

1 Gurpreet Kaur, Esq.
2 Kaur Legal Group, PC
3 674 County Square Dr, Suite 305
4 Ventura, CA 93003
5 Ph. 805-300-9003; Cell 909-997-4570
6 Fax: 805-716-6100
7 E-mail: gurpreetkauresq@gmail.com
8 *Attorney for Petitioner*

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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 No. 3:26-cv-01401-AGS-MSB

**MOTION FOR TEMPORARY
RESTRAINING ORDER AND
ORDER TO SHOW CAUSE**

MOTION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE

1 Petitioner Buta Singh respectfully moves this Court for a Temporary Restraining Order (“TRO”)
2 and Order to Show Cause directing Respondents to justify Petitioner’s continued immigration detention
3 and to order his immediate release under reasonable conditions of supervision. This Motion is based on
4 the accompanying Petition for Writ of Habeas Corpus, the records of this case, and the arguments set forth
5 below.

6 **I. INTRODUCTION**

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8 Petitioner has been detained in immigration custody for more than 461 days, including over 180
9 days following the final order of removal.

10 The Supreme Court held in *Zadvydas v. Davis*, 533 U.S. 678 (2001) that detention beyond six
11 months after a removal order becomes final is presumptively unreasonable unless the Government can
12 demonstrate that removal is significantly likely in the reasonably foreseeable future.

13
14 That standard cannot be met here.

15 On September 1, 2025, an Immigration Judge granted Petitioner of removal, meaning he cannot
16 be removed to his country of nationality. Respondents have not identified any third country willing to
17 accept Petitioner, nor have they demonstrated that travel documents exist or that removal is realistically
18 achievable in the foreseeable future.

19
20 Despite the expiration of the six-month presumptively reasonable detention period, Petitioner
21 remains detained.

22 Because Petitioner’s detention has become prolonged and effectively indefinite, immediate
23 judicial intervention is necessary to prevent ongoing constitutional injury.

24 **II. LEGAL STANDARD**

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26 The standards governing a TRO and a preliminary injunction are “substantially identical.”
27 *Stuhlbarg Int’l Sales Co. v. John D. Bush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001).
28

1 A TRO may issue where the movant demonstrates: A likelihood of success on the merits, a
2 likelihood of irreparable harm absent relief, that the balance of equities tips in Petitioner's favor, and that
3 an injunction is in the public interest. *Winter v. NRDC*, 555 U.S. 7, 20 (2008).

4 Alternatively, a TRO may issue where serious questions go to the merits and the balance of
5 hardships tips sharply in the movant's favor. *Friends of the Wild Swan v. Weber*, 767 F.3d 936, 942 (9th
6 Cir. 2014).

8 **III. PETITIONER IS LIKELY TO SUCCEED ON THE MERITS**

9 Petitioner is likely to succeed on the merits because his continued detention violates both the
10 Immigration and Nationality Act and the constitutional limits articulated by the Supreme Court in
11 *Zadvydas v. Davis*, 533 U.S. 678 (2001).

12 Under INA § 241(a)(6), 8 U.S.C. § 1231(a)(6), the Government may detain certain noncitizens
13 following a final order of removal. However, the Supreme Court has made clear that this authority is not
14 unlimited. In *Zadvydas*, the Court held that post-final order detention is permissible only for the period
15 reasonably necessary to effectuate removal. *Id.* at 699. To avoid serious constitutional concerns, the Court
16 construed the statute to contain an implicit temporal limitation on detention.
17

18 The Court established six months as the presumptively reasonable period of post-order detention.
19 *Id.* at 701. After that period has elapsed, once the detainee provides "good reason to believe that there is
20 no significant likelihood of removal in the reasonably foreseeable future," the burden shifts to the
21 Government to rebut that showing with evidence demonstrating that removal remains realistically
22 achievable. *Id.*
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24 Petitioner has been detained in immigration custody for more than 461 days, including over 180
25 days following the final order of removal. This period far exceeds the six-month benchmark recognized
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1 in *Zadvydas*. Accordingly, Petitioner has satisfied his initial burden of demonstrating that his detention
2 has become prolonged.

3 Moreover, the record demonstrates that removal is not significantly likely in the reasonably
4 foreseeable future.

5 First, Petitioner has been granted withholding of removal, which legally prohibits his removal to
6 his country of nationality. This significantly limits the Government's ability to effectuate removal and
7 requires the Government to locate a third country willing to accept him.

8 Second, Respondents have not identified any third country willing to accept Petitioner or any travel
9 documents that would permit removal. Nor have Respondents provided evidence of ongoing diplomatic
10 arrangements or a realistic timeline for removal.

11 Third, Petitioner has fully complied with all ICE rules and requirements and has cooperated with
12 immigration authorities. There is no allegation that Petitioner has obstructed removal or failed to cooperate
13 in obtaining travel documents.

14 Where, as here, removal cannot occur to the country of nationality and the Government has not
15 identified any alternative country willing to accept the detainee, courts routinely find that removal is not
16 significantly likely in the reasonably foreseeable future under the framework established in *Zadvydas*.

17 Because removal is not realistically foreseeable, continued detention no longer bears a reasonable
18 relationship to the Government's stated purpose of effectuating removal. Instead, it becomes indefinite
19 civil detention, which the Supreme Court has made clear the Constitution does not permit.

20 Accordingly, Petitioner is likely to succeed on the merits of his habeas claim that his continued
21 detention violates the Fifth Amendment and INA § 241(a)(6) as interpreted by *Zadvydas v. Davis*. The
22 Government bears the burden of demonstrating that removal is significantly likely in the reasonably
23 foreseeable future, and nothing in the record indicates that such removal is possible.
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IV. PETITIONER SUFFERS IRREPARABLE HARM

Petitioner continues to suffer irreparable harm as a direct result of his prolonged and unlawful detention. The deprivation of physical liberty lies at the core of the interests protected by the Constitution. Courts have repeatedly recognized that unlawful detention constitutes irreparable harm as a matter of law because the loss of freedom cannot be remedied through monetary damages or any form of post hoc relief.

Petitioner has been detained for more than 461 days, including over 180 days following the final order of removal, well beyond the six-month presumptively reasonable period recognized in *Zadvydas v. Davis*, 533 U.S. 678 (2001). Each additional day that Petitioner remains in custody constitutes a continuing deprivation of his fundamental liberty interest.

The Supreme Court has emphasized that freedom from physical restraint is among the most fundamental liberties protected by the Due Process Clause. Continued detention that no longer serves a legitimate immigration purpose therefore inflicts ongoing constitutional injury. That injury is immediate and irreparable.

Petitioner's continued confinement subjects him to the severe physical and psychological burdens inherent in detention. Immigration detention significantly restricts movement, limits access to family and community support, and subjects detainees to the conditions of a custodial facility despite the civil nature of immigration proceedings. These harms compound with each passing day.

Moreover, absent intervention from this Court, Petitioner faces the prospect of indefinite detention. Because the Government has not demonstrated that removal is significantly likely in the reasonably foreseeable future, there is no predictable endpoint to Petitioner's confinement. Courts consistently recognize that the threat of indefinite detention itself constitutes irreparable harm warranting immediate judicial relief.

1 Importantly, the harm Petitioner suffers cannot be undone after the fact. Once liberty has been
2 unlawfully deprived, no subsequent court order can restore the time that Petitioner has spent in custody.
3 For these reasons, Petitioner's ongoing detention constitutes irreparable harm sufficient to justify
4 immediate injunctive relief.

5 **V. THE BALANCE OF EQUITIES FAVORS RELIEF**

6 Petitioner seeks only release under reasonable conditions of supervision, which Congress
7 expressly authorizes under INA § 241(a)(3).
8

9 Petitioner has complied with all ICE rules and requirements and has cooperated fully with
10 immigration authorities. Release under supervision would adequately protect the Government's interests
11 while preventing unconstitutional detention. The balance of equities therefore favors Petitioner.
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13 **VI. THE PUBLIC INTEREST SUPPORTS RELIEF**

14 The public interest strongly supports granting the requested relief.

15 First, the public has a compelling interest in ensuring that the Government complies with
16 constitutional limits on civil detention. Immigration detention is civil, not punitive, and therefore must
17 remain reasonably related to its lawful purpose—facilitating removal from the United States. When
18 detention continues after removal is no longer significantly likely in the reasonably foreseeable future, it
19 ceases to serve its regulatory purpose and becomes constitutionally impermissible.
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21 As the Supreme Court recognized in *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Constitution
22 does not permit indefinite civil detention. Enforcing that limitation serves the public interest by preserving
23 fundamental constitutional protections and ensuring that executive detention authority remains within
24 lawful bounds.
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26 Second, the public interest favors the faithful execution of federal statutes as interpreted by the
27 Supreme Court. Congress authorized limited detention under INA § 241(a)(6), but the Supreme Court has
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1 made clear that the statute must be construed to avoid indefinite detention. Judicial enforcement of that
2 statutory framework promotes respect for the rule of law and prevents detention practices that exceed
3 congressional authorization.

4 Third, granting relief would not undermine the Government's legitimate immigration enforcement
5 interests. Petitioner does not seek termination of removal proceedings or any restriction on the
6 Government's ability to effectuate removal should it become feasible. Rather, Petitioner seeks only release
7 under reasonable conditions of supervision, a form of custody specifically authorized by INA § 241(a)(3).
8

9 Release under supervision adequately protects the Government's interests by allowing
10 immigration authorities to monitor Petitioner while respecting constitutional limits on detention. Courts
11 have repeatedly recognized that supervised release provides a lawful and effective alternative to prolonged
12 detention where removal cannot be effectuated in the reasonably foreseeable future.
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14 Finally, the public interest is served when federal courts act to prevent unlawful deprivation of
15 liberty. Where an individual remains detained beyond the limits recognized by the Constitution and
16 governing precedent, the public interest favors prompt judicial intervention to restore lawful custody
17 conditions.
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19 For these reasons, the public interest weighs strongly in favor of granting the requested temporary
20 restraining order and directing Petitioner's release under reasonable conditions of supervision.

21 **VII. REQUEST FOR EXPEDITED CONSIDERATION**

22 Petitioner has already been detained well beyond the presumptively reasonable six-month period
23 recognized in *Zadvydas*.
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25 For that reason, Petitioner respectfully requests expedited consideration of this motion.

26 **VIII. CONCLUSION**

27 For the foregoing reasons, Petitioner respectfully requests that this Court:
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- 1 1. Issue a Temporary Restraining Order directing Respondents to release Petitioner immediately
- 2 under reasonable conditions of supervision;
- 3 2. Order Respondents to show cause why Petitioner should not be granted habeas relief;
- 4 3. Grant such other relief as the Court deems just and proper.
- 5

6 Respectfully,

7 /s/Gurpreet Kaur

8 Gurpreet Kaur, Esq.

9 **Kaur Legal Group, PC**

674 County Square Dr, Suite 305

Ventura, CA 93003

10 Ph. 805-300-9003; Cell 909-997-4570

11 Fax: 805-716-6100

12 Dated this 4th day of March, 2026.

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