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**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

BUTA SINGH

Petitioner,

v.

JEREMY CASEY, Warden of the Imperial
Regional Detention Center; TODD LYONS,
Acting Director of Immigration and Customs
Enforcement; KRISTI NOEM, Secretary of the
U.S. Department of Homeland Security; PAMELA
BONDI, Attorney General of the United States

Respondents.

Civil Action No. **'26CV1401 AGS MSB**

**VERIFIED PETITION FOR
HABEAS CORPUS**

INTRODUCTION

1. Petitioner seeks habeas relief from unconstitutional immigration detention that has become prolonged and no longer bears a reasonable relationship to the Government's ability to effectuate removal.

2. Petitioner entered the United States on November 29, 2024, without inspection. Since the moment of his entry, Petitioner has remained continuously detained in the custody of U.S. Immigration and Customs Enforcement ("ICE"). On April 9, 2025, the Department of Homeland Security served Petitioner with a Notice to Appear, initiating removal proceedings.

1 3. Petitioner has remained detained throughout the entirety of those proceedings and
2 beyond. He has fully complied with all ICE rules, reporting requirements, and requests for cooperation,
3 and there is no allegation that he has obstructed or delayed removal in any way.

4 4. Petitioner's order of removal is now final, and the removal period has exceeded 180
5 days. At the time of filing, Petitioner has been detained for more than 461 days in total immigration
6 custody.

7
8 5. The Supreme Court has made clear that post-final-order detention under INA §
9 241(a)(6) is limited. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Court held that detention beyond
10 six months after a removal order becomes final is presumptively unreasonable unless the Government
11 can demonstrate that removal is significantly likely in the reasonably foreseeable future.

12
13 6. Despite the passage of the six-month period following the final order of removal, the
14 Government has not established that removal is significantly likely in the reasonably foreseeable future.
15 Continued detention therefore exceeds constitutional and statutory limits.

16
17 7. Because Petitioner's detention has now become prolonged and effectively indefinite,
18 this Court should grant habeas relief and order Petitioner released under reasonable conditions of
19 supervision.

20 8. Petitioner respectfully requests expedited consideration because his detention has
21 already exceeded the presumptively reasonable six-month period recognized in *Zadvydas*.

22
23 **JURISDICTION**

24 9. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28
25 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension
26 Clause).

27 10. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*,
28

1 the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

2 **VENUE**

3 11. Venue is proper because Petitioner is detained in Imperial Regional Detention Center,
4 which is within the jurisdiction of this District. Venue is also proper in this District because
5 Respondents are officers, employees, or agencies of the United States. *See* 28 U.S.C. § 1391(e).
6

7 **PARTIES**

8 12. Respondent Jeremy Casey is sued in his official capacity as Warden of the Imperial
9 Regional Detention Center. Respondent Chestnut is the physical custodian of Petitioner.
10

11 13. Respondent Todd Lyons is sued in his official capacity as the Acting Director of U.S.
12 Immigration and Customs Enforcement. Respondent Lyons is a legal custodian of Petitioner and has
13 authority to release him.

14 14. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S.
15 Department of Homeland Security. In this capacity, Respondent Noem is responsible for the
16 implementation and enforcement of the INA, and oversees ICE, the component agency responsible for
17 Petitioner's detention and custody. Respondent Noem is a legal custodian of Petitioner.
18

19 15. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the
20 United States and the senior official of the U.S. Department of Justice. In that capacity, she has the
21 authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review
22 ("EOIR"), which administers the immigration courts and the BIA. Respondent Bondi is a legal
23 custodian of Petitioner.
24

25 **STATEMENT OF FACTS**

26 16. Petitioner entered the United States on November 29, 2024, without inspection or
27 authorization. At the time of his entry, immigration authorities took Petitioner into custody. Since that
28

1 date, Petitioner has remained continuously detained in ICE custody.

2 17. On April 9, 2025, the Department of Homeland Security served Petitioner with a Notice
3 to Appear, formally initiating removal proceedings under the Immigration and Nationality Act.

4 18. On September 1, 2025, an Immigration Judge granted Petitioner withholding of removal
5 under INA § 241(b)(3). As a result, Petitioner cannot be removed to his country of nationality.
6

7 19. Petitioner remained detained throughout those proceedings.

8 20. Throughout his detention, Petitioner has fully complied with all ICE rules and
9 requirements. He has cooperated with immigration authorities, complied with all custodial regulations,
10 and has not engaged in any conduct intended to delay or obstruct removal.
11

12 21. Petitioner is now subject to a final order of removal. The statutory removal period has
13 therefore commenced pursuant to INA § 241(a).

14 22. Petitioner's removal order has been final for more than 180 days. The Supreme Court
15 has identified six months as the presumptively reasonable period for post-order detention. See
16 *Zadvydas v. Davis*, 533 U.S. 678 (2001).
17

18 23. Despite the expiration of that period, Petitioner remains detained.

19 24. As of the filing of this petition, Petitioner has been detained for more than 461 days in
20 total immigration custody since his entry into the United States.

21 25. This length of detention is far beyond what the Constitution permits where removal is
22 not significantly likely in the reasonably foreseeable future.
23

24 26. Because Petitioner has already been detained well beyond the six-month period
25 recognized in *Zadvydas*, and because the Government has not demonstrated that removal is
26 significantly likely in the reasonably foreseeable future, Petitioner's continued detention is prolonged,
27 unreasonable, and unconstitutional.
28

1 27. The Immigration detention following a final order of removal is governed by Section
2 241 of the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1231.

3 28. Once a noncitizen is ordered removed, the Government is afforded a 90-day “removal
4 period” during which detention is mandatory and the Government must attempt to effectuate removal.
5 8 U.S.C. § 1231(a)(1)–(2).
6

7 29. After the expiration of the removal period, the statute permits the Government to
8 continue detention of certain noncitizens under § 1231(a)(6). However, the Supreme Court has made
9 clear that this authority is not unlimited.

10 30. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court addressed the
11 constitutional limits of detention under § 1231(a)(6). The Court held that immigration detention is
12 permissible only for the period reasonably necessary to effectuate removal, and that the statute does
13 not authorize indefinite detention.
14

15 31. To avoid serious constitutional concerns, the Court interpreted § 1231(a)(6) to include
16 a temporal limitation on detention.
17

18 32. The Court established a six-month benchmark as the presumptively reasonable period
19 of post-order detention.

20 33. After six months, once a detainee shows that removal is not significantly likely in the
21 reasonably foreseeable future, the burden shifts to the Government to rebut that showing with evidence
22 demonstrating that removal remains realistically achievable. *Id.* at 701.
23

24 34. If the Government cannot make such a showing, continued detention becomes
25 unconstitutional and the noncitizen must be released under conditions of supervision.

26 35. The Supreme Court emphasized that immigration detention under § 1231(a)(6) is civil
27 and regulatory, not punitive. Its sole permissible purpose is to facilitate removal.
28

1 36. Where removal is not reasonably foreseeable, detention no longer serves that purpose
2 and becomes arbitrary and unconstitutional.

3 37. As the Court explained, “Once removal is no longer reasonably foreseeable, continued
4 detention is no longer authorized by statute.” *Zadvydas*, 533 U.S. at 699.

5 38. Thus, the Government may not detain a noncitizen indefinitely based solely on the
6 theoretical possibility that removal might occur at some undefined point in the future.

7 39. The Ninth Circuit has repeatedly applied the constitutional limits articulated in
8 *Zadvydas*, holding that post-order detention may not continue where removal is not significantly likely
9 in the reasonably foreseeable future. See, *Prieto-Romero v. Clark*, 534 F.3d 1053, 1062–63 (9th Cir.
10 2008), and *Diouf v. Napolitano*, 634 F.3d 1081, 1086–87 (9th Cir. 2011)

11 40. These decisions confirm that immigration detention must remain closely tied to the
12 realistic prospect of removal, and that prolonged detention without such a prospect violates both the
13 statute and the Constitution.

14 41. Federal courts retain authority under 28 U.S.C. § 2241 to review the legality of
15 immigration detention and to order release where detention violates constitutional or statutory limits.

16 42. Where a detainee has remained in custody beyond the six-month presumptively
17 reasonable period and the Government cannot demonstrate that removal is significantly likely in the
18 reasonably foreseeable future, habeas relief is appropriate.

19 43. Under those circumstances, the proper remedy is release under reasonable conditions of
20 supervision pursuant to INA § 241(a)(3).

21 44. Petitioner has now been detained for more than 461 days in total immigration custody.
22 His removal order has been final for more than 180 days, well beyond the six-month presumptively
23 reasonable period recognized in *Zadvydas*.
24
25
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27
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1 45. Petitioner cannot be removed to his country of nationality because he has been granted
2 withholding of removal. Respondents have not identified any third country willing to accept Petitioner,
3 nor have they demonstrated that travel documents exist or that removal will occur in the reasonably
4 foreseeable future.

5 46. Because removal is not significantly likely in the reasonably foreseeable future,
6 continued detention violates the Constitution and INA § 241(a)(6).
7

8 **CLAIMS FOR RELIEF**

9 **COUNT ONE**

10 **Violation of the Fifth Amendment – Prolonged Post-Order Detention (Zadvydas v. Davis)**

11 47. The allegations in the above paragraphs are realleged and incorporated herein.

12 48. Petitioner is detained pursuant to INA § 241(a)(6) following a final order of removal.

13 49. On September 1, 2025, an Immigration Judge granted Petitioner withholding of removal
14 under INA § 241(b)(3), legally prohibiting his removal to his country of nationality.
15

16 50. Petitioner has now been detained well over 180 days following the commencement of
17 the removal period.
18

19 51. The Supreme Court held in *Zadvydas v. Davis*, 533 U.S. 678 (2001) that detention under
20 §241(a)(6) is limited to a period reasonably necessary to effectuate removal. The Court established six
21 months as the presumptively reasonable period of detention, after which continued detention becomes
22 unconstitutional unless the Government can demonstrate that removal is significantly likely in the
23 reasonably foreseeable future.
24

25 52. Once a detainee has been held beyond six months, the burden shifts to the Government
26 to provide evidence that removal remains realistically foreseeable.

27 53. Here, that burden cannot be met.
28

1 54. Petitioner cannot be removed to his country of nationality due to the grant of
2 withholding of removal. Respondents have not identified any third country willing to accept Petitioner,
3 nor have they provided evidence that travel documents are available or that removal will occur within
4 a predictable timeframe.

5 55. Petitioner has fully cooperated with ICE and complied with all requests for information
6 and documentation. There is no allegation that Petitioner has obstructed removal.
7

8 56. Because removal is not significantly likely in the reasonably foreseeable future,
9 Petitioner's continued detention is indefinite and unconstitutional.

10 57. Accordingly, continued detention violates the Due Process Clause of the Fifth
11 Amendment.
12

13 **COUNT TWO**

14 **Violation of Procedural Due Process – Lack of Meaningful Post-Order Custody Review**

15 58. The allegations in the above paragraphs are realleged and incorporated herein.

16 59. The Fifth Amendment requires meaningful procedural safeguards when the Government
17 seeks to continue detention.
18

19 60. Under **Zadvydas** and subsequent Ninth Circuit precedent, continued detention must be
20 supported by evidence demonstrating that removal remains reasonably foreseeable.

21 61. Respondents have failed to provide Petitioner with a meaningful custody review
22 addressing whether removal is realistically achievable.
23

24 62. Any custody reviews conducted have relied on generalized or speculative assertions that
25 removal may occur, without identifying a specific receiving country, issued travel documents, concrete
26 diplomatic arrangements, or a realistic timeline for removal.

27 63. Where continued detention is justified only by speculation, the risk of erroneous
28

1 deprivation of liberty is substantial.

2 64. Respondents' failure to provide a meaningful custody determination violates
3 Petitioner's procedural due process rights.

4 **COUNT THREE**

5 **Detention Exceeds Statutory Authority Under INA § 241(a)(6)**

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7 65. The allegations in the above paragraphs are realleged and incorporated herein.

8 66. INA §241(a)(6) authorizes detention only for the period reasonably necessary to
9 effectuate removal.

10 67. The Supreme Court in Zadvydas construed the statute to prohibit indefinite detention.

11 68. Because Petitioner has been detained beyond six months and removal is not significantly
12 likely in the reasonably foreseeable future, continued detention exceeds the authority granted by
13 Congress.

14
15 69. Respondents' detention of Petitioner is therefore ultra vires and unlawful.

16 **COUNT FOUR**

17 **Continued Detention Is Arbitrary and Unreasonable**

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19 70. Immigration detention is civil and must remain reasonably related to its purpose—
20 facilitating removal.

21 71. Where removal cannot be effectuated, detention loses its regulatory justification and
22 becomes punitive.

23
24 72. Petitioner has been detained for more than 180 days after the removal period began,
25 despite a grant of withholding of removal, full compliance with ICE requests, no obstruction of removal
26 efforts and no identified country willing to accept him.

27 73. Under these circumstances, continued detention is arbitrary, excessive, and
28

1 constitutionally unreasonable.

2 **COUNT FIVE**

3 **Entitlement to Release Under Supervision**

4 74. INA §241(a)(3) provides for release under supervision when detention is no longer
5 authorized.

6
7 75. Supervised release adequately protects the Government's legitimate interests while
8 respecting constitutional limits on detention.

9 76. Petitioner is willing to comply with all conditions of supervision, including reporting
10 requirements, electronic monitoring, or any other conditions deemed appropriate.

11 77. Because continued detention is unlawful, Petitioner is entitled to immediate release
12 under reasonable supervision conditions.

13
14 **PRAYER FOR RELIEF**

15 Wherefore, Petitioner requests this Court to grant the following:

- 16 1. Assume jurisdiction over this Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. §
17 2241;
18
19 2. Declare that Petitioner's continued detention violates the Fifth Amendment to the United
20 States Constitution and exceeds the authority permitted under INA § 241(a)(6), as
21 interpreted by the Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678 (2001);
22
23 3. Grant the Petition for Writ of Habeas Corpus;
24
25 4. Order Respondents to immediately release Petitioner from immigration detention under
26 appropriate conditions of supervision pursuant to INA § 241(a)(3);
27
28 5. Enjoin Respondents from re-detaining Petitioner absent materially changed circumstances
demonstrating that removal is significantly likely in the reasonably foreseeable future;

6. In the alternative, order Respondents to provide evidence within a specified period demonstrating that removal is significantly likely in the reasonably foreseeable future, and order Petitioner released if Respondents fail to make such a showing;
7. Award Petitioner reasonable attorneys' fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, where applicable; and
8. Grant such other and further relief as the Court deems just and proper.

Respectfully,

/s/Gurpreet Kaur

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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, and I submit this verification on his behalf. Because Petitioner is detained at the Imperial Regional Detention Center and immediate relief is sought, counsel verifies this petition on his behalf pursuant to 28 U.S.C. § 2242. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 5th day of March, 2026.

/s/Gurpreet Kaur

Gurpreet Kaur, Esq