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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 SUKHVIR SINGH,  
11  
12 Petitioner,  
13  
14 v.  
15 CHRISTOPHER LaROSE,  
*Warden, Otay Mesa Detention Center,*  
16 Respondents.

Case No.: 26-cv-01390-DMS-JLB

**RETURN TO HABEAS PETITION**

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1 **I. Introduction**

2 Petitioner is currently detained in Immigration and Customs Enforcement (ICE)  
3 custody pursuant to 8 U.S.C. § 1225(b)(2). Petitioner’s habeas petition seeks release.  
4 Through multiple provisions of 8 U.S.C. § 1252, Congress has stripped federal courts of  
5 jurisdiction over challenges to the commencement of removal proceedings, including  
6 the consequent detention pending removal proceedings. Moreover, Petitioner’s detention  
7 is mandated by statute. The Court should deny and dismiss the petition.

8 **II. Factual Background<sup>1</sup>**

9 Petitioner is a citizen and national of India. On October 1, 2024, Petitioner  
10 entered the United States without valid entry documents and was apprehended near  
11 Jacumba, California. *See* Exhibit (Ex.) 1 at 2 (I-213). Petitioner was processed for  
12 expedited removal and received a positive credible fear determination from an asylum  
13 officer. *Id.* at 3. Petitioner was then released on temporary parole pursuant to 8 U.S.C.  
14 § 1182(d)(5). *Id.* On October 24, 2024, Petitioner was issued a Notice to Appear (NTA)  
15 and removal proceedings were initiated pursuant to Immigration and Nationality Act  
16 (INA) §§ 212(a)(6)(A)(i), (7)(A)(i)(I). *Id.* Petitioner then applied for Asylum on  
17 November 15, 2024. *Id.*

18 On February 10, 2026, Petitioner was arrested after attempting to enter Marine  
19 Corps Base Camp Pendleton while driving for Uber and he was remanded into DHS  
20 custody. *Id.* at 2. On February 11, 2026, Petitioner was served with a new<sup>2</sup> NTA and  
21 DHS initiated removal proceedings charging Petitioner as inadmissible under 8 U.S.C.  
22 § 1182(a)(7)(A)(i)(I), as an alien not in possession of an unexpired immigrant visa,  
23 reentry permit, border crossing card, or other valid entry document required by the  
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25 <sup>1</sup> The attached exhibits are true copies, with redactions of private information, of  
26 documents obtained from agency counsel.

27 <sup>2</sup> DHS initiated new removal proceedings based on the 2026 NTA, which by statute  
28 constitutes written notice of termination of parole. *See* 8 CFR § 212.5(e)(2)(i) (“When  
a charging document is served on the alien, the charging document will constitute  
written notice of termination of parole . . . .”). *Id.* Petitioner’s next master calendar  
hearing is scheduled for April 1, 2026.

1 Immigration and Nationality Act. *See* Ex. 2 (2026 NTA). Petitioner remains detained at  
2 the Otay Mesa Detention Center and is subject to mandatory detention under 8 U.S.C.  
3 § 1225(b)(2). *See* Ex. 4 (2/19/2026 Bond Order).

### 4 III. Argument

#### 5 A. Claims and Requested Relief Jurisdictionally Barred

6 Petitioner bears the burden of establishing that this Court has subject matter  
7 jurisdiction over asserted claims. *See Ass'n of Am. Med. Coll. v. United States*, 217 F.3d  
8 770, 778-79 (9th Cir. 2000); *Finley v. United States*, 490 U.S. 545, 547-48 (1989).

9 Courts lack jurisdiction over any claim or cause of action arising from any  
10 decision to commence or adjudicate removal proceedings or execute removal orders.  
11 *See* 8 U.S.C. § 1252(g) (“[N]o court shall have jurisdiction to hear any cause or claim  
12 by or on behalf of any alien arising from the decision or action by the Attorney General  
13 to *commence proceedings, adjudicate cases, or execute removal orders.*”) (emphasis  
14 added). Section 1252(g) also bars district courts from hearing challenges to the method  
15 by which the government chooses to commence removal proceedings, including the  
16 decision to detain an alien pending removal. *See Alvarez v. ICE*, 818 F.3d 1194, 1203  
17 (11th Cir. 2016) (“By its plain terms, [§ 1252(g)] bars us from questioning ICE’s  
18 discretionary decisions to commence removal” and bars review of “ICE’s decision to  
19 take [plaintiff] into custody and to detain him during his removal proceedings”).

20 Removal proceedings commence by the filing of a notice to appear in  
21 immigration court. *See Jimenez-Angeles v. Ashcroft*, 291 F.3d 594, 600 (9th Cir. 2002).  
22 “The Attorney General may arrest the alien against whom proceedings are commenced  
23 and detain that individual until the conclusion of those proceedings.” *Herrera-Correra*  
24 *v. United States*, No. 08-2941 DSF (JCx), 2008 WL 11336833, at \*3 (C.D. Cal. Sept.  
25 11, 2008). “[A]n alien’s detention throughout this process arises from the Attorney  
26 General’s decision to commence proceedings.” *Id.* (citing *Sissoko v. Rocha*, 509 F.3d  
27 947, 949 (9th Cir. 2007)); 8 U.S.C. § 1252(g); *but see Vasquez Garcia v. Noem*, No.  
28 25-cv-02180-DMS-MMP, 2025 WL 2549431, at \*4 (S.D. Cal. Sept. 3, 2025).

1 Here, Petitioner’s claims arise from his detention during removal proceedings,  
2 which stem from the Attorney General’s decision to commence such proceedings. As  
3 such, § 1252(g) bars this Court’s review over Petitioner’s claims. *See S.Q.D.C. v. Bondi*,  
4 No. 25-3348 (PAM/DLM), 2025 WL 2617973, at \* 2 (D. Minn. Sept. 9, 2025) (finding  
5 that § 1252(g) jurisdictionally bars review of a petitioner’s challenge to ongoing  
6 detention during removal proceedings).

7 Moreover, under 8 U.S.C. § 1252(b)(9), “[j]udicial review of all questions of law  
8 and fact . . . arising from any action taken or proceeding brought to remove an alien  
9 from the United States under this subchapter shall be available only in judicial review  
10 of a final order under this section.” (emphasis added). While holding that it was  
11 unnecessary to comprehensively address the scope of § 1252(b)(9), the Supreme Court  
12 in *Jennings* provided guidance on the types of challenges that may fall within the scope  
13 of § 1252(b)(9). *See Jennings*, 583 U.S. at 293–94. The Court found that “§ 1252(b)(9)  
14 [did] not present a jurisdictional bar” in situations where “respondents . . . [were] not  
15 challenging the decision to detain them in the first place.” *Id.* at 294–95. In this case,  
16 Petitioner does challenge the government’s decision to detain him in the first place  
17 which is enough to trigger § 1252(b)(9) because “detention *is* an ‘action taken . . . to  
18 remove’ an alien.” *See Jennings*, 583 U.S. at 319 (emphasis in original); *see also* 8  
19 U.S.C. § 1252(b)(9).

20 The Court should dismiss this matter for lack of jurisdiction under 8 U.S.C.  
21 § 1252. *See S.Q.D.C.*, 2025 WL 2617973.<sup>3</sup>

22 **B. Petitioner is Lawfully Detained**

23 Petitioner’s claims for alleged statutory and constitutional violations fail because  
24 he is subject to mandatory detention under 8 U.S.C. § 1225.

25 While Petitioner was previously released from custody on parole, his parole was  
26 terminated. After Petitioner was detained on February 10, 2025, he was served with a  
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1 new Notice to Appear, which served to terminate his parole status. *See* 8 CFR §  
2 212.5(e)(2)(i) (“When a charging document is served on the alien, the charging  
3 document will constitute written notice of termination of parole . . . .”). Resultantly,  
4 there is no basis to order Petitioner’s immediate release from immigration detention  
5 based on the argument that he was not provided written notice of his parole was  
6 terminated. *See Omer G. G. v. Kaiser*, No. 1:25-CV-01471-KES-SAB (HC), 2025 WL  
7 3254999, \*3 n. 6 (E.D. Cal. Nov. 22, 2025) (“Petitioner’s claim concerning the  
8 regulations is without merit because the regulations governing termination of  
9 humanitarian parole provide that ‘[p]arole shall automatically be terminated without  
10 written notice . . . at the expiration of the time for which parole was authorized . . . .’ 8  
11 C.F.R. § 212.5(e)(1). As petitioner’s parole expired on August 28, 2025, *see* Doc. 1 at  
12 33, petitioner was not entitled to notice under the regulations.”).

13 The termination and expiration of his parole emphasizes his status as an applicant  
14 for admission, subject to mandatory detention under 8 U.S.C. § 1225(b)(2). *See* 8  
15 U.S.C. § 1182(d)(5)(A) (“. . . *such parole of such alien shall not be regard as an*  
16 *admission* of the alien and when the purposes of such parole shall . . . have been served  
17 the alien shall forthwith return or be return to the custody from which he was paroled  
18 and thereafter his case shall continue to be dealt with in the same manner as that of any  
19 other *applicant for admission* to the United States”) (emphasis added).

20 Section 1225(b)(2)(A) requires mandatory detention of “‘an alien who is *an*  
21 *applicant for admission*, if the examining immigration officer determines that an alien  
22 seeking admission is not clearly and beyond a doubt entitled to be admitted[.]’” *Chavez*  
23 *v. Noem*, No. 3:25-cv-02325, 2025 WL 2730228, at \*4 (S.D. Cal. Sept. 24, 2025)  
24 (quoting 8 U.S.C. § 1225(b)(2)(A)) (emphasis in original). Section 1225(a)(1)  
25 “expressly defines that ‘[a]n alien present in the United States who has not been  
26 admitted . . . shall be deemed for purposes of this Act *an applicant for admission*.’” *Id.*  
27 (quoting 8 U.S.C. § 1225(a)(1)) (emphasis in original).

28 Here, Petitioner is an “alien present in the United States who has not been

1 admitted.” *See* Exs. 1-4; *see also* 8 U.S.C. § 1182(d)(5)(A) (“such parole of such alien  
2 shall not be regarded as an admission of the alien.”). Thus, as found by the district court  
3 in *Chavez v. Noem* and as mandated by the plain language of the statute, Petitioner is  
4 an “applicant for admission” and subject to the mandatory detention provisions of 8  
5 U.S.C. § 1225(b)(2).

6 Because Petitioner is properly detained under 8 U.S.C. § 1225(b)(2), he cannot  
7 show entitlement to relief.

8 **IV. CONCLUSION**

9 For the foregoing reasons, Respondents respectfully request that the Court  
10 dismiss this action.

11 DATED: March 20, 2026

Respectfully submitted,

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