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9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11 GURNOOR SINGH,

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13 Petitioner,

14 v.

15 KRISTI NOEM; et al.,

16 Respondents.
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Case No.: 26-CV-1389-BTM-VET

RESPONSE TO PETITION

19 Petitioner has filed a habeas petition under 28 U.S.C. § 2241. Petitioner is subject to
20 mandatory detention under 8 U.S.C. § 1225(b). *See Jennings v. Rodriguez*, 583 U.S. 281
21 (2018). However, the government acknowledges that courts in this District have repeatedly
22 inferred a constitutional right against prolonged mandatory detention. Taking into
23 consideration those prior rulings and the length of time Petitioner has been in custody, the
24 government concedes that this Court should order that Petitioner receive a bond hearing,
25 where the government would bear the burden of proof of establishing, by clear and
26 convincing evidence, that Petitioner poses a danger to the community or a risk of flight.
27 *See Sadeqi v. LaRose*, No. 25-cv-2587-RSH-BJW, 2025 WL 3154520 (S.D. Cal. Nov. 12,
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1 2025); *Gao v. LaRose*, No. 25-cv-2084-RSH-SBC, 2025 WL 2770633 (S.D. Cal. Sept. 26,
2 2025).

3 Petitioner argues that he should be allowed to bypass this process—with the Court
4 ordering his immediate release or alternative forms of relief—"because of newly
5 emerging evidence that the neutrality of Otay Mesa's immigration judges ("IJ") have
6 been compromised." ECF No. 6 at 2. But the "evidence" to support this argument merely
7 consists of (1) news articles relying largely on hearsay, (2) a smattering of inapposite
8 district court cases from other parts of the country, and (3) conclusory testimony from an
9 attorney declaration in a different habeas case stating that, inter alia, "I believe that many
10 immigration judges at Otay Mesa and the Department of Homeland Security ('DHS')
11 have implemented strategies to ensure that persons granted bond hearings via habeas
12 petitions will not have a fair opportunity to seek release." *Elsayed v. Noem*, Case No. 26-
13 CV-368, Dec. 5-2 at ¶ 7 (S.D. Cal. Feb. 9, 2026). That attorney declaration cites no
14 specific case, bond order, or bond hearing transcript which forms the basis for his beliefs.
15 And despite Petitioner's speculative assertions about Otay Mesa immigration judges
16 being "compromised," he cites no habeas cases from this district in which the Court found
17 that an immigration judge had deliberately flouted this Court's order to hold a *bona fide*
18 bond hearing or where DHS failed to comply with an IJ order granting bond following a
19 district court order. On the contrary, there are numerous habeas cases from this district
20 confirming that IJs have complied in good faith with this Court's orders to conduct
21 individualized bond hearings, often on a very quick turnaround, and as recently as last
22 week. *See, e.g. Tekbahadur Khatri v. Larose, et. al*, No. 26-CV-927-JLS-JW, ECF No. 9
23 (S.D. Cal. March 20, 2026) (Joint Status Report reflecting IJ granting bond at Otay Mesa
24 Immigration Court); *Ramirez Ceja v. Divver*, No. 26-CV-254-DMS-DEB, ECF No. 6
25 (S.D. Cal. Feb. 19, 2026) (Joint Status Report reflecting IJ granting bond at Otay Mesa
26 Immigration Court); *Prabhpreet v. LaRose*, No. 26-CV-393-JES-SBC, ECF No. 10 (S.D.
27 Cal Feb. 19, 2026) (same); *I.E. v. Casey*, No. 25-CV-3227-DMS-DDL, ECF No. 10 (S.D.

1 Cal. Dec. 16, 2025) (same for Imperial Regional Detention Facility); *Gautam v.*
2 *Correctional Corp. of Am.*, No. 25-cv-03600-JES-DEB, ECF No. 8 (S.D. Cal. Jan. 9,
3 2026) (Notice of Compliance); *Alemanji v. Mayorkas*, No. 25-cv-03499-JO-DDL, ECF
4 No. 13 (S.D. Cal. Dec. 23, 2025) (Notice Confirming Bond Hearing). Petitioner cites no
5 case supporting his assertion that DHS has applied for an automatic stay for the purpose
6 of frustrating these post-habeas bond orders.

7 Thus the Court should decline Petitioner's invitation to insert itself into the position
8 of the immigration judge and should order a bond hearing in immigration court, subject
9 to the appropriate standards as set forth in *Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir.
10 2011).

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13 DATED: March 25, 2026

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