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7 UNITED STATES DISTRICT COURT
8 SOUTHERN DISTRICT OF CALIFORNIA

9 JEEVANJOT SINGH
10 aka GEEVONJOT SINGH,

11 Petitioner,

12 v.

13 KRISTI NOEM, In her official capacity as
14 Secretary of Homeland Security,

15 GREGORY JOHN ARCHAMBEAULT,
16 in his official capacity as Field Office
17 Director, San Diego Field Office, U.S.
18 Immigration & Customs Enforcement;

19 TODD LYONS, In his official capacity as
20 Acting Director, U.S. Immigration and
21 Customs Enforcement,

22 PAMELA BONDI, In her official capacity
23 as Attorney General,

24 WARDEN OF IMPERIAL REGIONAL
25 DETENTION FACILITY;

26 Respondents.

Civil Action No. '26CV1414 TWR DDL

Immigration No. 

27 VERIFIED EMERGENCY PETITION FOR
28 WRIT OF HABEAS CORPUS AND
INCORPORATED MEMORANDUM OF LAW

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- 1 4. Accordingly, Petitioner seeks a writ of habeas corpus. Petitioner requests an order requiring
2 his immediate release, or in the alternative, his immediate release unless Respondents provide
3 a bond hearing under § 1226(a) within seven days.
4

5 **THE PARTIES**
6

- 7 5. Petitioner is detained in the custody of ICE. He is being detained in the custody of the San
8 Diego ICE Field Office at the Imperial Detention Center, which is located within this judicial
9 district. His custody and governmental actions related to his removal are likewise controlled
10 by the ICE San Diego Field Office.
- 11 6. Respondent Warden of the Imperial Regional Detention Facility is the unknown individual
12 who is in charge of the Imperial Regional Detention Facility and is therefore the individual
13 who has direct physical authority over the Petitioner. His office is located at 1572 Gateway
14 Road, Calexico, CA 92231.
- 15 7. Respondent Gregory John Archambeault is the Field Office Director for the San Diego Field
16 Office of Enforcement and Removal Operations, U.S. Immigration and Customs
17 Enforcement. He is the local ICE official who has authority over the Petitioner. *See Vasquez*
18 *v. Reno*, 233 F.3d 688, 690 (1st Cir. 2000), cert. denied, 122 S. Ct. 43 (2001). Respondent
19 Archambeault's office is at 880 Front Street #2242, San Diego, CA 92101.
- 20 8. Petitioner's custody and the governmental actions related to his potential removal from the
21 district are likewise controlled by Respondents Todd Lyons (who is the Acting Director of
22 U.S. Immigration and Customs Enforcement), Kristi Noem (who is the Secretary of
23 Homeland Security), and Pamela Bondi (who is the Attorney General and therefore in control
24 of the Executive Office for Immigration Review, which administers the Immigration Courts
25 and the Board of Immigration Appeals).
26

27 **CUSTODY**

- 28 9. Petitioner is in the physical custody of Respondents and U.S. Immigration and Customs

1 Enforcement ("ICE") at the Imperial Detention Center. The Deportation Officer responsible
2 for his case is employed by the San Diego Field Office of ICE. The Petitioner is under the
3 direct care, custody and control of Respondents and their agents.

4 5 **JURISDICTION & VENUE**

6 7 **I. Subject Matter Jurisdiction**

8 10. This action arises under the Constitution of the United States, and the Immigration and
9 Nationality Act ("INA"), 8 U.S.C. § 1101 et seq., as amended by the Illegal Immigration
10 Reform and Immigrant Responsibility Act of 1996 ("IIRIRA"), Pub. L. No. 104 - 208, 110
11 Stat. 1570, and the Administrative Procedure Act ("APA"), 5 U.S.C. § 701 et seq.

12 11. This Court has jurisdiction under 28 U.S.C. § 2241, Art. I, § 9, el. 2 of the Constitution of the
13 United States (the Suspension Clause) and 28 U.S.C. § 1331, as Petitioner is presently in
14 custody under color of the authority of the United States, and such custody is in violation of
15 the Constitution, laws, or treaties of the United States. This Court may grant relief pursuant to
16 28 U.S.C. § 2241, 5 U.S.C. § 702, the All Writs Act, 28 U.S.C. § 1651 and the Court's
17 equitable habeas authority.

18 19 **II. Personal Jurisdiction**

20 12. This Court has personal jurisdiction over Petitioner's immediate custodian (who is physically
21 within the district).¹

22 23 **III. VENUE**

24 13. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S.484, 493-500 (1973),
25 venue lies in the United States District Court for the Eastern District of California, the judicial

26
27 ¹ Petitioner asserts this Court has personal jurisdiction over the additional Respondents, however, in the
28 interest of brevity, the Petitioner will brief this if (1) any governmental acts challenged herein are found to relate to
those Respondents (instead of the immediate custodian) and (2) the Government seeks to argue against personal
jurisdiction.

1 district in which Petitioner is being detained. Petitioner is being detained at the Imperial
2 facility and his detention falls under the jurisdiction of the ICE Field Office of San Diego,
3 California, which encompasses the area where Petitioner is being detained, pursuant to 28
4 U.S.C. § 1391.

5 **FACTS**

6
7 14. Jeevanjot Singh ("Mr. Singh") is a citizen of India. Mr. Singh entered without inspection into
8 the United States at or near Calexico, California on or about March 12, 2022 and was detained
9 by ICE in Imperial Regional Detention Center, where he was placed into removal proceedings
10 on March 15, 2022. See **Ex. A, Notice to Appear.**

11 15. On April 14, 2022, Immigration Judge presiding over his case granted him bond in the
12 amount of \$7,500 after determining that he is neither a flight risk nor a danger to the
13 community. See **Ex. B, Bond Order.**

14 16. Mr. Singh was released from ICE custody upon posting cash bond. See **Ex. C, Bond**
15 **Receipt.**

16 17. Mr. Singh timely filed application for asylum, awaiting his merits hearing in Concord
17 Immigration Court. See **Ex D, Hearing Notice.**

18 18. Mr. Singh resides in Lodi, California. He has obtained employment authorization and was
19 employed as a truck driver. See **Ex E, Employment Authorization Card.**

20 19. Mr. Singh followed the laws to achieving residency in the United States and has pursued
21 asylum status.

22 20. Nevertheless, he was detained by ICE and taken to the Imperial facility on or about February
23 21, 2026 and has been held in custody since then without a bond hearing.

24 21. Nothing had changed so as to make Petitioner a flight risk or a danger to the community prior
25 to his re-detention by ICE. Petitioner was not afforded a pre-deprivation hearing before being
26 re-detained by ICE.

27 22. He is eligible for relief from removal in the form of an asylum, withholding of removal,
28 protection under the Convention Against Torture.

23. He is presently detained in the custody of ICE ERO's San Diego Field Office at the Imperial Regional Detention Facility.

24. Without relief from this Court, Petitioner faces the prospect of months, or even years, in immigration custody, as he continues to pursue relief in the immigration courts.

LEGAL FRAMEWORK WITH RESPECT TO BOND

25. The INA prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings.

26. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an Immigration Judge (IJ). See 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally entitled to a bond hearing at the outset of their detention, see 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, see 8 U.S.C. § 1226(c).

27. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under § 1225(b)(2).

28. Last, the INA also provides for detention of noncitizens who have been ordered removed, including individuals in withholding-only proceedings, see 8 U.S.C. § 1231(a)–(b).

29. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

30. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104–208, Div. C, §§ 302–03, 110 Stat. 3009–546, 3009–582 to 3009–583, 3009–585. Section 1226 was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119–1, 139 Stat. 3 (2025).

31. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without admission or parole were not considered detained under § 1225 and that they were instead detained under § 1226(a). See Inspection

1 and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal
2 Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

3 32. Thus, in the decades that followed, most people who entered without admission or parole and
4 were placed in standard removal proceedings received bond hearings, unless their criminal
5 history rendered them ineligible. That practice was consistent with many more decades of
6 prior practice, in which noncitizens who were not deemed “arriving” were entitled to a
7 custody hearing before an IJ or other hearing officer. See 8 U.S.C. § 1252(a) (1994); see also
8 H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the
9 detention authority previously found at § 1252(a)).

10 33. On July 8, 2025, ICE, “in coordination with” the Department of Justice, announced a new
11 policy that rejected this well-established understanding of the statutory framework and
12 reversed decades of practice.

13 34. The new policy, entitled “Interim Guidance Regarding Detention Authority for Applicants for
14 Admission,” claims that all persons who entered the United States without admission or
15 parole shall now be deemed “applicants for admission” under 8 U.S.C. § 1225, and therefore
16 are subject to mandatory detention under § 1225(b)(2)(A). The policy applies regardless of
17 when a person is apprehended and affects those who have resided in the United States for
18 months, years, and even decades.

19 35. On September 5, 2025, the BIA adopted this same position in *Matter of Yajure Hurtado*.
20 There, the Board held that all noncitizens who entered the United States without admission or
21 parole are considered applicants for admission who are seeking admission and are ineligible
22 for IJ bond hearings.

23 36. Numerous judges within this circuit and nationwide have uniformly rejected DHS’s and
24 EOIR’s new interpretation because it defies the INA. The plain text of the statutory provisions
25 demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner. *See, e.g.,*
26 *Vasquez Garcia v. Noem*, No. 25-cv-02180-DMS-MM, 2025 WL 2549431 (S.D. Cal. Sept. 3,
27 2025); *Coc Pacham v. Archeambault*, No. 3:25-cv-03163-GPC-DEB (S.D. Cal. Dec. 17,
28 2025); *J.A.C.P. v. Wofford*, No. 1:25-CV-01354-KES-SKO (HC), 2025 WL 3013328 (E.D.

Cal. Oct. 27, 2025); *A.E.R.T. v. Wofford*, 1:25-CV-1824-KES-SKO (HC) (E.D. Cal., Dec. 16, 2025); *Garcia Mariagua v. Chestnut*, No. 1:25-cv-01744-DJC-CSK, 2025 WL 3551700 (E.D. Cal. Dec. 11, 2025); *J.E.H.G. v. Chestnut*, No. 1:25-CV-01673-JLT-SKO, 2025 WL 3523108, at *10 (E.D. Cal. Dec. 9, 2025) (citing *Doe v. Becerra*, No. 2:25-CV-00647-DJC-DMC, 2025 WL 691664, at *4 (E.D. Cal. Mar. 3, 2025)) *see also Barco Mercado v. Francis*, ___ F. Supp. 3d. ___, No. 25-cv-6582 (LAK), 2025 WL 3295903, at *4 (S.D.N.Y. Nov. 26, 2025) (noting that, in “350” of the “362” opinions to address this issue, the petitioners “prevailed, either on a preliminary or final basis,” and these cases were “decided by over 160 different judges sitting in about fifty different courts”)

37. In *Maldonado Bautista v. Santacruz*, the Central District of California issued both declaratory and injunctive relief holding that noncitizens who entered without inspection but were not apprehended at the border are detained under § 1226(a), not § 1225(b)(2), and are therefore entitled to bond hearings. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025).

38. Subsection 1226(a) applies by default to all persons “pending a decision on whether the [noncitizen] is to be removed from the United States.” These removal hearings are held under § 1229a, to “decid[e] the inadmissibility or deportability of a[] [noncitizen].”

39. Subsection 1226(a) applies by default to all persons “pending a decision on whether the [noncitizen] is to be removed from the United States.” These removal hearings are held under § 1229a, to “decid[e] the inadmissibility or deportability of a[] [noncitizen].”

40. The text of § 1226 also explicitly applies to people charged as being inadmissible, including those who entered without admission or parole. See 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)’s reference to such people makes clear that, by default, such people are afforded a bond hearing under subsection (a). “When Congress creates ‘specific exceptions’ to a statute’s applicability, it ‘proves’ that absent those exceptions, the statute generally applies.” *Rodriguez Vazquez*, 779 F. Supp. 3d at 1257 (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)).

1 41. Section 1226 therefore leaves no doubt that it applies to people who face charges of being
2 inadmissible to the United States, including those who are present without admission or
3 parole.

4 42. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who recently entered
5 the United States. The statute's entire framework is premised on inspections at the border of
6 people who are "seeking admission" to the United States. 8 U.S.C. § 1225(b)(2)(A). Indeed,
7 the Supreme Court has explained that this mandatory detention scheme applies "at the
8 Nation's borders and ports of entry, where the Government must determine whether a[]
9 [noncitizen] seeking to enter the country is admissible." *Jennings v. Rodriguez*, 583 U.S. 281,
10 287 (2018).

11 43. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to people like
12 Petitioner, who has already entered and was residing in the United States at the time he was
13 apprehended.

14 44. Petitioner has a protective liberty interest. See *Rico-Tapia v. Smith*, No. CV 25-00379 SASP-
15 KJM, 2025 WL 2950089, at *8 (D. Haw. Oct. 10, 2025) (noting "[e]ven where the revocation
16 of a person's freedom is authorized by statute, that person may retain a protected liberty
17 interest under the Due Process Clause"). "[T]he government's decision to release an
18 individual from custody creates 'an implicit promise,' upon which that individual may rely,
19 that their liberty 'will be revoked only if [they] fail[] to live up to the . . . conditions [of
20 release].'" *Pinchi v. Noem*, 792 F. Supp. 3d 1025, 1032 (N.D. Cal. July 24, 2025) (quoting
21 *Morrissey*, 408 U.S. at 482) (modifications in original)). "Accordingly, a noncitizen released
22 from custody pending removal proceedings has a protected liberty interest in remaining out of
23 custody." *Salcedo Aceros v. Kaiser*, No. 25-CV-06924-EMC, 2025 WL 2637503, at *6 (N.D.
24 Cal. Sept. 12, 2025). To determine whether an individual's conditional release rises to the
25 level of a protected liberty interest, courts have "compar[ed] the specific conditional release in
26 the case before them with the liberty interest in parole as characterized by *Morrissey*."
27 *R.D.T.M. v. Wofford*, No. 1:25-cv-01141-KES-SKO, 2025 WL 2617255, at *3 (E.D. Cal.
28 Sept 9, 2025). Thus, after Petitioner was released from custody, he gained a liberty interest in

1 his continued freedom. Under *Morrissey*, this release implied a promise that he would not be
2 re-detained, during the pendency of his immigration proceedings, if he abided by the terms of
3 his release. See, e.g., *Doe v. Becerra*, 787 F. Supp. 3d 1083, 1093 (E.D. Cal. 2025) (noting the
4 Government’s actions in allowing petitioner to remain in the community for over five years
5 strengthened petitioner’s liberty interest).

6 45. This Court has held that immediate release is the appropriate remedy where a non-citizen
7 petitioner is detained unlawfully in violation of their due process rights, such as by being
8 detained without a warrant as required under § 1226(a). See *J.A.C.P. v. Wofford*, 2025 WL
9 3013328, at *8; see also *Chogllo Chafra v. Scott*, No. 2:25-CV-00437-SDN, 2025 WL 2688541, at
10 *11 (D. Me. Sept. 22, 2025) (“Issuance of a warrant is a necessary condition to justify
11 discretionary detention under section 1226(a).”). “Section 1226(a) plainly states: ‘On a warrant
12 issued by the Attorney General, a [noncitizen] may be arrested and detained’” *Id.* (quoting 8
13 U.S.C. § 1226(a)). “As such, it follows that absent a warrant a noncitizen may not be arrested and
14 detained under section 1226(a).” *Id.* “To put it simply, [petitioner’s] detention[] [is] improper
15 because there is no evidence in the record that [he was] arrested pursuant to a warrant.” *Id.* “Since
16 the Government did not comply with the plain language of section 1226(a), [petitioner’s]
17 immediate release is justified.” *Id.*; *Chiliquinga Yumbillo v. Stamper*, No. 2:25-CV-00479-SDN,
18 2025 WL 2783642, at *5 (D. Me. Sept. 30, 2025) (reaching same conclusion).

19 20 CLAIMS FOR RELIEF

21 COUNT 1: VIOLATION OF THE INA

22
23 46. Petitioner re-alleges and incorporates by reference each and every allegation contained in the
24 preceding paragraphs as if set forth fully herein, and does so for all additional counts.

25 47. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens
26 residing in the United States who are subject to the grounds of inadmissibility. As relevant
27 here, it does not apply to those who previously entered the country and have been residing in
28 the United States prior to being apprehended and placed in removal proceedings by

1 Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to §
2 1225(b)(1), § 1226(c), or § 1231.

3 48. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and
4 violates the INA.

5 **COUNT 2: VIOLATION OF DUE PROCESS**

6
7 49. Petitioner re-alleges and incorporates by reference each and every allegation contained in the
8 preceding paragraphs as if set forth fully herein, and does so for all additional counts.

9 50. The government's re-detention of Petitioner, who already was deemed to not be a flight risk
10 nor a danger to the community and had been released on a \$7,500 bond, without a pre-
11 deprivation bond redetermination hearing to determine whether Petitioner is a flight risk or
12 danger to others, violates the right to due process".

13 51. Petitioner has a fundamental interest in liberty and being free from official restraint.

14 52. The government's detention of Petitioner without a bond redetermination hearing to
15 determine whether Petitioner is a flight risk or danger to others violates the right to due
16 process.

17 **PRAYER FOR RELIEF**

18
19 WHEREFORE, Petitioner prays that the Court grant the following relief:

20 (1) Assume jurisdiction over this matter;

21 (2) Prevent the Petitioner's removal outside of this judicial district until this action is
22 decided;

23 (3) Issue a temporary stay of Petitioner's removal until this action is decided;

24 (4) Declare ICE's July 8 policy and the BIA's *Matter of Yajure Hurtado* decisions
25 unlawful;

26 (5) Issue a writ of habeas corpus clarifying that the statutory basis for Petitioner's
27 detention is 8 U.S.C. § 1226(a) and that 8 U.S.C. § 1225(b)(2)(A) does not apply to
28 Petitioner;

- 1 (6) Issue a writ of habeas corpus requiring that Respondents release Petitioner
2 immediately, and that if the government seeks to re-detain petitioner, it must provide
3 no less than seven (7) days' notice to petitioner and must hold a pre-deprivation bond
4 hearing before a neutral arbiter pursuant to section 1226(a) and its implementing
5 regulations, at which petitioner's eligibility for bond must be considered and where the
6 Government shall bear the burden of proving by clear and convincing evidence that
7 Petitioner poses a danger to the community or a flight risk; and
8 (7) Fashion such additional relief as is necessary and appropriate, including declaratory
9 relief or other interim relief necessary to vindicate Petitioners' rights under U.S. and
10 international law.
11
12

13 Dated: March 04, 2026

14 Respectfully Submitted,
15 /s/ Nilima Patel Shah

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