

DETAINED

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

SEHAJVEER SINGH GILL

Petitioners,

v.

Markwayne Mullin, Secretary of U.S.
Department of Homeland Security;

Todd BLANCHE, United States Attorney
General;

Todd LYONS, Acting Director, U.S.
Immigration and Customs Enforcements;

John Doe, in his or her official capacity as Field
Office Director, ICE Detroit Field Office;

John Doe, in his or her official capacity as
Warden, Northeast Ohio Correctional Center;

Respondents.

Case No. 4:26-cv-00523-BMB

**EMERGENCY MOTION TO
ENFORCE HABEAS ORDER AND
FOR IMMEDIATE RELEASE**

I. INTRODUCTION

Petitioner respectfully moves this Court for emergency relief because Respondents have failed to
comply with this Court's prior habeas Order.

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1 This Court granted habeas relief and ordered that Petitioner be provided a bond hearing
2 consistent with 8 U.S.C. § 1226. That Order required a meaningful, individualized custody
3 determination grounded in due process, not a perfunctory or predetermined denial.

4 Although a bond hearing was conducted, the Immigration Judge applied an incorrect legal
5 standard, relied on speculative and unproven allegations, and failed to make individualized
6 findings supported by reliable evidence.

7 Critically, based on the audio of the bond hearing, the Immigration Judge explicitly relied on
8 guilt by association, stating in substance that Petitioner was culpable due to his association with
9 others allegedly involved in criminal activity. The Immigration Judge further placed the burden
10 on Petitioner to prove he is not a danger or flight risk.

11 Petitioner also has an approved Special Immigrant Juvenile Status (“SIJS”) petition, a pending
12 asylum application, and no criminal history whatsoever. These critical factors, directly relevant
13 to flight risk and danger, were not meaningfully considered.

14 In short, Petitioner did not receive the process this Court ordered. The hearing was legally
15 defective.

16 Because Respondents failed to comply with this Court’s directive, Petitioner’s continued
17 detention is unlawful. Petitioner therefore seeks immediate release, or, at minimum, a new
18 constitutionally compliant bond hearing before a different Immigration Judge on an expedited
19 basis.

20 **II. THE COURT’S ORDER REQUIRED A MEANINGFUL § 1226 HEARING**

21 This Court ordered that Petitioner be afforded a bond hearing under § 1226.

22 That requirement is not satisfied by merely holding a hearing in form. It requires a proceeding
23 that is:

- Neutral and fair
- Based on reliable evidence
- Supported by individualized findings
- Conducted under a proper legal standard

A hearing that is arbitrary, conclusory, or based on speculation does not comply with the Court's Order. Because this Court ordered a bond hearing consistent with §1226, any hearing conducted under an incorrect legal standard or without meaningful individualized review does not comply with the Court's Order.

III. THE BOND HEARING WAS FUNDAMENTALLY DEFECTIVE

A. The Immigration Judge Applied the Wrong Legal Standard

At the hearing, the Immigration Judge placed the burden on Respondent to prove that he is not a flight risk or danger to the community.

This approach is incompatible with a constitutionally adequate custody determination in this context. Placing the burden on Petitioner to justify release is the opposite of a constitutionally compliant §1226 proceeding and, by itself, renders the hearing legally defective.

By presuming detention and requiring Petitioner to disprove dangerousness, particularly where Petitioner has no criminal history, the Immigration Judge failed to provide a neutral and meaningful review. The burden allocation alone rendered the hearing fundamentally unfair.

B. The Immigration Judge Relied on Guilt by Association and Speculation

The Immigration Judge's decision was not based on any evidence of wrongdoing by Petitioner.

Instead, based on the hearing audio, the Immigration Judge explicitly relied on a guilt-by-association theory, attributing alleged criminal conduct of others to Petitioner solely because of his presence.

1 The denial of bond rested primarily on the fact that Petitioner was a passenger in a vehicle in
2 which a firearm was discovered and alleged activity involving others.

3 However:

- 4 • There is no evidence that Petitioner owned the firearm;
- 5 • No evidence that he possessed or controlled it;
- 6 • No evidence that he had knowledge of it;
- 7 • No criminal charges were filed against him; and
- 8 • Petitioner has no criminal history whatsoever.

9
10 Detention based on mere proximity or association is not reliable evidence of dangerousness. It is
11 speculation.

12
13 The Immigration Judge's reliance on "guilt by association", as reflected in the hearing, renders
14 the decision constitutionally defective.

15 This speculative reasoning is further undermined by Petitioner's strong equities, including his
16 approved SIJS status and pending asylum application, both of which demonstrate stability,
17 compliance, and a strong incentive to appear.

18
19 **C. The Immigration Judge Failed to Make Individualized Findings**

20 The Immigration Judge issued only conclusory statements that Petitioner is a "flight risk" and a
21 "danger to the community."

22 The Immigration Judge did not:

- 23 • Identify specific evidence supporting those findings;
- 24 • Weigh Petitioner's complete lack of criminal history;
- 25 • Consider Petitioner's approved SIJS status;
- 26 • Consider Petitioner's pending asylum application; or

- Explain how the legal standard was satisfied.

These omissions confirm that no meaningful individualized determination occurred.

D. The Proceeding Was Not Meaningful Process

Taken together:

- The wrong burden of proof,
- The reliance on guilt by association and speculation, and
- The failure to consider critical exculpatory facts and equities

demonstrate that the hearing was not a genuine custody determination.

It was a legally defective proceeding that failed to comply with this Court's Order. Accordingly, Petitioner did not receive the hearing this Court ordered.

IV. RESPONDENTS FAILED TO COMPLY WITH THIS COURT'S ORDER

Respondents were required to provide a constitutionally adequate § 1226 bond hearing.

They did not.

A hearing that:

- Applies the wrong legal standard,
- Relies on guilt by association, and
- Ignores dispositive facts such as Petitioner's lack of criminal history, SIJS approval, and pending asylum claim

does not constitute compliance.

Because the Court's Order has not been satisfied, Petitioner's continued detention is unlawful.

V. CONTINUED DETENTION CAUSES ONGOING IRREPARABLE HARM

Petitioner remains detained solely as a result of a constitutionally defective proceeding.

Each day of continued detention:

- Deprives him of physical liberty;
- Impairs his ability to pursue asylum and SIJS-based relief; and
- Extends an ongoing constitutional violation.

The loss of liberty constitutes irreparable harm as a matter of law.

VI. EMERGENCY RELIEF IS NECESSARY

This case presents a straightforward issue: This Court ordered meaningful process. Respondents provided a defective hearing. Petitioner remains detained as a result. Immediate intervention is required.

VII. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. GRANT this Emergency Motion;
2. ORDER Respondents to immediately release Petitioner from custody; OR
3. In the alternative, ORDER Respondents to provide a new bond hearing before a different Immigration Judge to ensure neutrality within forty-eight (48) hours, and that such hearing:
 - Apply the correct legal standard where the Government bears the burden of justifying continued detention and require that any finding of danger or flight risk be supported by reliable, non-speculative evidence;
 - No reliance on association or proximity;
 - A true individualized determination, including Petitioner's lack of criminal history, SIJS approval, and pending asylum; and
 - Specific findings on the record;
4. ORDER Respondents to file a response within forty-eight (48) hours of this Motion; and

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1 5. Grant such other and further relief as the Court deems just and proper.
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3
4

5 Respectfully submitted this 22nd day of April 2026
6

7 /s/ Jashan Multani

8 Jashan Multani, WSBA 60073

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