued in his official capacity as Acting Director of U.S.
5 Immigration and Customs Enforcement ("ICE"). He is the head of the federal agency
6 responsible for immigration enforcement nationwide.
- 7 18. Respondent Field Office Director, ICE Enforcement and Removal Operations ("ERO")
8 Detroit Field Office, is sued in his or her official capacity. The Detroit Field Office
9 exercises supervisory authority over immigration detention operations affecting Petitioner
10 in Ohio and is responsible for decisions regarding Petitioner's custody and removal.
- 11 19. Respondent Warden of the Northeast Ohio Correctional Center is sued in his or her
12 official capacity. The Warden is Petitioner's immediate physical custodian and has day-
13 to-day control over Petitioner's detention. The Warden is the proper respondent for
14 purposes of this habeas action.

15 JURISDICTION

- 16 20. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 2241, which
17 authorizes federal courts to grant writs of habeas corpus to individuals held in custody in
18 violation of the Constitution or laws of the United States; 28 U.S.C. § 1331, which
19 provides federal question jurisdiction; and 28 U.S.C. § 1651, the All Writs Act.
- 20 21. This Court further has jurisdiction under the Suspension Clause of Article I, Section 9,
21 Clause 2 of the United States Constitution. See *INS v. St. Cyr*, 533 U.S. 289 (2001).
- 22 22. Petitioner is currently detained within the territorial jurisdiction of this Court, and
23 Respondents exercise custody and control over Petitioner within this District.
- 24 23. No other petitions, appeals, or motions challenging Petitioner's detention have been filed
25 in any other court.

26 VENUE

- 1 24. This Court has jurisdiction pursuant to **28 U.S.C. § 2241(c)(3)** because Petitioner is in
2 custody in violation of the Constitution and laws of the United States. This Court also has
3 jurisdiction under **28 U.S.C. § 1331**, as this action arises under the Constitution and
4 federal immigration statutes.
- 5 25. Petitioner is detained at the Northeast Ohio Correctional Center in Youngstown, Ohio,
6 which lies within the territorial jurisdiction of the Northern District of Ohio, Eastern
7 Division. The Warden of NEOCC, Petitioner's immediate custodian, is located within
8 this District. Accordingly, jurisdiction is proper in this Court.
- 9 26. Venue is further proper under 28 U.S.C. § 1391(e)(1) because Respondents exercise
10 custody and control over Petitioner within this District, and because the actions giving
11 rise to this Petition—including Petitioner's detention and continued confinement—
12 occurred within this judicial district.
- 13 27. Petitioner has not previously filed any other habeas petitions or actions in any court
14 challenging the detention at issue in this case.

15 **FACTUAL BACKGROUND**

- 16 28. Petitioner Sehajveer Singh Gill () is a 21-year-old citizen and national of
17 India.
- 18 29. Petitioner entered the United States on or about December 3, 2024, after first traveling
19 through Canada. He was not apprehended at the border, was not subjected to expedited
20 removal proceedings, and was not detained upon entry. He entered without inspection
21 and thereafter resided peacefully in the interior of the United States.
- 22 30. On or about December 9, 2024, Petitioner affirmatively filed Form I-589, Application for
23 Asylum and for Withholding of Removal, with U.S. Citizenship and Immigration
24 Services. His asylum application remains pending.
- 25 31. On August 4, 2025, USCIS approved Petitioner's Form I-360 petition for Special
26 Immigrant Juvenile Status ("SIJS"), confirming that he qualifies as a Special Immigrant
27 Juvenile under section 101(a)(27)(J) of the Immigration and Nationality Act.
32. Petitioner has no criminal history in the United States or any other country. He has no
history of violence, flight, or noncompliance with any legal obligations. Between his

entry and his detention, Petitioner resided peacefully in the community and pursued his pending immigration relief in good faith.

33. Approval of Petitioner's Special Immigrant Juvenile Status petition reflects USCIS's formal determination that Petitioner has been subjected to abuse, neglect, or abandonment and that it is not in his best interest to return to his country of nationality. Continued detention of a federally recognized Special Immigrant Juvenile without individualized review is inconsistent with the humanitarian purpose underlying the statute.
34. On or about January 15, 2026, Petitioner was visiting a friend in Ohio. During that trip, Petitioner was stopped by local law enforcement during a routine traffic stop. Following that encounter, Petitioner was arrested, unlawfully detained, and subsequently transferred into immigration custody.
35. Prior to detaining Petitioner, Respondents did not provide any written notice explaining the basis for detention.
36. Prior to detaining Petitioner, Respondents did not conduct any individualized assessment of whether Petitioner presented a flight risk or danger to the community.
37. Prior to detaining Petitioner, Respondents did not provide Petitioner with any hearing before a neutral decisionmaker at which ICE was required to justify the basis for detention.
38. Petitioner has now been unlawfully detained for over one month while his affirmative asylum application remains pending and while he holds an approved Special Immigrant Juvenile Status petition.
39. Petitioner's detention has occurred without any meaningful procedural safeguards and without compliance with the requirements of the Due Process Clause of the Fifth Amendment.

MEMORANDUM OF LAW

Due Process Clause

40. Petitioner has been detained since January 15, 2026, without having received an individualized custody hearing before a neutral decisionmaker. He has a pending asylum

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1 application and an approved Special Immigrant Juvenile Status petition, yet no
2 immigration judge has evaluated whether his continued detention is necessary.

3 41. The Due Process Clause of the Fifth Amendment protects all persons physically present
4 in the United States from arbitrary governmental detention. “Freedom from
5 imprisonment, from government custody, detention, or other forms of physical restraint,
6 lies at the heart of the liberty protected by the Due Process Clause.” *Zadvydas v. Davis*,
7 533 U.S. 678, 690 (2001). The Supreme Court has made clear that civil immigration
8 detention implicates one of the most fundamental liberty interests protected by the
9 Constitution.

10 42. In *Ly v. Hansen*, 351 F.3d 263 (6th Cir. 2003), the Sixth Circuit held that immigration
11 detention must remain reasonably related to its regulatory purpose and may not become
12 arbitrary or punitive. The court emphasized that due process imposes constitutional limits
13 on civil immigration detention and that habeas relief is appropriate where detention
14 ceases to serve its regulatory purpose or occurs without adequate procedural safeguards.
15 *Id.* at 269–72.

16 43. If Respondents contend that Petitioner is detained pursuant to 8 U.S.C. § 1226(a), due
17 process requires a prompt bond hearing before an Immigration Judge at which the
18 Government bears the burden of demonstrating that continued detention is necessary to
19 mitigate flight risk or danger to the community.

20 44. If Respondents instead contend that Petitioner is subject to detention under 8 U.S.C. §
21 1225(b), continued detention without access to a bond hearing violates the Due Process
22 Clause where confinement becomes prolonged and no neutral decisionmaker evaluates its
23 necessity.

24 45. Under either statutory framework, due process requires adequate procedural safeguards to
25 prevent erroneous deprivation of liberty.

26 46. Petitioner was not apprehended at the border or during an attempt at entry. He was living
27 in the interior of the United States for over one year prior to arrest. Accordingly, he is
properly subject, if at all, to detention under 8 U.S.C. § 1226(a), which requires access to
an individualized bond hearing before an Immigration Judge.

- 1 47. When evaluating the adequacy of procedural protections, courts apply the balancing
2 framework set forth in *Mathews v. Eldridge*, 424 U.S. 319 (1976), weighing the private
3 interest affected, the risk of erroneous deprivation and value of additional safeguards, and
4 the government's interest.
- 5 48. Under *Mathews*, Petitioner's private interest is fundamental. Freedom from physical
6 confinement is at the core of constitutional liberty. *Zadvydas*, 533 U.S. at 690.
7 Petitioner's private interest and freedom from physical confinement is fundamental.
- 8 49. The risk of erroneous deprivation here is substantial where the arresting authority also
9 determines continued detention without neutral review. A custody hearing would allow
10 Petitioner to present evidence of his lack of criminal history, pending asylum application,
11 approved SIJS petition, and community ties.
- 12 50. The probable value of additional procedural safeguards, namely, a neutral custody
13 hearing, is therefore significant.
- 14 51. The government's interest in detaining Petitioner without a hearing is minimal. Custody
15 hearings are routine, administratively manageable, and already contemplated under §
16 1226(a). The marginal administrative burden of providing notice and a hearing is slight
17 when compared to the grave deprivation of liberty at stake.
- 18 52. Under *Mathews*, the balance weighs in favor of requiring a prompt individualized
19 custody determination. All three *Mathews* factors weigh heavily in Petitioner's favor.
- 20 53. Because Respondents detained Petitioner without written notice, without an
21 individualized determination of flight risk or danger, and without affording him a hearing
22 before a neutral decisionmaker, his continued detention violates the Due Process Clause
23 of the Fifth Amendment.
- 24 54. Where detention has occurred without constitutionally required procedures, habeas relief
25 is warranted in the form of immediate release or, at minimum, a prompt constitutionally
26 adequate custody hearing.
- 27 55. This Petition has been verified by Petitioner. See Verification of Petitioner.

CLAIM FOR RELIEF

Violation of Fifth Amendment Right to Due Process

Procedural Due Process

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- 1 56. Petitioner restates and realleges all paragraphs as if fully set forth here.
- 2 57. The Fifth Amendment prohibits the federal government from depriving any person of
- 3 liberty without due process of law. Civil immigration detention implicates one of the
- 4 most fundamental liberty interests protected by the Constitution. *Zadvydas v. Davis*, 533
- 5 U.S. 678, 690 (2001).
- 6 58. Due process does not permit the government to strip Petitioner of his liberty without
- 7 written notice and a hearing before a neutral decisionmaker to determine whether
- 8 detention is warranted based on danger or flight risk. See *Morrissey*, 408 U.S. at 487–88.
- 9 59. Petitioner has been detained since January 15, 2026, without having received a
- 10 constitutionally adequate custody hearing before a neutral decisionmaker at which the
- 11 Government bears the burden of justifying continued detention.
- 12 60. Petitioner has not been provided written notice clearly identifying the statutory basis for
- 13 his detention, nor has he been afforded a meaningful opportunity to contest the necessity
- 14 of confinement.
- 15 61. Under the balancing framework articulated in *Mathews v. Eldridge*, 424 U.S. 319 (1976),
- 16 due process requires an individualized custody determination where physical liberty is at
- 17 stake.
- 18 62. Accordingly, because Respondents have confined Petitioner without providing notice and
- 19 a meaningful opportunity to be heard before a neutral adjudicator, his continued detention
- 20 violates the Due Process Clause of the Fifth Amendment.

21 **IRREPARABLE INJURY**

- 22 63. Petitioner has suffered and continues to suffer irreparable injury as a result of his
- 23 unlawful detention. He has been confined in immigration custody since January 15, 2026,
- 24 without having received a constitutionally adequate custody determination.
- 25 64. His physical liberty remains restrained without lawful justification, and his ability to
- 26 meaningfully prepare for his pending asylum proceedings and pursue adjustment of status
- 27 based on his approved Special Immigrant Juvenile Status has been materially impaired.
65. “The loss of constitutional freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.” *Elrod v. Burns*, 427 U.S. 347, 373 (1976).

66. Continued detention compounds and perpetuates the constitutional violation.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- (1) Assume jurisdiction over this matter;
- (2) Issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from custody, or in the alternative, order Respondents to provide Petitioner with a prompt individualized bond hearing before an Immigration Judge within seven (7) days of this Court's order, at which the Government bears the burden of demonstrating by clear and convincing evidence that continued detention is necessary to prevent flight or danger to the community;
- (3) Declare that Petitioner's detention without prior notice, individualized findings, and a neutral custody determination violates the Due Process Clause of the Fifth Amendment;
- (4) Award Petitioner his reasonable attorneys' fees and costs pursuant to applicable law; and
- (5) Grant such other and further relief as the Court deems just and proper.

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of March, 2026, a true and correct copy of the foregoing Petition was served via CM/ECF and/or certified mail upon:

Office of the United States Attorney
Northern District of Ohio
801 West Superior Avenue, Suite 400
Cleveland, Ohio 44113

U.S. Department of Justice
Office of the Attorney General

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1 950 Pennsylvania Avenue, NW
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3 Respectfully submitted this 3rd day of March, 2026
4

5 /s/ Jashan Multani
6 Jashan Multani, WSBA 60073

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20 *Local Counsel for Petitioner*

VERIFICATION OF PETITIONER

On behalf of Sehajveer Singh Gill, the party in custody, I verify the facts contained in the in the Petition for Writ of Habeas Corpus, upon information and belief, having reviewed the relevant records and pleadings. Mr. Singh Gill has not verified the petition himself because he is detained in a different State and county from my office and home

DATED this 3rd day of March, 2026.

s/ Jashan Multani
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