

DETAINED

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THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

SIMRANJOT SINGH,

Petitioner,

v.

Kristi NOEM, Secretary of U.S. Department of
Homeland Security;
Pamela BONDI, United States Attorney
General;
Todd LYONS, Acting Director, U.S.
Immigration and Customs Enforcement;
Laura HERMOSILLO, Acting Seattle Field
Office Director, Immigration and Customs
Enforcement;
Bruce SCOTT, Warden, Northwest ICE
Processing Center;
Respondents.

Case No.

**PETITION FOR WRIT OF HABEAS
CORPUS PURSUANT TO 28 U.S.C.
§ 2241**

INTRODUCTION

1. This Petition challenges the unlawful re-detention of Petitioner Simranjot Singh, an adult citizen of India who entered United States on or about April 10, 2019 and was placed in removal proceedings.

- 1 2. Petitioner was initially apprehended by the Department of Homeland Security (DHS). He
2 expressed a fear of return to India and was released from DHS custody on or around July
3 16, 2019, on an immigration bond in the amount of \$20,000, pending a final decision in
4 his proceedings.
- 5 3. Petitioner timely filed an application for asylum and complied with all conditions of
6 release set by Immigration and Customs Enforcement (ICE). Petitioner has no criminal
7 convictions in the United States or any country.
- 8 4. Petitioner is subjected to the order of removal issued by the Immigration Judge.
9 However, Petitioner timely filed a Notice of Appeal with the Board of Immigration
10 (BIA). That appeal remains pending and has not yet been adjudicated.
- 11 5. On January 10, 2026, Petitioner was present at the Blaine border crossing for the limited
12 purpose of dropping off his girlfriend for departure in an Uber vehicle. While the vehicle
13 was lawfully stopped on the roadway awaiting the Uber's arrival, officers of the
14 Canadian Border Patrol approached and questioned the occupants regarding their
15 identities and origins, at which time Petitioner stated that he is from the United States.
16 Petitioner and the other occupants were then detained, separated, and individually
17 questioned concerning their presence in the vehicle. Thereafter, Canadian authorities
18 transferred Petitioner to U.S. Border Patrol custody, and upon transfer. Petitioner was
19 then detained and transferred to immigration custody without any individualized
20 assessment of flight risk, danger, or alleged violation of release conditions.
- 21 6. Prior to re-detaining Petitioner, Respondents did not provide any written notice
22 explaining the basis for the revocation of his release. Likewise, Respondents did not
23 assess whether Petitioner presented a flight risk or danger to the community prior to his
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1 rearrest. Nor did Respondents provide a hearing before a neutral decisionmaker, where
2 ICE was required to justify the basis for re-detention or to explain why Petitioner is a
3 flight risk or danger to the community.

4
5 7. This Court has recently held in multiple cases that due process demands a hearing prior to
6 the government's decision to terminate a person's liberty. See E.A. T.-B. v. Wamsley, ---
7 F. Supp. 3d --- No. C25-1192-KKE, 2025 WL 2402130 (W.D. Wash. Aug. 19, 2025);
8 Ramirez Tesara v. Wamsley, --- F. Supp. 3d ---, No. 2:25-CV-01723-MJP-TLF, 2025
9 WL 2637663 (W.D. Wash. Sept. 12, 2025); Ledesma Gonzalez v. Bostock, No. 2:25-
10 CV01404-JNW-GJL, 2025 WL 2841574, at *7-9 (W.D. Wash. Oct. 7, 2025); Kumar v.
11 Wamsley, No. 2:25-CV-01772-JHC-BAT, 2025 WL 2677089 (W.D. Wash. Sept. 17,
12 2025). Many other courts have also held the same.

13
14 8. By failing to provide such a hearing, Respondents have violated Petitioner's
15 constitutional right to due process.

16
17 9. Accordingly, this court should grant the instant petition for a writ of habeas corpus and
18 order Petitioners' immediate release. See E.A. T.-B. 2025 WL 2402130, at *6 (ordering
19 immediate release because "a post-deprivation hearing cannot serve as an adequate
20 procedural safeguard because it is after the fact and cannot prevent an erroneous
21 deprivation of liberty"); Ramirez Tesara, at *4 (similar); Kumar, 2025 WL 2677089, at
22 *3-4 (similar).

23
24 **PARTIES**

25 10. Petitioner, Simranjot Singh (A # ) is an adult citizen of India, currently
26 detained at North West ICE Processing Center in Tacoma, Washington.

1 11. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S.

2 Department of Homeland Security. She is the cabinet-level secretary responsible for all
3 immigration enforcement in the United States and has ultimate custodial authority over
4 Petitioner.

5
6 12. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the
7 United States. The Immigration Judges who decide removal cases and applications for
8 relief from removal do so as her designees.

9 13. Respondent Todd Lyons is sued in his official capacity as the Acting Director of U.S.
10 Immigration and Customs Enforcement (“ICE”). He is the head of the federal agency
11 responsible for all immigration enforcement in the United States.
12

13 14. Respondent Laura Hermosillo is sued in her official capacity as Acting Field Office
14 Director for the Seattle office of Immigration and Customs Enforcement, an agency of
15 the Department of Homeland Security. She is responsible for overseeing ICE operations
16 pertaining to noncitizens within its territorial jurisdiction, such as Petitioner, including
17 detentions, enforcement, and removal operations. She is the immediate legal custodian of
18 the petitioner for purposes of a federal habeas petition.
19

20 15. Respondent, Bruce Scott, is sued in his official capacity as the Warden of the Northwest
21 ICE Processing Center, the privately-operated immigration detention center where
22 Petitioner are being detained. Mr. Scott has immediate physical custody of Petitioner.
23

24
25 **JURISDICTION**

26 16. This Court has jurisdiction over this matter under 18 U.S.C. § 1331 (federal question
27 jurisdiction); 28 U.S.C. § 2241 (habeas corpus); and 28 U.S.C. § 1651 (All Writs Act).

1 17. Further, this Court has jurisdiction under the Suspension Clause of Article I, § 9, cl. 2, of
2 the U.S. Constitution. See *INS v. St. Cyr*, 533 U.S. 289 (2001).

3 18. No other petitions, appeals, or motions regarding habeas corpus have been filed with any
4 other court.

5 **VENUE**

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7 19. Venue in the Western District of Washington is appropriate under 28 U.S.C. § 1391(e)(1)
8 because the Petitioner is currently detained in this judicial district.

9
10 20. Venue is further appropriate under 28 U.S.C. § 1391(e)(1) because the Respondents live,
11 work, and operate within this judicial district and because the actions which gave rise to
12 this Petition took place in Tacoma, Washington, which falls within this judicial district.

13
14 **FACTUAL BACKGROUND**

15
16 21. Petitioner Simranjot Singh is a 29-year-old citizen and national of India.

17 22. Petitioner entered the United States on or around April 10, 2019.

18
19 23. He was detained by the DHS ICE and was released from DHS custody on or around July
20 16, 2019, on an immigration bond in the amount of \$20,000.

21 24. On January 10, 2026, Petitioner was present at the Blaine border crossing to drop off his
22 girlfriend for departure in an Uber when officers of the Canadian Border Patrol
23 approached the vehicle, questioned the occupants, and detained Petitioner. After
24 separating and individually questioning those present, Canadian authorities transferred
25 Petitioner to U.S. Border Patrol, and he was subsequently taken into custody and placed
26 in a detention facility.
27

1 25. Petitioner is subjected to the order of removal issued by the Immigration Judge.

2 However, Petitioner timely filed a Notice of Appeal with the Board of Immigration
3 (BIA). That appeal remains pending and has not yet been adjudicated.

4 26. On January 26, 2026, prior counsel filed a “Motion to Withdraw BIA Appeal,” stating
5 that Petitioner sought to withdraw his appeal. However, the BIA has not issued an order
6 granting withdrawal or otherwise adjudicating the appeal. Accordingly, Petitioner’s BIA
7 appeal remains pending and the Immigration Judge’s May 28, 2021 removal order has
8 not become final.
9

10 27. Petitioner was then transported to the Tacoma Detention Center, where he is currently
11 being detained.
12

13 28. Petitioner has no criminal convictions in the United States or any other country.

14 29. Prior to Petitioner’s re-detention, he did not receive written notice of the reason for his re-
15 detention. To date, Respondents have not served Petitioner with any written revocation
16 decision, notice of alleged violation, or charging document explaining the basis for
17 terminating his conditional liberty.
18

19 30. Prior to Petitioner’s re-detention, ICE did not assess whether he presented a flight risk or
20 danger to the community, or was justified for some other reason. Nor did Respondents
21 consider less restrictive alternatives to detention. Petitioner is amenable to a wide range
22 of supervision conditions, including release on recognizance, reporting requirements,
23 electronic monitoring, or other supervision measures. Respondents conducted no
24 individualized analysis explaining why such alternatives would be insufficient to mitigate
25 any alleged flight risk. Moreover, Respondents failed to provide Petitioner with any
26 written revocation of release or explanation identifying what condition of release was
27

1 allegedly violated. The complete absence of notice further heightens the risk of erroneous
2 deprivation of liberty and underscores the need for pre-deprivation procedural safeguards.

3 31. Prior to Petitioner's re-detention, he never received a hearing before a neutral
4 decisionmaker to determine if his re-detention is justified.

5 32. Petitioner has been unlawfully detained for over one month.
6

7 **MEMORANDUM OF LAW**

8
9 **Due Process Clause**

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11 33. Due Process requires that if DHS seeks to re – arrest a person like Petitioner- who has
12 lived in the United States without incident after DHS first released him from custody, has
13 submitted application for asylum, and otherwise complied with the terms of his release –
14 the government must afford a hearing before a neutral decisionmaker to determine
15 whether any re – detention is justified, and whether the person is a flight risk or danger to
16 the community.
17

18 34. This case does not challenge removal proceedings, statutory detention authority, or
19 discretionary arrest power. It challenges only the absence of constitutionally required
20 procedural safeguards prior to revocation of conditional liberty.
21

22 35. Although DHS retains statutory authority under 8 U.S.C. § 1226(a) to re-arrest
23 individuals previously released, that authority must be exercised in a manner consistent
24 with the Due Process Clause. The issue presented here is not whether DHS possesses
25 arrest authority, but whether it may revoke Petitioner's conditional liberty without notice
26 and a pre-deprivation hearing.
27

1 36. The Supreme Court has repeatedly recognized that 8 U.S.C. §1226 governs the detention
2 of noncitizens during the pendency of removal proceedings. *Jennings v. Rodriguez*, 583
3 U.S. 281, 289 (2018) (“Section 1226(a) generally governs the process of arresting and
4 detaining aliens pending a decision on whether the alien is to be removed.”). Because
5 Petitioner’s removal proceedings remain pending, any detention authority arises, if at all,
6 under §1226 and must be exercised in a manner consistent with constitutional due
7 process protections.
8

9
10 **Petitioner’s Detention Is Governed by 8 U.S.C. §1226 Because Removal Proceedings**
11 **Remain Pending.**

12 37. Because Petitioner’s appeal to the Board of Immigration Appeals has not been
13 adjudicated and no order granting withdrawal has issued, the removal order is not
14 administratively final. Petitioner’s detention therefore arises in the context of ongoing
15 removal proceedings and is governed by 8 U.S.C. § 1226, not 8 U.S.C. § 1231.
16

17 38. “Freedom from imprisonment from government custody, detention, or other forms of
18 physical restraint lies at the core of the liberty protected by the Due Process Clause.”
19 *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Courts consistently recognize this interest
20 as “the most elemental of liberty interests.” *E.A.T.-B. v. Wamsley*, 2025 WL 2402130, at
21 *3 (citation modified) (W.D. Wash. Aug. 19, 2025); see also *Ramirez Tesara v. Wamsley*,
22 2025 WL 2637663, at *3 (W.D. Wash. Sept. 12, 2025). (stating that the petitioner had
23 “an exceptionally strong interest in freedom from physical confinement”).
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1 39. Consistent with this principle, individuals released on parole or other forms of
2 conditional release have a liberty interest in their “continued liberty.” *Morrissey v.*
3 *Brewer*, 408 U.S. 471, 482 (1972).

4 40. Such liberty is protected by the Fifth Amendment because, “although indeterminate, [it]
5 includes many of the core values of unqualified liberty,” such as the ability to be
6 gainfully employed and live with family, “and its termination inflicts a ‘grievous loss’ on
7 the [released individual] and often on others.” *Id.*

8 41. To protect against arbitrary re-detention and to ensure the right to liberty, due process
9 requires “adequate procedural protections” that test whether the government’s asserted
10 justification for a noncitizen’s physical confinement “outweighs the individual’s
11 constitutionally protected interest in avoiding physical restraint.” *Zadvydas*, 533 U.S. at
12 690 (citation modified).

13 42. Due process thus guarantees notice and an individualized hearing before a neutral
14 decisionmaker to assess danger or flight risk before the revocation of an individual’s
15 release. *Goldberg v. Kelly*, 397 U.S. 254, 267 (1970) (“The fundamental requisite of due
16 process of law is the opportunity to be heard . . . at a meaningful time in a meaningful
17 manner.” (citation modified)); see also, e.g., *Morrissey*, 408 U.S. at 485 (requiring
18 “preliminary hearing to determine whether there is probable cause or reasonable ground
19 to believe that the arrested parolee has committed . . . a violation of parole conditions”
20 and that such determination be made “by someone not directly involved in the case”
21 (citation modified)).

1 43. Several courts, including this one, have recognized that these principles apply with
2 respect to the re-detention of the many noncitizens that DHS has recently begun taking
3 back into custody, often after such persons have been released for months or years.

4 44. In *E.A.T.-B.*, this Court applied the *Mathews v. Eldridge*, 424 U.S. 319 (1976), balancing
5 framework and held that re-detention without a hearing is unconstitutional, even where
6 DHS claimed that mandatory detention initially applied. This Court reached the same
7 conclusion in *Ramirez Tesara, Kumar, and Ledesma Gonzalez*. See *Ramirez Tesara*,
8 2025 WL 2637663, at *2–3; *Kumar v. Wamsley*, 2025 WL 2677089, at *2–3 (W.D.
9 Wash. Sept. 17, 2025); *Ledesma Gonzalez v. Bostock*, 2025 WL 2841574, at *7–8 (W.D.
10 Wash. Oct. 7, 2025).

11 45. In applying the three *Mathews* factors, the *E.A. T.-B.* court held that the petitioner had
12 “undoubtedly [been] deprive[d] . . . of an established interest in his liberty,” 2025 WL
13 2402130, at *3, which, as noted, “is the most elemental of liberty interests,” *id.*
14 (citation modified). The Court further explained that even if detention was mandatory, the
15 risk of erroneous deprivation of liberty without a hearing was high because a hearing
16 serves to ensure that the purposes of detention—the prevention of danger and flight
17 risk—are properly served. *Id.* at *4–5. Finally, the Court explained that “the
18 Government’s interest in re-detaining non-citizens previously released without a hearing
19 is low: although it would have required the expenditure of finite resources (money and
20 time) to provide Petitioner notice and hearing on [ISAP] violations before arresting and
21 re-detaining him, those costs are far outweighed by the risk of erroneous deprivation of
22 the liberty interest at issue.” *Id.* at *5. As a result, this Court ordered the petitioner’s
23 immediate release. *Id.* at *6.

46. This Court applied a similar analysis in *Ramirez Tesara*. There, the Court reasoned that the petitioner had a “weighty” interest in his liberty and was entitled to the “full protections of the due process clause.” 2025 WL 2637663, at *3. When examining the value of additional safeguards, the Court also noted that despite the government’s allegations of ISAP violations, “the fact ‘that the Government may believe it has a valid reason to detain Petitioner does not eliminate its obligation to effectuate the detention in a manner that comports with due process.’” *Id.* at *4 (quoting *E.A. T.-B*, 2025 WL 2402130, at *4). Finally, the Court reasoned that any government interest in re-detention without a hearing was “minimal.” *Id.* Accordingly, there too, the Court ordered the petitioner’s immediate release. *Id.* at *5.

47. The *Kumar* court reached the same decision, again holding that all three factors weighed in favor of affording the petitioner a bond hearing. 2025 WL 2677089, at *3–4.

48. This Court’s decisions in *E.A. T.-B.*, *Ramirez Tesara*, and *Kumar* are consistent with many other district court decisions addressing similar situations. *See, e.g., Valdez v. Joyce*, No. 25 CIV 4627 (GBD), 2025 WL 1707737 (S.D.N.Y. June 18, 2025) (ordering immediate release due to lack of pre-deprivation hearing); *Pinchi v. Noem*, --- F. Supp. 3d ---, No. 5:25-CV-05632-PCP, 2025 WL 2084921 (N.D. Cal. July 24, 2025) (similar); *Maklad v. Murray*, No. 1:25-CV-00946 JLT SAB, 2025 WL 2299376 (E.D. Cal. Aug. 8, 2025) (similar); *Garcia v. Andrews*, No. 1:25-CV-01006 JLT SAB, 2025 WL 2420068 (E.D. Cal. Aug. 21, 2025) (similar).

49. The same framework and principles apply here and compel Petitioner’s immediate release.

1 50. Petitioner lived in the United States for more than six years while fully complying with
2 immigration supervision and court proceedings. The abrupt termination of that liberty
3 without notice, explanation, or hearing represents precisely the type of arbitrary deprivation
4 of liberty that the Due Process Clause forbids.

5
6 51. This Petition has been verified by Petitioner. *See* Verification of Petitioner.

7
8 **CLAIM FOR RELIEF**

9 **Violation of Fifth Amendment Right to Due Process**
10 **Procedural Due Process**

11 52. Petitioner restates and realleges all paragraphs as if fully set forth here.

12 53. Due process does not permit the government to strip Petitioner of his liberty without written
13 notice and a hearing before a neutral decisionmaker to determine whether re-
14 detention is warranted based on danger or flight risk. *See Morrissey*, 408 U.S. at 487–88.
15 Such written notice and a hearing must occur *prior* to any re-detention.

16
17 54. Respondents revoked Petitioner’s release and deprived him of his liberty without affording
18 him any written notice or meaningful opportunity to be heard by a neutral decisionmaker
19 prior to re-detention.

20
21 55. Accordingly, Petitioner’s re-detention violates the Due Process Clause of the Fifth
22 Amendment.

23
24 **IRREPARABLE INJURY**

25 56. Petitioner has suffered irreparable injury as a result of detention. He has been in custody
26 for nearly over a month, despite being released on his own recognizance from ICE/DHS
27

1 detention upon entry into the country. His physical liberty continues to be restrained, and
2 no just cause for doing so can be specified. “It is well established that the deprivation
3 of constitutional rights’ unquestionably constitutes irreparable injury.” *Melendres v.*
4 *Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (quoting *Elrod v. Burns*, 427 U.S. 347, 373
5 (1976).
6

7 **PRAYER FOR RELIEF**

8 WHEREFORE, Petitioner respectfully request that this Court:
9

10 (1) Assume jurisdiction over this matter.

11 (2) Issue a Writ of Habeas Corpus ordering Respondents to immediately release
12 Petitioner from custody and permanently enjoin his re-detention during the pendency of
13 his removal proceedings absent written notice and a hearing prior to re-detention where
14 Respondents must prove by clear and convincing evidence that Petitioner is a flight risk
15 or a danger to the community and that no alternatives to detention would mitigate those
16 risks; A post-deprivation hearing cannot cure the constitutional violation here because it
17 occurs after the liberty deprivation and cannot prevent an erroneous deprivation of
18 liberty.
19

20 (3) Enjoin Respondents from placing GPS ankle monitors on Petitioner upon his release,
21 absent clear and convincing evidence that Petitioner is a flight risk or danger a danger to
22 the community and that no other alternatives would mitigate those risks;
23

24 (4) Declare that Petitioner’s re-detention while removal proceedings are ongoing without
25 first proving an individualized determination before a neutral decisionmaker violates the
26 Due Process Clause of the Fifth Amendment;
27

1 (5) Issue an order providing for an award of attorney's fees and costs; and

2 (6) Grant such other relief as may be just and reasonable.

3
4 Respectfully submitted this 4th day of March 2026

5
6 /s/ Jashan Multani

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