


UNITED STATES DISTRICT COURT
FOR DISTRICT OF VERMONT

SINGH, Harkamal)
)
 Petitioner,)
 v.)
 ALEXANDER JAMES, Marble Valley)
 Detention Center, Rutland Vermont,)
 UNITED STATES MARSHALL)
 SERVICE, DAVID WESLING, Acting)
 Director of the Boston Field Office,)
 U.S. Immigration and Customs)
 Enforcement; TODD LYONS,)
 Acting Director of the U.S. Immigration)
 and Customs Enforcement, and KRISTI)
 NOEM, Secretary of the U.S. Department)
 Of Homeland Security,)
 Respondents.)

Civil Case No.: 2:26-cv-53

**PETITION FOR WRIT
OF HABEAS CORPUS § 2241**

INTRODUCTION

1. Petitioner, Harkamal SINGH, brings this petition for a writ of habeas corpus to challenge his detention. Petitioner was detained by Customs and Border Protection (CBP) without authority pursuant to an administrative warrant issued by CBP September 17, 2025. *See Exhibit A*, CBP Warrant.

2. Prior to Mr. Singh’s detention by CBP in September 2025, he had been detained by Immigration and Customs Enforcement (ICE) which transferred his custody to the Office of Refugee Resettlement (ORR) because he was a minor under eighteen years-old at the time.

3. ORR released Mr. Singh without any conditions to his biological father on or about September 1, 2008.

4. Mr. Singh has remained at liberty since that time until his arrest and detention by CBP in September 2025.
5. Mr. Singh was charge with a federal crime and transferred from CBP custody to United States Marshalls custody. Upon his acquittal of all charges, he is being transferred back to immigration custody.
6. Petitioner asks this Court to find that he was unlawfully detained in 2025 and therefore any ongoing immigration custody is not authorize and that his immediate release on his own recognizance should be ordered.

JURISDICTION

8. Petitioner is in the physical custody of Respondents. Petitioner is detained upon information and belief at the Marble Valley Detention Center in Rutland, Vermont under the control of the United States Marshalls Service. Petition has been or will be imminently transferred into ICE custody likely on March 5, 2026.
9. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).
10. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.
11. Because Petitioner is solely contesting his ongoing detention through his Petition, this Court has jurisdiction and maintains the authority to order him immediately released. *See contra Dep't of Homeland Sec. v. Regents of the*

Univ. of California, 591 U.S. 1, 19 (2020) (“[Section] 1252(b)(9) ‘does not present a jurisdictional bar’ where those bringing suit ‘are not asking for review of an order of removal,’ ‘the decision to seek removal,’ or ‘the process by which removability will be determined’” (ellipses omitted) (quoting *Jennings v. Rodriguez*, 583 U.S. 281, 294-95 (2018))).

VENUE

12. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493- 500 (1973), venue lies in the United States District Court for the District of Vermont, the judicial district in which Petitioner currently is detained.
13. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the District of Vermont.


PARTIES

14. Petitioner Harkamal Singh is a citizen of India who has been in detention since his acquittal on federal criminal charges in the United States District Court for the District of Vermont on March 4, 2026. Upon information and believe, Petitioner is currently in the custody of the United States Marshalls Service pending his imminent transfer to the custody of Immigration and Customs Enforcement (ICE) pursuant to an ICE Detainer.
15. Respondent Alexander James is the Warden of the Marble Valley Detention Center, Rutland Vermont, where upon information and belief Petitioner is currently being

detained. Mr. James is Petitioner's immediate custodian and is responsible for Petitioner's detention. He is named in his official capacity.

16. United States Marshalls Service is a federal law enforcement agency that assumes responsibility for all prisoners charged with a federal offense. The United States Marshalls Service has Petitioner in custody at Marble Valley Detention Center until he is transferred to ICE custody.
17. Respondent Wesling is the Acting Director of the ICE Boston Field Office with jurisdiction over New England and is being sued in his official capacity.
18. Respondent Lyons is the Acting Director of U.S. Immigration and Customs Enforcement and is being sued in his official capacity.
19. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees ICE, which is responsible for Petitioner's detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.
20. Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.

FACTS ALLEGED

21. Mr. Harkamal Singh is a thirty-four-year-old non-citizen who was born in India. His date of birth is  He currently lives in Vermont with his family.
22. He has resided in the United States since December 3, 2002, when he entered the United States on a K-2 visa as a dependent of his mother on a K-1 Fiancé Petition. He was admitted

into the United States on the K-2 visa to remain until March 2, 2003. He was eleven years old at the time of his admission to the United States in 2002. He has not departed the United States since 2002.

23. Mr. Singh was detained by ICE on May 25, 2008, following a youthful offender delinquency finding and his release from state custody. He was then immediately transferred to ORR custody as he was under eighteen at the time of his ICE detention. He was released from government custody without conditions on September 1, 2008 to his biological father, Kashmir Singh.
24. A Notice to Appear dated May 22, 2008 was filed in Immigration Court pursuant to his initial ICE detention. Upon information and belief, Mr. Singh filed for asylum before the Immigration Court on or about April 1, 2009. This application is currently pending before the Immigration Court. Mr. Singh's removal proceedings were Administratively Closed on May 3, 2013. His case remains Administratively Closed.
25. Mr. Singh has also been granted relief under Deferred Action for Childhood Arrivals (DACA) from approximately December 2012 until July 2023. He is also the beneficiary of an approve Visa Petition (I-130) filed by his United States Citizen spouse.
26. There were no changed circumstances in September 2025 to support the issuance of an Administrative warrant for Mr. Singh's arrest by CBP. In other words, the Petitioner had not violated the terms of his 2008 release from custody in 2025.
27. Following his arrest by CBP using an administrative warrant, Mr. Singh was interrogated by an Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), a

component of the Department of Justice and then charged in Federal Court with violating 18 U.S.C. § 922(a)(6).

28. On March 4, 2026, Mr. Singh was acquitted of all counts of the federal indictment. He was not released from Marshalls custody, however, on that day as ICE had lodged an immigration detainer against him. He will, upon information and belief, be imminently transferred to ICE custody and likely then transferred to ICE detention in Louisiana.

**CLAIM FOR RELIEF
COUNT ONE
VIOLATION OF FIFTH AMENDMENT RIGHT TO DUE PROCESS**

29. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
30. Petitioner has a fundamental interest in liberty and being free from official restraint.
31. Mr. Singh is currently in the custody of the Respondents under or by color of the authority of the United States, based on his detainment upon information and belief at the Marble Valley Detention Center in Rutland, Vermont.
32. Mr. Singh's detention violates the U.S. Constitution. The Fifth Amendment's Due Process Clause specifically forbids the Government to "deprive[]" any "person . . . of . . . liberty . . . without due process of law." U.S. CONST. Amend. V. "In our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception." *United States v. Salerno*, 481 U.S. 739, 755 (1987).
33. "[T]he Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence is lawful, unlawful, temporary, or permanent." *Zadvydas*

v. Davis, 533 U.S. 678, 693 (2001).

34. Mr. Singh was detained by CBP on September 17, 2025 in violation of his constitutional rights as his 2008 release from ICE and then ORR custody was without conditions. He could not be legally redetained by ICE or CBP without a change in circumstances, including the violation of the conditions of his release. There was no change in Petitioner's circumstances in 2025, not did he violate the conditions of his release that could support his re-detention by CBP. "Given that Petitioner was previously found to not be a danger or a flight risk, the risk of erroneous deprivation without a hearing is high particularly here, where . . . there are serious concerns about the basis for his re[-]detention and access to information to disprove the basis for his detention while in custody." *Garcia v. Andrews*, 2:25-cv-01884-TLN-SCR, 2025 U.S. Dist. LEXIS 133521 at *12-13 (E.D. Cal. July 14, 2025).
35. Petitioner, Mr. Singh, has complied with all aspects of his immigration case and has never failed to appear at any immigration court date.
36. Petitioner's detention does not bear a reasonable relationship to the two purposes of immigration detention during the pendency of removal proceedings: preventing danger to the community or flight prior to removal. *Zadvydas*, 533 U.S. at 690-91; *see also Hernandez-Lara v. Lyons*, 10 F.4th 19, 33 (1st Cir. 2021)(finding that detention is limited to "only those noncitizens who are dangerous or a flight risk"). Petitioner's prior release seventeen years prior to his arrest by CBP without conditions "reflects a determination by the government that the noncitizen is not a danger to the community or a flight risk." *Saravia v. Sessions*, 280F. Supp. 3d 1168, 1176 (N.D. Cal. 2017).

37. Because Respondents had no legitimate, non-punitive objective in revoking Petitioner's release in September 2025, Petitioner's on-going immigration detention violates his due process under the Fifth Amendment to the U.S. Constitution.

38. A judicial order requiring Mr. Singh's release from custody would remedy Respondent's unlawful conduct.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Issue a writ of habeas corpus requiring that within one day, Respondents release Petitioner from custody without conditions;
- c. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- d. Grant any other and further relief that this Court deems just and proper.

DATED this 5th Day of March, 2026.

Respectfully submitted,
By his attorneys,

/s/ Stephanie Greenlees
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