

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

Case No. 4:26-cv-00523

SEHAJVEER SINGH GILL,
Petitioner,

**PETITIONER'S TRAVERSE IN
RESPONSE TO FEDERAL
RESPONDENTS' RETURN**

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,

I. INTRODUCTION

Federal Respondents' Answer and Return of Writ ("Return") does not meaningfully dispute the operative facts. Respondents acknowledge that Petitioner, Sehajveer Singh Gill, is a citizen of India who entered the United States without inspection on or about December 3, 2024. Since his entry, Petitioner resided peacefully in the community for over thirteen months, during which time he pursued legal status. This included the filing of an affirmative Form I-589, Application for Asylum and for Withholding of Removal, and a Form I-360 petition for Special Immigrant Juvenile Status ("SIJS"), which U.S. Citizenship and Immigration Services ("USCIS") approved on August 4, 2025. Furthermore, following Petitioner's concession of removability on February 26, 2026, an individual merits hearing on his asylum application was scheduled for April 10, 2026.

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1 Respondents concede that the legal issues and material facts in this case are “not materially
2 distinguishable” from this Court’s recent decision in *Gu v. Noem*, No. 3:26-cv-00036 (N.D. Ohio
3 Mar. 5, 2026). (ECF No. 5 at 3). In *Gu*, this Court held that detention in these circumstances is
4 governed by 8 U.S.C. § 1226(a) and requires a bond hearing.

5 This concession is dispositive. Having acknowledged that this case is not materially
6 distinguishable from *Gu v. Noem*, Respondents cannot simultaneously maintain a contrary legal
7 position without violating basic principles of consistency and judicial economy. Where the
8 Government concedes that binding or controlling authority governs, continued detention in
9 defiance of that authority is unlawful as a matter of law.

10 Respondents further concede that this arrest and detention occurred without advance
11 written notice, without a hearing, and without any prior individualized determination by a neutral
12 decisionmaker regarding flight risk or danger.

13 On January 15, 2026, immigration authorities arrested Petitioner following a traffic
14 encounter in Ohio. In their Return, Respondents reference an FBI investigation involving a vehicle
15 with a  license plate and the discovery of a firearm. (ECF No. 5 at 2). However,
16 Respondents acknowledge that Petitioner was a passenger in the vehicle at the time of the stop.
17 (*Id.*). Critically, Respondents rely on proximity, not conduct, to justify detention. The I-213 makes
18 clear that the firearm was not attributed to Petitioner, and no charges were filed against him.
19 Detention based on mere presence in a vehicle, without any individualized finding of wrongdoing,
20 is the precise type of arbitrary deprivation of liberty the Fifth Amendment prohibits. Petitioner has
21 no criminal history, was not the subject of the FBI investigation, and has not been charged with
22 any crime related to that encounter. The Government’s own Exhibit A (Form I-213) confirms that
23 Petitioner has no criminal history, no gang affiliation, and no outstanding warrants. It further
24 confirms that Petitioner was merely a passenger during the vehicle stop and was detained only for
25 identification purposes, not because of any alleged criminal conduct. These undisputed facts
26 eliminate any plausible claim that Petitioner poses a danger to the community. Furthermore,

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1 Petitioner has an approved Form I-360 petition for Special Immigrant Juvenile Status (“SIJS”),
2 which U.S. Citizenship and Immigration Services (“USCIS”) granted on August 4, 2025.
3 Petitioner also has a pending Form I-589, Application for Asylum and for Withholding of Removal,
4 and following his concession of removability on February 26, 2026, an individual merits hearing
5 in those proceedings is currently scheduled for April 10, 2026.

6 The issue before this court is whether the Government may mandate the indefinite
7 detention of a person with established community ties and approved immigration relief without
8 providing the procedural protections required by the Fifth Amendment. It may not.

9 Because DHS has stripped Mr. Gill of his physical liberty without the most basic
10 procedural protections required by the Fifth Amendment, the Petition should be granted and Mr.
11 Gill ordered to be immediately released.

12 **II. RESPONDENTS’ § 1225(b) “MANDATORY DETENTION” THEORY FAILS**
13 **AS APPLIED TO Sehajveer Singh Gill**

14 Respondents’ argument that Mr. Gill is subject to mandatory detention under 8 U.S.C. §
15 1225(b) fails both legally and factually.

16 ***A. Mr. Gill Was Not Re-Detained Pursuant to § 1225(b)***

17 The government’s own records demonstrate that Mr. Gill’s detention was an exercise of
18 discretionary enforcement authority under 8 U.S.C. § 1226(a), not a mandatory arrival-based event.
19 Mr. Gill entered the United States without inspection on or about December 3, 2024, and resided
20 peacefully in the interior of the country for over thirteen months prior to his arrest. During this
21 time, he affirmatively sought legal status and received approval for his Form I-360 petition for
22 Special Immigrant Juvenile Status on August 4, 2025.

23 8 U.S.C. § 1225(b) applies to “applicants for admission” to the United States, who are
24 defined as an “alien present in the United States who has not been admitted or who arrives in the
25 United States” 8 U.S.C. § 1225(a)(1).

1 Mr. Gill's detention did not occur at the border, during an initial inspection, or in the
2 context of expedited removal. Instead, ICE agents arrested him on January 15, 2026, in the interior
3 of the United States following a routine traffic encounter. This arrest was executed pursuant to an
4 administrative Warrant for Arrest of Alien (Form I-200)—not a warrant reviewed or signed by a
5 neutral judicial officer. Such an arrest, occurring long after entry and based on an agency-issued
6 warrant, is a hallmark of discretionary enforcement under § 1226(a), which applies to noncitizens
7 pending a decision on whether they are to be removed.

8 Furthermore, Respondents explicitly acknowledge that the legal issues in this case are "not
9 materially distinguishable" from this Court's recent decision in *Gu v. Noem*, No. 3:26-cv-00036
10 (N.D. Ohio Mar. 5, 2026). In *Gu*, this Court rejected the same § 1225(b) "mandatory detention"
11 theory Respondents advance here, holding that for noncitizens in Mr. Gill's position, detention is
12 governed by § 1226(a). Having conceded that the facts are not materially distinguishable,
13 Respondents cannot now retroactively reclassify Mr. Gill's interior detention as "mandatory" to
14 avoid the constitutional requirement of an individualized bond hearing.

15 Because Mr. Gill was an interior resident with established community ties and approved
16 immigration relief, his continued detention without a neutral custody review violates the Fifth
17 Amendment.

18 Courts in this District and within the Sixth Circuit have repeatedly rejected the
19 Government's attempt to retroactively label such discretionary interior **detention** as 'mandatory'
20 by invoking § 1225(b). See *Gu v. Noem*, No. 3:26-cv-00036 (N.D. Ohio Mar. 5, 2026); *E.A.T.-B.*
21 *v. Wamsley*; *Ramirez Tesara v. Wamsley*; *Kumar v. Wamsley*; *Ledesma Gonzalez v. Bostock*.

22 ***B. Even Assuming § 1225(b) Applied, Due Process Still Required a Pre-Deprivation***
23 ***Hearing***

24 Even if Respondents could properly invoke § 1225(b), that statutory label does not
25 eliminate constitutional due process.
26
27

1 This Court has already held that when DHS seeks to re-detain an individual who was
2 previously released and living in the community, due process independently requires advance
3 notice and a hearing before a neutral decisionmaker, even where the Government asserts
4 mandatory detention.

5 **III. RESPONDENTS MISAPPLY THE MATHEWS v. ELDRIDGE FRAMEWORK**
6 **TO MR. GILL**

7 Applied to Mr. Gill's actual circumstances, every factor weighs decisively in favor of
8 requiring a pre-deprivation hearing. Indeed, this case presents an extreme application of Mathews:
9 a fundamental liberty interest, a near-certain risk of erroneous deprivation based on untested and
10 irrelevant allegations, and a negligible government burden in providing process. Under these
11 circumstances, the absence of a hearing is not merely insufficient, it is constitutionally
12 indefensible.

13 ***A. Mr. Gill's Liberty Interest Is Exceptionally Strong***
14

15 Mr. Gill was not apprehended at the border or newly arrived; instead, he had been residing
16 in the interior of the United States for over thirteen months before his arrest. During this time, he
17 lived peacefully in the community and pursued his legal rights in good faith while awaiting the
18 adjudication of his pending immigration applications. His liberty interest in not being detained is
19 the most elemental of liberty interests protected by the Fifth Amendment.

20 Since his entry in 2024, Petitioner has established himself in the community and has
21 maintained a clean record with no criminal history. On August 4, 2025, U.S. Citizenship and
22 Immigration Services formally recognized Petitioner's vulnerability and established a clear path
23 to legal status by approving his I-360 petition for Special Immigrant Juvenile Status. An approved
24 SIJS petition reflects a formal federal determination that Petitioner is a vulnerable youth eligible
25 for humanitarian protection and a pathway to lawful permanent residence. Continued detention of
26 such an individual without process is fundamentally inconsistent with the Government's own
27

1 recognition of his protected status. This approved status, combined with his pending asylum claim
2 and strong community ties through his court-appointed guardian, triggers a protected liberty
3 interest in remaining out of custody while his removal proceedings are finalized.

4 Respondents' attempt to diminish this interest because Mr. Gill is a noncitizen is contrary
5 to Supreme Court and Sixth Circuit precedent, recognizing that freedom from physical detention
6 lies at the heart of the Due Process Clause, regardless of immigration status. Given Petitioner's
7 interior residence and his approved humanitarian relief, the government's interest in summary
8 detention without a hearing cannot override his fundamental right to physical liberty.

9 ***B. The Risk of Erroneous Deprivation Was Especially High in Mr. Gill's Case***

10 ICE arrested and detained Mr. Gill without a hearing, basing its decision exclusively on a
11 unilateral interpretation of a police encounter where Mr. Gill was not even the primary subject.
12 Respondents' decision to deprive Petitioner of his liberty rests on:

- 13 • Proximity, not Culpability: A routine vehicle stop by the FBI where Petitioner was
14 merely a passenger.
- 15 • Third-Party Investigation: An investigation involving another subject, not
16 Petitioner.
- 17 • Untested Allegations: The discovery of a firearm 
18 associated with a vehicle Petitioner did not own or drive.
- 19 • No Neutral Adjudication: An internal ICE review of an I-213 form without any
20 adversarial testing of the facts.
- 21 • Absence of Alternatives: No assessment of whether electronic monitoring or a bond
22 would suffice.

23 At no point in their Return do Respondents address Petitioner's lack of a criminal record
24 or his affirmative compliance with immigration laws since his entry. In fact, record checks
25 affirmatively show that Petitioner has no criminal history in the United States or India.
26 Furthermore, Respondents ignore the critical fact that USCIS—a fellow agency within DHS—
27

1 formally recognized Petitioner's status as a vulnerable individual by approving his Form I-360
2 (SIJS) on August 4, 2025.

3 Even if the Court considers the circumstances of the vehicle stop, due process does not
4 permit a unilateral executive determination that mere presence as a passenger in a vehicle
5 containing a weapon justifies indefinite incarceration. The issue is not whether ICE has a
6 "suspicion," but whether Petitioner was afforded a constitutionally adequate process to contest the
7 government's characterization of him as a "danger."

8 Without a hearing, ICE has made a summary determination that Mr. Gill should be
9 deprived of liberty based on "guilt by association"—exactly the type of erroneous deprivation due
10 process is designed to prevent. A prompt bond hearing before a neutral Immigration Judge would
11 allow for a factual assessment of Petitioner's actual role in the vehicle stop, his lack of criminal
12 intent, and the substantial humanitarian equities (Approved SIJS and pending Asylum) that ensure
13 his appearance at future proceedings.

14 ***C. The Government's Interest Does Not Outweigh the Required Safeguards***

15 Providing Mr. Gill with written notice and a prompt bond hearing would have imposed
16 minimal administrative burden. ICE already conducted a custody review, issued paperwork, and
17 executed an arrest. Requiring basic constitutional process before revoking liberty does not
18 meaningfully impair the Government's interests.

19 Respondents rely on 8 U.S.C. § 1225(b), arguing that it mandates detention. But statutory
20 language permitting mandatory detention does not override constitutional due process
21 requirements. Administrative discretion cannot eliminate Fifth Amendment protections.

22 Even if detention authority exists under the statute, the Constitution governs how that
23 authority may be exercised. See *Mathews v. Eldridge*, 424 U.S. 319 (1976).

24 The question is not whether ICE may detain Petitioner, but whether it may do so without
25 notice and a neutral hearing prior to or following his seizure. The Due Process Clause requires the
26 latter.

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1 As this Court has repeatedly held, the Government's asserted interest in detaining an
2 individual who has resided peacefully in the interior for over thirteen months does not outweigh
3 the substantial risk of erroneous deprivation where no hearing is provided.

4 **IV. POST-DEPRIVATION PROCESS CANNOT CURE THE VIOLATION**
5 **SUFFERED BY MR. GILL**

6 Respondents acknowledge that this Court's decision in *Gu v. Noem*—which held that
7 detention in these circumstances is governed by § 1226(a)—would control the result here.
8 However, Respondents simultaneously maintain that Petitioner is subject to mandatory detention
9 under § 1225(b), a theory under which the Immigration Court has already denied Petitioner a bond
10 hearing for "lack of jurisdiction." (Gov't Ex. E).

11 The Immigration Judge's denial of bond for "lack of jurisdiction" confirms that Petitioner
12 has been placed into a legal void where no neutral decisionmaker will review his detention. This
13 is not merely a procedural deficiency—it is a complete collapse of constitutional safeguards. The
14 Government cannot simultaneously argue that Petitioner must pursue administrative remedies
15 while maintaining a legal position that renders those remedies unavailable. Such circular reasoning
16 underscores that no meaningful process exists. Accordingly, this case presents not a delay in
17 process, but a total denial of process. Where both pre-deprivation and post-deprivation safeguards
18 are unavailable, continued detention is per se unconstitutional and cannot be remedied by
19 speculative future proceedings.

20 The availability of a theoretical post-deprivation hearing cannot cure the unconstitutional
21 manner in which Mr. Gill's liberty was seized after thirteen months of peaceful residence in the
22 interior. Thus, any purported post-deprivation bond process remains illusory and futile under
23 Respondents' own primary legal theory, as the IJ has already refused to provide the very process
24 Respondents suggest might exist.

25 Mr. Gill's claim is not merely about entitlement to a bond hearing; it is about the unlawful
26 manner in which his liberty was revoked. As this Court has held, post-deprivation hearings cannot
27

1 remedy the constitutional injury caused by a seizure of liberty that occurred without due process.
2 Due process requires safeguards before liberty is taken, not after.

3 **V. RELIEF**

4 Because ICE summarily detained Mr. Gill without written notice, without a pre-deprivation
5 hearing, and without any individualized finding of danger or flight risk by a neutral decisionmaker,
6 his detention is unconstitutional under the Fifth Amendment.

7 Because the constitutional violation occurred at the moment of Petitioner's warrantless
8 civil arrest and detention without process, a belated bond hearing cannot cure the injury. Courts
9 have consistently recognized that where detention is imposed in violation of procedural due
10 process, the appropriate remedy is immediate release, not continued incarceration pending delayed
11 review. This Court has already recognized in *Gu v. Noem* that detention under materially
12 indistinguishable facts is governed by § 1226(a), further confirming that Petitioner's continued
13 detention without a bond hearing or release is unlawful.

14 Here, no constitutionally adequate process was provided before Petitioner's detention, and
15 none remains realistically available after the fact, as the Immigration Court has already disclaimed
16 jurisdiction to review his custody. Under these circumstances, continued detention serves no
17 lawful purpose and only perpetuates an ongoing constitutional violation.

18 The Constitution does not permit the Government to detain first and justify later. Because
19 Respondents deprived Petitioner of his liberty without the most basic procedural safeguards—and
20 continue to defend that deprivation despite conceding controlling authority—continued detention
21 is unlawful, and this Court should order Petitioner's immediate release.

22
23 DATED this 23rd day of March, 2026.

24 **MULTANI LAW GROUP, PLLC**

25 /s/ Jashan Multani

26 Jashan Multani, WSBA #60073

27 *Attorney for Plaintiff Sehajveer Singh Gill.*

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CERTIFICATE OF SERVICE

I hereby certify that on this 23rd 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
950 Pennsylvania Avenue, NW
Washington, DC 20530

Respectfully submitted this 23rd day of March 2026

/s/ Nazly Mamedova
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