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5  
6 **UNITED STATES DISTRICT COURT**  
**DISTRICT OF ARIZONA**  
7

8 GURSEWAK SINGH,  
9

10 Petitioner,  
11

12 v.  
13

14 Warden, Facility Administrator of Eloy Federal  
Contract Facility;

15 JOHN CANTU, Acting Field Office Director of  
the Phoenix Immigration and Customs  
Enforcement Office;

16 TODD LYONS, Acting Director of United  
States Immigration and Customs Enforcement;

17 KRISTI NOEM, Secretary of the United States  
Department of Homeland Security,  
18  
19

20 PAMELA BONDI, Attorney General of the  
United States, acting in their official capacities,  
21

22 Respondents.  
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28

CASE NO. \_\_\_\_\_

**PETITION FOR WRIT OF HABEAS  
CORPUS**

PETITION FOR WRIT OF HABEAS CORPUS  
CASE NO. \_\_\_\_\_

## INTRODUCTION

1. Petitioner, Gursewak Singh, is a 21-year-old citizen of India who [REDACTED]. He was born on [REDACTED] in Dhotian, Tarn Taran, Punjab, India. He entered the United States on September 23, 2023, seeking safety, stability, and lawful protection under United States immigration laws. Before his detention, Petitioner lived at [REDACTED], [REDACTED], with his court-appointed guardian, Gurlal Singh. He has a court-approved guardianship in California (San Joaquin County Superior Court, Case No. STK-PR-GP-2024-0000738), and his state court guardianship order formed the basis for his Form I-360 Special Immigrant Juvenile (SIJ) petition, which USCIS approved on June 11, 2025 (Receipt No. [REDACTED]), establishing a lawful pathway toward permanent residence. Petitioner's Form I-589 asylum application was filed in February 2024, and his removal proceedings remain pending before the Santa Ana Immigration Court. Petitioner has no criminal history.

2. After entering the United States, Petitioner settled in Stockton, California, where he has lived with his court-appointed guardian, Gurlal Singh. Petitioner obtained employment authorization and holds a valid Employment Authorization Document (Category C08, valid through September 19, 2029), which he has used to support himself through lawful employment as a commercial truck driver for [REDACTED]. He has maintained strong ties to the [REDACTED] by regularly attending and volunteering at [REDACTED] located at [REDACTED] California, where he participated in [REDACTED].

3. Following his release from initial border custody, Petitioner reported to an ICE office in Indiana in October 2023 as instructed. He presented his documents, informed the officer that he had relocated to California, and was told to update his own address. He did so with the

1 Immigration Court. He was not placed on electronic monitoring, SmartLINK photo upload  
2 supervision, or any recurring mandatory check-in schedule following that initial appointment.  
3 Petitioner consulted with his attorney regarding his ongoing obligations and continued to pursue  
4 his immigration case through lawful channels, diligently filing his asylum application and  
5 pursuing Special Immigrant Juvenile Status.  
6

7 4. Petitioner pursued Special Immigrant Juvenile Status in California state court. On  
8 December 20, 2024, the Superior Court of California, County of San Joaquin, issued findings  
9 that reunification with both parents was not viable due to abuse and neglect, and that it is not in  
10 Petitioner's best interest to return to India. Based on those findings, USCIS approved Petitioner's  
11 Form I-360 SIJ petition on June 11, 2025. Petitioner was actively pursuing adjustment of status  
12 on the basis of his approved I-360 at the time of his arrest.  
13

14 5. On February 11, 2026, Petitioner was performing his lawful employment duties,  
15 driving his truck toward Yuma, Arizona, to pick up a load, when his vehicle was randomly  
16 stopped by a police officer. The stop was not based on any criminal suspicion. Upon being asked  
17 about his immigration status, Petitioner immediately and voluntarily produced his Employment  
18 Authorization Document, his approved Form I-360 USCIS approval notice, and his California  
19 commercial driver's license. He did not attempt to flee or conceal his identity. He was fully  
20 cooperative throughout.  
21  
22

23 6. After verifying Petitioner's information, the officer arrested Petitioner. He was  
24 held for approximately two days in Yuma, Arizona, and was then transferred to the Eloy Federal  
25 Contract Facility in Eloy, Arizona, where he is currently detained. ICE did not make any  
26 individualized finding that Petitioner posed a danger to the community or a risk of flight.  
27  
28

1 Petitioner was not accused of any crime. He was not informed of any specific basis for his  
2 detention beyond his immigration status.

3 7. Petitioner has no criminal history, has never missed an Immigration Court  
4 hearing, and was arrested while cooperating voluntarily with law enforcement during a routine  
5 traffic stop. His detention is not based on any flight from supervision, any evasion of authorities,  
6 any threat to public safety, or any intervening criminal conduct. Petitioner's detention serves no  
7 legitimate government purpose and is an arbitrary and unjustified deprivation of liberty  
8 inconsistent with the Fifth Amendment.  
9

10  
11 8. Petitioner's summary arrest and detention violate substantive and procedural due  
12 process because they lack any individualized finding of danger or flight risk and were imposed  
13 without notice or an opportunity to be heard. His arrest reflects the broader pattern of ICE's  
14 quota-driven enforcement practices, which prioritize arrest numbers over individualized  
15 determinations. Petitioner respectfully seeks immediate relief from this Court to halt the ongoing  
16 harm and unlawful deprivation of his liberty.  
17

18 9. This arrest is part of a new, nationwide initiative by ICE to arbitrarily arrest  
19 individuals. Since mid-May, DHS has implemented a coordinated practice of leveraging  
20 immigration detention to strip people like Petitioner of their substantive and procedural rights  
21 and pressure them into deportation. Immigration detention is civil, and thus is permissible for  
22 only two reasons: to ensure a noncitizen's appearance at immigration hearings and to prevent  
23 danger to the community. But ICE did not arrest and detain Petitioner--who demonstrably poses  
24 no risk of absconding from immigration proceedings or danger to the community--for either of  
25 these reasons. Instead, as part of its broader enforcement campaign, DHS detained Petitioner to  
26  
27  
28

1 strip him of his procedural rights, force him to forfeit his applications for relief, and pressure him  
2 into fast-track removal.

3 10. In immigration court, noncitizens have the right to pursue claims for relief from  
4 removal (including asylum), be represented by counsel, gather and present evidence, and pursue  
5 appeals. 8 U.S.C. Section 1229(a). By dismissing an ongoing case, DHS--in its view--can  
6 transfer a noncitizen's case from removal proceedings in immigration court, governed by 8  
7 U.S.C. Section 1229a, to cursory proceedings under 8 U.S.C. Section 1225(b)(1) called  
8 "expedited removal," where the procedural protections and opportunities to pursue relief from  
9 removal built into regular immigration-court proceedings do not apply.  
10

11 11. Petitioner's arrest and detention have caused him tremendous and ongoing harm.  
12 Every additional day Petitioner spends in unlawful detention subjects him to further irreparable  
13 harm.

14 12. Since being detained, Petitioner has struggled with anxiety, sleeplessness, and  
15 emotional distress. The environment in custody is isolating, noisy, and mentally exhausting. He  
16 is unable to practice his faith and cannot attend Gurdwara or perform volunteer service (seva).  
17

18 13. Petitioner's summary arrest and detention violate substantive and procedural due  
19 process because they lack any individualized finding of danger or flight risk and were imposed  
20 without notice or an opportunity to be heard. His arrest reflects the broader pattern of ICE's  
21 quota-driven enforcement practices, which prioritize arrest numbers over individualized  
22 determinations. Petitioner respectfully seeks immediate relief from this Court to halt the ongoing  
23 harm and unlawful deprivation of his liberty.  
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25 14. This arrest is part of a new, nationwide initiative by ICE to arbitrarily arrest  
26 individuals. Since mid-May, DHS has implemented a coordinated practice of leveraging  
27 immigration detention to strip people like Petitioner of their substantive and procedural rights and  
28 pressure them into deportation. Immigration detention is civil, and thus is permissible for only two

1 reasons: to ensure a noncitizen's appearance at immigration hearings and to prevent danger to the  
2 community. But ICE did not arrest and detain Petitioner—who demonstrably poses no risk of  
3 absconding from immigration proceedings or danger to the community—for either of these  
4 reasons. Instead, as part of its broader enforcement campaign, DHS detained Petitioner to strip him  
5 of his procedural rights, force him to forfeit his applications for relief, and pressure him into fast-  
6 track removal.

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8 15. In immigration court, noncitizens have the right to pursue claims for relief from  
9 removal (including asylum), be represented by counsel, gather and present evidence, and pursue  
10 appeals. 8 U.S.C. § 1229(a). By dismissing an ongoing case, DHS—in its view—can transfer a  
11 noncitizen's case from removal proceedings in immigration court, governed by 8 U.S.C. § 1229a,  
12 to cursory proceedings under 8 U.S.C. § 1225(b)(1) called “expedited removal,” where the  
13 procedural protections and opportunities to pursue relief from removal built into regular  
14 immigration-court proceedings do not apply. DHS in concert with ICE is detaining people with  
15 the goal of accelerating removals (detained dockets move faster than non-detained dockets, though  
16 they're still slow when you're detained). DHS is also definitely doing this to demoralize people  
17 and get them to give up their immigration cases  
18

19 16. Petitioner's arrest and detention have caused him tremendous and ongoing harm.  
20 Every additional day Petitioner spends in unlawful detention subjects him to further irreparable  
21 harm.  
22

23 17. Since being detained, Petitioner has struggled with anxiety, sleeplessness, and  
24 emotional distress. The environment in custody is isolating, noisy, and mentally exhausting. The  
25 Constitution protects Petitioner and every other person present in this country from arbitrary  
26 deprivations of his liberty and guarantees him due process of law. The government's power over  
27 immigration is broad, but as the Supreme Court has declared, it “is subject to important  
28 constitutional limitations.” *Zadvydas v. Davis*, 533 U.S. 678, 695 (2001). “Freedom from bodily

1 restraint has always been at the core of the liberty protected by the Due Process Clause from  
 2 arbitrary governmental action.” *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992).

3 18. Petitioner respectfully seeks a writ of habeas corpus ordering the government to  
 4 immediately release him from his ongoing, unlawful detention, and prohibiting his re-arrest  
 5 without a hearing to contest that re-arrest before a neutral decisionmaker. In addition, to preserve  
 6 this Court’s jurisdiction, Petitioner also requests that this Court order the government not to  
 7 transfer him outside of the district or deport him for the duration of this proceeding.  
 8

### 10 JURISDICTION AND VENUE

11 The Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 (federal question), 28  
 12 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§ 2201–02 (Declaratory Judgment Act), 28 U.S.C.  
 13 § 2241 (habeas corpus), Article I, § 9, cl. 2 of the U.S. Constitution (the Suspension Clause),  
 14 the Fourth and Fifth Amendments to the U.S. Constitution, and 5 U.S.C. §§ 701-706  
 15 (Administrative Procedure Act).

16 Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(a) and 28 U.S.C. §  
 17 1391(b)(2) and (e)(1) because Petitioner is physically detained within this district.

### 18 PARTIES

19 1) Petitioner, Gursewak Singh, is a 21-year-old citizen of India who [REDACTED]  
 20 [REDACTED] He was born on [REDACTED], in Dhotian, Tarn Taran, Punjab, India. He entered the United  
 21 States on September 23, 2023. His Form I-360 SIJ petition was approved by USCIS on June 11,  
 22 2025 (Receipt No. [REDACTED]). His Form I-589 asylum application was filed in February  
 23 2024. His removal proceedings remain pending before the Santa Ana Immigration Court.  
 24 Petitioner has no criminal history. Before detention, he lived at [REDACTED]  
 25 [REDACTED], and is presently in civil immigration detention at the Eloy Federal Contract  
 26 Facility in Eloy, Arizona. His alien registration number is A [REDACTED].

27 2) Respondent Warden is the Warden/Facility Administrator of the Eloy Federal  
 28 Contract Facility (CoreCivic), a facility that contracts with ICE to detain individuals in civil

1 immigration proceedings. Respondent is Petitioner's immediate physical custodian and is sued in  
2 [his/her] official capacity.

3 3) John Cantu is the Acting Field Office Director of the Phoenix ICE Field Office. In  
4 this capacity, he is responsible for the administration and enforcement of immigration laws within  
5 ICE's Phoenix Area of Responsibility, including decisions relating to Petitioner's arrest, detention,  
6 and custody. Respondent Cantu maintains an office and regularly conducts business in this District  
7 and is sued in his official capacity.

8 4) Respondent Todd M. Lyons is the Acting Director of ICE. As the Senior Official  
9 Performing the Duties of the Director of ICE, he is responsible for the administration and  
10 enforcement of the immigration laws of the United States; routinely transacts business in this  
11 District; and is legally responsible for pursuing any effort to detain and remove the Petitioner.  
12 Respondent Lyons is sued in his official capacity.

13 5) Respondent Kristi Noem is the Secretary of Homeland Security and has ultimate  
14 authority over DHS. In that capacity and through her agents, Respondent Noem has broad authority  
15 over and responsibility for the operation and enforcement of the immigration laws; routinely  
16 transacts business in this District; and is legally responsible for pursuing any effort to detain and  
17 remove the Petitioner. Respondent Noem is sued in her official capacity.

18 6) Respondent Pamela Bondi is the Attorney General of the United States and the most  
19 senior official at the Department of Justice. In that capacity and through her agents, she is  
20 responsible for overseeing the implementation and enforcement of the federal immigration laws.  
21 The Attorney General delegates this responsibility to the Executive Office for Immigration  
22 Review, which administers the immigration courts and the BIA. Respondent Bondi is sued in her  
23 official capacity.

24 **EXHAUSTION**

25 7) There is no requirement to exhaust because no other forum exists in which  
26 Petitioner can raise the claims herein. There is no statutory exhaustion requirement prior to  
27 challenging the constitutionality of an arrest or detention or challenging a policy under the  
28 Administrative Procedure Act. Prudential exhaustion is not required here because it would be

1 futile, and Petitioner will “suffer irreparable harm if unable to secure immediate judicial  
2 consideration of [their] claim.” *McCarthy v. Madigan*, 503 U.S. 140, 147 (1992). Any further  
3 exhaustion requirements would be unreasonable.

#### 4 **LEGAL BACKGROUND**

##### 5 ***A. The Constitution Protects Noncitizens Like Petitioner from Arbitrary Arrest and*** 6 ***Detention.***

7 8) The Constitution establishes due process rights for “all ‘persons’ within the United  
8 States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or  
9 permanent.” *Hernandez v. Sessions*, 872 F.3d 976, 990 (9th Cir. 2017) (quoting *Zadvydas*, 533  
10 U.S. at 693). These due process rights are both substantive and procedural.

11 9) *First*, “[t]he touchstone of due process is protection of the individual against  
12 arbitrary action of government,” *Wolff v. McDonnell*, 418 U.S. 539, 558 (1974), including “the  
13 exercise of power without any reasonable justification in the service of a legitimate government  
14 objective,” *Cnty. of Sacramento v. Lewis*, 523 U.S. 833, 846 (1998).

15 10) These protections extend to noncitizens facing detention, as “[i]n our society  
16 liberty is the norm, and detention prior to trial or without trial is the carefully limited exception.”  
17 *United States v. Salerno*, 481 U.S. 739, 755 (1987). Accordingly, “[f]reedom from  
18 imprisonment—from government custody, detention, or other forms of physical restraint—lies  
19 at the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas*, 533 U.S. at 690.

20 11) Substantive due process thus requires that all forms of civil detention—including  
21 immigration detention—bear a “reasonable relation” to a non-punitive purpose. *See Jackson v.*  
22 *Indiana*, 406 U.S. 715, 738 (1972). The Supreme Court has recognized only two permissible  
23 non-punitive purposes for immigration detention: ensuring a noncitizen’s appearance at  
24 immigration proceedings and preventing danger to the community. *Zadvydas*, 533 U.S. at 690–  
25 92; *see also Demore v. Kim*, 538 U.S. 510 at 519–20, 527–28, 31 (2003).

26 12) *Second*, the procedural component of the Due Process Clause prohibits the  
27 government from imposing even permissible physical restraints without adequate procedural  
28 safeguards.

13) Generally, “the Constitution requires some kind of a hearing *before* the State deprives a person of liberty or property.” *Zinermon v. Burch*, 494 U.S. 113, 127 (1990). This is so even in cases where that freedom is lawfully revocable. *See Hurd v. D.C., Gov’t*, 864 F.3d at 683 (citing *Young v. Harper*, 520 U.S. 143, 152 (1997) (re-detention after pre-parole conditional supervision requires pre-deprivation hearing)); *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973) (same, in probation context); *Morrissey v. Brewer*, 408 U.S. 471 (1972) (same, in parole context).

14) After an initial release from custody on conditions, even a person paroled following a conviction for a criminal offense for which they may lawfully have remained incarcerated has a protected liberty interest in that conditional release. *Morrissey* at 408 U.S. at 482. As the Supreme Court recognized, “[t]he parolee has relied on at least an implicit promise that parole will be revoked only if he fails to live up to the parole conditions.” *Id.* “By whatever name, the liberty is valuable and must be seen within the protection of the [Constitution].” *Id.*

15) This reasoning applies with equal if not greater force to people released from civil immigration detention at the border, like Petitioner. After all, noncitizens living in the United States like Petitioner have a protected liberty interest in their ongoing freedom from confinement. *See Zadvydas*, 533 U.S. at 690. And, “[g]iven the civil context [of immigration detention], [the] liberty interest [of noncitizens released from custody] is arguably greater than the interest of parolees.” *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 970 (N.D. Cal. 2019).

## FACTUAL ALLEGATIONS

### *A. DHS Dramatically Expands the Scope of Expedited Removal.*

16) For decades, DHS applied expedited removal exclusively in the border enforcement context, with only narrow exceptions to that general rule. From 1997 until 2002, expedited removal applied only to inadmissible noncitizens arriving at ports of entry. *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures; Final Rule, 62 Fed. Reg. 10312 (Mar. 6, 1997).

17) In 2002, the government for the first time invoked its authority to apply expedited removal to persons already inside the country, but only for a narrow group of people who arrived

1 by sea, were not admitted or paroled, and were apprehended within two years of entry. *See* Notice  
2 Designating Aliens Subject to Expedited Removal Under Section 235(b)(1)(A)(iii) of the  
3 Immigration and Nationality Act, 67 Fed. Reg. 68924 (Nov. 13, 2002).

4 18) In 2004, the government authorized the application of expedited removal to  
5 individuals who entered by means other than sea, but only if they were apprehended within 100  
6 miles of a land border and were unable to demonstrate that they had been continuously physically  
7 present in the United States for 14 days. *See* Designating Aliens for Expedited Removal, 69 Fed.  
8 Reg. 48877 (Aug. 11, 2004).

9 19) In 2019, at the direction of President Trump, DHS published a Federal Register  
10 Notice authorizing the application of expedited removal to certain noncitizens arrested anywhere  
11 in the country who could not affirmatively show that they had been continuously present for two  
12 years. *See* Designating Aliens for Expedited Removal, 84 Fed. Reg. 35409 (July 23, 2019). The  
13 District Court for the District of Columbia entered a preliminary injunction preventing the rule  
14 from taking effect, which the D.C. Circuit later vacated. *Make the Rd. New York v. McAleenan*,  
15 405 F. Supp. 3d 1, 11 (D.D.C. 2019), *vacated sub nom. Make the Rd. New York v. Wolf*, 962 F.3d  
16 612, 618 (D.C. Cir. 2020).

17 20) In 2021, President Biden directed the DHS Secretary to review the rule expanding  
18 expedited removal and consider whether it comported with legal and constitutional requirements,  
19 including due process. In 2022, DHS rescinded the rule. *See* Rescission of the Notice of July 23,  
20 2019, Designating Aliens for Expedited Removal, 87 Fed. Reg. 16022 (Mar. 21, 2022).

21 21) While the 2019 expansion was in effect, the government applied expedited removal  
22 to persons inside the country in an exceedingly small number of cases. Thus, from 1997 to 2025,  
23 with limited exceptions, immigration authorities generally did not apply expedited removal to  
24 noncitizens apprehended far from the border, or individuals anywhere in the United States  
25 (including near the border) who had been residing in the country for more than fourteen days.

26 22) This state of affairs changed drastically on January 20, 2025, the day that President  
27 Trump took office for his second term. That day, President Trump signed Executive Order 14159,  
28 "Protecting the American People Against Invasion," the purpose of which was "to faithfully

1 execute the immigration laws against all inadmissible and removable aliens, particularly those  
 2 aliens who threaten the safety or security of the American people.” Exec. Order No. 14,159, 90  
 3 C.F.R. § 8443 (Jan. 20, 2025). The order directed the Secretary of Homeland Security to take  
 4 various actions “to ensure the efficient and expedited removal of aliens from the United States.”  
 5 *Id.*

6 23) To implement this Executive Order, DHS issued a notice immediately authorizing  
 7 application of expedited removal to certain noncitizens arrested anywhere in the country who  
 8 cannot show “to the satisfaction of an immigration officer” that they have been continuously  
 9 present in the United States for at least two years. 90 Fed. Reg. 8139 (published Jan. 24, 2025).

10 24) On January 23, 2025, the Acting Secretary of Homeland Security issued a  
 11 memorandum providing guidance regarding how to exercise enforcement discretion in  
 12 implementing” the new expedited-removal rule. The guidance directed federal immigration  
 13 officers to “consider . . . whether to apply expedited removal” to “any alien DHS is aware of who  
 14 is amenable to expedited removal but to whom expedited removal has not been applied.” As part  
 15 of that process, the guidance encourages officers to “take steps to terminate any ongoing removal  
 16 proceeding and/or any active parole status.”<sup>1</sup>

17 25) Under the administration’s expanded approach to expedited removal, hundreds of  
 18 thousands of noncitizens who have lived in the country for less than two years are at imminent risk  
 19 of summary removal without any hearing, meaningful process, access to counsel, or judicial  
 20 review—regardless of the strength of their ties to the United States.

21 ***B. To Place More People in Expedited Removal, DHS Undertakes New Campaign of Arrests***  
 22 ***and Detention.***

23 26) Since mid-May 2025, DHS has initiated an aggressive new enforcement campaign  
 24 targeting people who are in regular removal proceedings in immigration court, many of whom  
 25 have pending applications for asylum or other relief. This “coordinated operation” is “aimed at  
 26 dramatically accelerating deportations” by arresting people at the courthouse or other places and

27 <sup>1</sup> Benjamine C. Huffman, *Guidance Regarding How to Exercise Enforcement Discretion*, Dep’t  
 28 of Homeland Sec. (Jan. 23, 2025), [https://www.dhs.gov/sites/default/files/2025-01/25\\_0123\\_er-](https://www.dhs.gov/sites/default/files/2025-01/25_0123_er-and-parole-guidance.pdf)  
 and-parole-guidance.pdf.

1 placing them into expedited removal.<sup>2</sup>

2       27) The first step of this enforcement operation typically takes place inside the  
3 immigration court or with ICE agents due to baseless ISAP violations. When people arrive in court  
4 for their master calendar hearings, DHS attorneys orally file a motion to dismiss the proceedings—  
5 without any notice to the affected individual. Although DHS regulations do not permit such  
6 motions to dismiss absent a showing that the “[c]ircumstances of the case have changed,” 8 C.F.R.  
7 § 239.2(a)(7), (c), DHS attorneys do not conduct any case-specific analysis of changed  
8 circumstances before filing these motions to dismiss. Or in circumstances, as with the petitioner,  
9 where they are being called by ICE for check-ins and being arrested there.

10       28) Even though individuals are supposed to have ten days to respond to a motion to  
11 dismiss, some IJs have granted the government’s oral motion on the spot and immediately  
12 dismissed the case. This is consistent with recent instructions from the Department of Justice to  
13 immigration judges stating that they may allow the government to move to dismiss cases orally,  
14 in court, without a written motion, and to decide that motion without allowing the noncitizen an  
15 opportunity to file a response.

16       29) Despite these instructions, some IJs have still asked DHS to re-file the motion as a  
17 written motion and continued proceedings to allow individuals to file their response. A smaller  
18 group of IJs have expressly denied the motion to dismiss on the record or in a written order.

19       30) The next step of DHS’s new campaign takes place outside the courtroom. ICE  
20 officers, in consultation with DHS attorneys and officials, station themselves in courthouse waiting  
21 rooms, hallways, and elevator banks. When an individual exits their immigration hearings, ICE  
22 officers—typically masked and in plainclothes—immediately arrest the person and detain them.  
23 ICE officers execute these arrests regardless of how the IJ rules on the government’s motion to  
24 dismiss. On information and belief, they typically do not have an arrest warrant.

25 \_\_\_\_\_  
26 <sup>2</sup> Arelis R. Hernández & Maria Sacchetti, *Immigrant Arrests at Courthouses Signal New Tactic*  
27 *in Trump’s Deportation Push*, Wash. Post, May 23, 2025,  
28 <https://www.washingtonpost.com/immigration/2025/05/23/immigration-court-arrests-ice-trump/>;  
see also Hamed Aleaziz, Luis Ferré-Sadurní, & Miriam Jordan, *How ICE is Seeking to Ramp Up*  
*Deportations Through Courthouse Arrests*, N.Y. Times, May 30, 2025,  
<https://www.nytimes.com/2025/05/30/us/politics/ice-courthouse-arrests.html>.

1           31) Once the person has been transferred to a detention facility, the government places  
 2 the individual in expedited removal. In cases in which the IJ did not dismiss the person's removal  
 3 proceedings, DHS attorneys unilaterally transfer venue of the case to a "detained" immigration  
 4 court, where they renew their motions to dismiss—again with the goal of putting the person in  
 5 expedited removal.

6           32) DHS is aggressively pursuing this arrest and detention campaign at courthouses  
 7 throughout the country and with the help of ICE agents at check ins. In New York City, for  
 8 example, "ICE agents have apprehended so many people showing up for routine appointments this  
 9 month that the facilities" are "overcrowded," with "[h]undreds of migrants . . . sle[eping] on the  
 10 floor or sitting upright, sometimes for days."<sup>3</sup>

11           33) DHS's and ICE's aggressive tactics appear to be motivated by the Administration's  
 12 imposition of a new daily quota of 3,000 ICE arrests.<sup>4</sup> In part as a result of this campaign, ICE's  
 13 arrests of noncitizens with no criminal record have increased more than 800% since before  
 14 January.<sup>5</sup>

15           34) The government's new campaign is also a significant shift from previous DHS  
 16 practice of re-detaining noncitizens only after a material change in circumstances. *See Saravia v.*  
 17 *Sessions*, 280 F. Supp. 3d 1168, 1197 (N.D. Cal. 2017), *aff'd sub nom. Saravia for A.H. v.*  
 18 *Sessions*, 905 F.3d 1137 (9th Cir. 2018) (describing prior practice).

19 ***C. Petitioner is Unlawfully Arrested and Detained Pursuant.***

22 \_\_\_\_\_  
 23 <sup>3</sup> Luis Ferré-Sadurní, *Inside a Courthouse, Chaos and Tears as Trump Accelerates Deportations*,  
 N.Y. Times, June 12, 2025, [https://www.nytimes.com/2025/06/12/nyregion/immigration-](https://www.nytimes.com/2025/06/12/nyregion/immigration-courthouse-arrests-trump-deportation.html)  
 24 [courthouse-arrests-trump-deportation.html](https://www.nytimes.com/2025/06/12/nyregion/immigration-courthouse-arrests-trump-deportation.html).

25 <sup>4</sup> Ted Hesson & Kristina Cooke, *ICE's Tactics Draw Criticism as it Triples Daily Arrest Targets*,  
 Reuters, June 10, 2025, [https://www.reuters.com/world/us/ices-tactics-draw-criticism-it-triples-](https://www.reuters.com/world/us/ices-tactics-draw-criticism-it-triples-daily-arrest-targets-2025-06-10/)  
 26 [daily-arrest-targets-2025-06-10/](https://www.reuters.com/world/us/ices-tactics-draw-criticism-it-triples-daily-arrest-targets-2025-06-10/); Alayna Alvarez & Brittany Gibson, *ICE Ramps Up*  
*Immigration Arrests in Courthouses Across the U.S.*, Axios, June 12, 2025,  
 27 <https://www.axios.com/2025/06/12/ice-courthouse-arrests-trump>.

28 <sup>5</sup> José Olivares & Will Craft, *ICE Arrests of Migrants with No Criminal History Surging under Trump*,  
 The Guardian, June 14, 2025, [https://www.theguardian.com/us-news/2025/jun/14/ice-](https://www.theguardian.com/us-news/2025/jun/14/ice-arrests-migrants-trump-figures)  
[arrests-migrants-trump-figures](https://www.theguardian.com/us-news/2025/jun/14/ice-arrests-migrants-trump-figures).

1           35)     Petitioner, Gursewak Singh, is a [REDACTED] and fled India due to  
2 political persecution and physical abuse. He [REDACTED]  
3 [REDACTED]  
4 [REDACTED]. His father also physically abused  
5 him, forcing him to perform farm labor and subjecting him to beatings. The San Joaquin County  
6 Superior Court found that reunification with Petitioner's father was not viable due to abuse, and  
7 that reunification with his mother was not viable due to neglect. He was born on [REDACTED]  
8 in Dhotian, Tarn Taran, Punjab, India, and is a citizen of India. Before his detention, he lived a  
9 peaceful and stable life in Stockton, California with his court-appointed guardian, Gurlal Singh.  
10 His Form I-360 SIJ petition was approved by USCIS on June 11, 2025.  
11

12           36)     Petitioner entered the United States on September 23, 2023, near Lukeville,  
13 Arizona. He was apprehended by border patrol and released on his own recognizance on  
14 September 24, 2023. He was issued a Notice to Appear charging him under INA §  
15 212(a)(6)(A)(i) and instructed to report to an ICE office within 60 days. Petitioner's Form I-589  
16 asylum application was filed in February 2024. His Master Calendar Hearing was scheduled at  
17 the Santa Ana Immigration Court before Immigration Judge Jason R. Waterloo.  
18

19           37)     In October 2023, Petitioner reported to the ICE office in Indiana as instructed  
20 within 60 days of his release. He presented his documents and informed the officer that he had  
21 relocated from Indiana to California. The officer instructed him to update his own address.  
22 Petitioner complied and updated his address with the Immigration Court. Petitioner was not  
23 placed on ISAP, electronic monitoring, SmartLINK photo upload supervision, or any recurring  
24 mandatory in-person check-in schedule following that initial reporting appointment. He  
25 continued to pursue his immigration case in good faith through his attorney, filing his asylum  
26 application and his Special Immigrant Juvenile Status proceedings.  
27  
28

1           38)     Petitioner obtained an Employment Authorization Document (Category C08) and  
2 worked lawfully as a commercial truck driver for [REDACTED]. His employer  
3 has described him as responsible, professional, and of good character. Petitioner also regularly  
4 attended and volunteered at [REDACTED] in [REDACTED]  
5 California, where he contributed to [REDACTED]  
6 [REDACTED]. He lived with his court-appointed guardian, Gurlal Singh, at [REDACTED]  
7 [REDACTED]  
8 [REDACTED]

9           39)     On February 11, 2026, Petitioner was driving his truck toward Yuma, Arizona to  
10 pick up a load in connection with his lawful employment. A police officer randomly stopped his  
11 vehicle on the road. The stop was not based on any suspicion of criminal activity. When asked  
12 about his immigration status, Petitioner immediately and voluntarily presented his Employment  
13 Authorization Document, his approved Form I-360 USCIS approval notice, and his California  
14 commercial driver's license. He made no attempt to flee, conceal his identity, or resist. He was  
15 entirely cooperative.  
16

17           40)     After the officer verified Petitioner's documents and information, Petitioner was  
18 placed under arrest. He was held for approximately two days in Yuma, Arizona, before being  
19 transferred to the Eloy Federal Contract Facility in Eloy, Arizona (CoreCivic), where he remains  
20 detained. During his arrest and transfer, Petitioner was not informed of any specific violation or  
21 legal basis for his civil immigration detention. He was not charged with any crime.  
22

23           41)     At no point was Petitioner provided advance notice of his arrest, a written  
24 explanation of the grounds for his detention, or any opportunity to contest the basis for his  
25 custody before a neutral decision-maker. ICE made no individualized finding that Petitioner  
26 posed a danger to the community or presented a risk of flight. His arrest was not precipitated by  
27 any criminal conduct, any outstanding warrant, or any administrative hearing. He was arrested  
28 while performing lawful employment and cooperating fully with law enforcement.

42) Petitioner has never intentionally violated any court order, supervision requirement, or ICE directive. He has never attempted to evade immigration authorities. His detention serves no legitimate government purpose and represents an unlawful deprivation of liberty inconsistent with the Fifth Amendment. His arrest appears to be a product of ICE's broader quota-driven enforcement operation, not any individualized assessment of flight risk or danger

***D. As a Result of His Arrest and Detention, Petitioner is Suffering Ongoing and Irreparable Harm.***

43) Petitioner is being deprived of his liberty without any permissible justification. The government previously released him on his own recognizance because he did not pose sufficient risk of flight or danger to the community to warrant detention.

44) None of that has changed. Petitioner has no criminal record, and there is no basis to believe that he poses any public-safety risk. Nor is Petitioner, who was arrested while performing his lawful job duties during a routine traffic stop and cooperated fully with law enforcement throughout, conceivably a flight risk. To the contrary, Petitioner appeared for every immigration court hearing and supervision check-in, and he has consistently informed the court about any change in his address or other circumstances.

**CLAIMS FOR RELIEF**

**FIRST CLAIM FOR RELIEF**

**Violation of the Fifth Amendment to the United States Constitution**

**(Substantive Due Process—Detention)**

45) Petitioner repeats and re-alleges the allegations contained in the preceding paragraphs of this Petition as if fully set forth herein.

46) The Due Process Clause of the Fifth Amendment protects all “person[s]” from deprivation of liberty “without due process of law.” U.S. Const. amend. V. “Freedom from

1 imprisonment—from government custody, detention, or other forms of physical restraint—lies at  
 2 the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas*, 533 U.S. at 690.

3 47) Immigration detention is constitutionally permissible only when it furthers the  
 4 government’s legitimate goals of ensuring the noncitizen’s appearance during removal  
 5 proceedings and preventing danger to the community. *See id.*

6 48) Petitioner is not a flight risk or danger to the community. Respondents’ detention  
 7 of Petitioner is therefore unjustified and unlawful. Accordingly, Petitioner is being detained in  
 8 violation of the Due Process Clause of the Fifth Amendment.

9 49) Moreover, Petitioner’s detention is punitive as it bears no “reasonable relation” to  
 10 any legitimate government purpose. *Id.* (finding immigration detention is civil and thus ostensibly  
 11 “nonpunitive in purpose and effect”). Here, the purpose of Petitioner’s detention appears to be “not  
 12 to facilitate deportation, or to protect against risk of flight or dangerousness, but to incarcerate for  
 13 other reasons”—namely, to meet newly-imposed DHS quotas and transfer immigration court  
 14 venue away from an IJ who refused to facilitate DHS’s new expedited removal scheme. *Demore*,  
 15 538 U.S. at 532–33 (Kennedy, J., concurring).

## 16 17 18 **SECOND CLAIM FOR RELIEF**

### 19 **Violation of the Fifth Amendment to the United States Constitution**

#### 20 **(Procedural Due Process—Detention)**

21 50) Petitioner repeats and re-alleges the allegations contained in the preceding  
 22 paragraphs of this Petition as if fully set forth herein.

23 51) As part of the liberty protected by the Due Process Clause, Petitioner has a weighty  
 24 liberty interest in avoiding re-incarceration after his release. *See Young v. Harper*, 520 U.S. 143,  
 25 146–47 (1997); *Gagnon v. Scarpelli*, 411 U.S. 778, 781–82 (1973); *Morrissey v. Brewer*, 408 U.S.  
 26 471, 482–83 (1972); *see also Ortega*, 415 F. Supp. 3d at 969–70 (holding that a noncitizen has a  
 27 protected liberty interest in remaining out of custody following an IJ’s bond determination).

28 52) Accordingly, “[i]n the context of immigration detention, it is well-settled that due

1 process requires adequate procedural protections to ensure that the government's asserted  
2 justification for physical confinement outweighs the individual's constitutionally protected  
3 interest in avoiding physical restraint." *Hernandez*, 872 F.3d at 990 (cleaned up); *Zinerman*, 494  
4 U.S. at 127 (Generally, "the Constitution requires some kind of a hearing *before* the State  
5 deprives a person of liberty or property."). In the immigration context, for such hearings to  
6 comply with due process, the government must bear the burden to demonstrate, by clear and  
7 convincing evidence, that the noncitizen poses a flight risk or danger to the community. *See Singh*  
8 *v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011); *see also Martinez v. Clark*, 124 F.4th 775, 785,  
9 786 (9th Cir. 2024).

10 53) Petitioner's re-detention without a pre-deprivation hearing violated due process.  
11 Approximately 29 months after Petitioner was first released from custody on his own  
12 recognizance, Respondents re-detained him with no advance notice, no written explanation of  
13 the justification for re-detention, and no opportunity to contest his re-detention before a neutral  
14 adjudicator. He was arrested on February 11, 2026, during a routine traffic stop while performing  
15 his lawful employment as a commercial truck driver, having cooperated fully and voluntarily  
16 with law enforcement and produced his lawful work authorization and USCIS approval notice.  
17 ICE made no individualized finding of danger or flight risk before taking him into custody.

18 54) These facts are materially indistinguishable from *Y.S.G. v. Andrews*, No. 2:25-cv-  
19 01884-SCR (E.D. Cal. Oct. 22, 2025), where the Court granted a writ of habeas corpus after  
20 finding that ICE violated due process by re-detaining a previously released individual without  
21 advance notice or a pre-deprivation hearing. In *Y.S.G.*, as here, DHS claimed a technical violation  
22 of supervision conditions but offered no proof that the individual posed a danger or flight risk.  
23 The court held that any re-detention requires a pre-deprivation hearing before a neutral  
24 adjudicator, at which the government bears the burden to establish danger or flight risk by clear  
25 and convincing evidence. Petitioner, who has fully complied with ICE and court requirements  
26 and poses no danger, was similarly re-detained in violation of his constitutional rights.

**PRAYER FOR RELIEF**

Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this matter;
2. Issue a writ of habeas corpus ordering Respondents to immediately release Petitioner from custody;
3. Declare that Petitioner's arrest and detention violate the Due Process Clause of the Fifth Amendment.
4. Enjoin Respondents from transferring Petitioner outside this District or deporting Petitioner pending these proceedings;
5. Enjoin Respondents from re-detaining Petitioner unless his re-detention is ordered at a custody hearing before a neutral arbiter in which the government bears the burden of proving, by clear and convincing evidence, that Petitioner is a flight risk or danger to the community;
6. Award Petitioner his costs and reasonable attorneys' fees in this action as provided for by the Equal Access to Justice Act and 28 U.S.C. § 2412; and
7. Grant such further relief as the Court deems just and proper.

Date: 03/11/2026

Respectfully Submitted,

/s/ *Simranjit Kaur*  
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*Attorneys for Petitioner*

**VERIFICATION PURSUANT TO 28 U.S.C. 2242**

I am submitting this verification on behalf of the Petitioner because I am one of Petitioner's attorneys. I have discussed with Petitioner, Gursewak Singh, the events described in the Petition.

Based on those discussions, I hereby verify that the factual statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Executed on this 03/11/2026, in Tracy, CA.

*/s/ O Simranjit Kaur*  
(attorney)  
Attorney for Petitioner