Gurpreet Kaur, Esq.
Kaur Legal Group, PC
674 County Square Dr, Suite 305
Ventura, CA 93003
Ph. 805-300-9003; Cell 909-997-4570
Fax: 805-716-6100
E-mail: gurpreetkauresq@gmail.com
Attorney for Petitioner

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

SOHAN LAL

Petitioner,

v.

JEREMY CASEY, Warden of the Imperial Regional Detention Center; TODD LYONS, Acting Director of Immigration and Customs Enforcement; MARKWAYNE MULLIN, Acting Secretary of the U.S. Department of Homeland Security; PAMELA BONDI, Attorney General of the United States

Respondents.

Civil Action No. **'26CV1545 DMS JLB**

VERIFIED PETITION FOR HABEAS CORPUS

INTRODUCTION

1. Petitioner Lal is unlawfully detained after the Government abruptly revoked liberty that it had previously granted without providing any pre-deprivation process. Petitioner is a native and citizen of India who entered the United States on October 26, 2023, without inspection. Shortly after his entry, immigration authorities briefly detained him pursuant to Form I-200.

2. Immigration authorities subsequently released Petitioner on his own recognizance ("ROR") subject to conditions of supervision, including Alternatives to Detention

("ATD") monitoring and regular ICE check-ins. Petitioner complied fully with all conditions imposed by immigration authorities.

3. On October 27, 2023, the Department of Homeland Security ("DHS") served Petitioner with a Notice to Appear ("NTA"), charging him solely under INA § 212(a)(6)(A)(i) as a noncitizen present in the United States without admission or parole. Petitioner has remained in ongoing removal proceedings before the Immigration Court and has complied with all immigration requirements.

4. Since his release, Petitioner has maintained perfect compliance with ATD supervision and ICE reporting requirements. At no time has the Government alleged that Petitioner violated any condition of release, failed to appear for immigration proceedings, or committed any criminal offense. Petitioner has no criminal history whatsoever.

5. Petitioner works as a commercial truck driver and maintains lawful employment pursuant to a valid employment authorization document issued in connection with his pending asylum application.

6. On March 3, 2026, while working as a commercial truck driver, Petitioner stopped at a gas station to obtain coffee. As Petitioner walked from his truck toward the gas station, an officer approached him and requested identification documents. Petitioner informed the officer that he possessed valid employment authorization and that he had been appearing in immigration court for his asylum proceedings.

7. Despite Petitioner's full cooperation and longstanding compliance with immigration authorities, the officer immediately detained him. Petitioner explained that he had previously been released on recognizance and had complied with all required appointments and supervision conditions. Nevertheless, he was taken into custody

without notice, without any alleged violation of release conditions, and without any individualized determination justifying detention.

8. Respondents now appear to justify Petitioner's detention by invoking mandatory detention under 8 U.S.C. § 1225(b) based on the Department of Homeland Security's July 8, 2025 Interim Guidance and the Board of Immigration Appeals' decision in Matter of Q. Li. But at the time of detention, the Government's authority to detain Petitioner—if any—arises under 8 U.S.C. § 1226(a), which governs discretionary detention and provides eligibility for release on bond.

9. Even more troubling, Respondents revoked Petitioner's liberty without any pre-deprivation process whatsoever. Petitioner received no notice that his release status would be revoked, no opportunity to challenge the legal basis for detention, and no hearing before a neutral decisionmaker prior to being taken into custody.

10. This case therefore presents a straightforward constitutional question: whether the Government may revoke previously granted liberty—after years of perfect compliance—without providing any pre-deprivation hearing or individualized determination.

11. Because Petitioner has fully complied with all conditions of release, maintained lawful employment, appeared for immigration proceedings, and committed no violations or criminal acts, his continued detention is unlawful. Petitioner therefore seeks habeas relief ordering his immediate release or, at minimum, a prompt bond hearing before an Immigration Judge.

JURISDICTION

12. This action arises under the Constitution of the United States and the INA, 8 U.S.C.

§ 1101 *et seq.*

13. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

14. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

15. Venue is proper because Petitioner is detained in Imperial Regional Detention Center, which is within the jurisdiction of this District. Venue is also proper in this District because Respondents are officers, employees, or agencies of the United States. *See* 28 U.S.C. § 1391(e).

PARTIES

16. Respondent Jeremy Casey is sued in his official capacity as Warden of the Imperial Regional Detention Center. Respondent Casey is the physical custodian of Petitioner.

17. Respondent Todd Lyons is sued in his official capacity as the Acting Director of U.S. Immigration and Customs Enforcement. Respondent Lyons is a legal custodian of Petitioner and has authority to release him.

18. Respondent Markwayne Mullin is sued in his official capacity as the Secretary of the U.S. Department of Homeland Security. In this capacity, Respondent Noem is responsible for the implementation and enforcement of the INA, and oversees ICE, the component agency responsible for Petitioner's detention and custody. Respondent Noem is a legal custodian of Petitioner.

19. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice. In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review

("EOIR"), which administers the immigration courts and the BIA. Respondent Bondi is a legal custodian of Petitioner.

STATEMENT OF FACTS

20. Petitioner Lal is a native and citizen of India.

21. Petitioner entered the United States on October 26, 2023, without inspection.

22. Shortly after his entry, immigration authorities briefly detained Petitioner pursuant to Form I-200.

23. Following that brief detention, immigration authorities released Petitioner on his own recognizance ("ROR") subject to conditions of supervision.

24. As conditions of release, Petitioner was required to comply with Alternatives to Detention ("ATD") monitoring and periodic ICE reporting requirements.

25. Petitioner fully complied with all ATD and reporting requirements and has maintained perfect compliance with all supervision conditions.

26. Petitioner has no criminal history. He has never been arrested, charged, or convicted of any criminal offense.

27. On October 27, 2023, DHS served Petitioner with a Notice to Appear, charging him solely under INA § 212(a)(6)(A)(i) as a noncitizen present in the United States without admission or parole.

28. Petitioner has remained in ongoing removal proceedings before the Immigration Court and has complied with all immigration requirements.

29. Petitioner also obtained a valid employment authorization document based on a timely filed asylum application.

30. Petitioner works as a commercial truck driver and supports himself through lawful

employment.

31. On March 3, 2026, while working as a commercial truck driver, Petitioner stopped at a gas station during the course of his route in order to obtain coffee.

32. As Petitioner walked from his truck toward the gas station, an officer approached him and requested identification documents.

33. Petitioner cooperated and informed the officer that he possessed valid employment authorization and had been attending immigration court proceedings related to his asylum case.

34. Petitioner further explained that he had previously been released on recognizance and had been fully complying with all immigration reporting requirements.

35. Despite this explanation and Petitioner's longstanding compliance with immigration authorities, the officer immediately detained him.

36. Officers did not allege any criminal conduct, immigration violation, or violation of supervision conditions.

37. Petitioner was detained without prior notice, without any alleged violation, and without any individualized custody determination.

38. Respondents appear to justify Petitioner's detention based on the Department of Homeland Security's July 8, 2025 Interim Guidance and the Board of Immigration Appeals' decision in Matter of Q. Li, asserting that certain noncitizens must be detained under 8 U.S.C. § 1225(b).

39. However, Petitioner had already been released by immigration authorities and had relied on that liberty by living and working in the United States while complying with all supervision requirements.

40. Respondents nevertheless revoked Petitioner's liberty without providing any pre-deprivation hearing or opportunity to challenge the legal basis for detention.

41. Petitioner remains detained without access to bond or any individualized custody review.

42. Accordingly, Petitioner seeks habeas relief ordering his immediate release or, at minimum, a prompt bond hearing before an Immigration Judge.

STATUTORY FRAMEWORK

43. The INA prescribes three primary statutory authorities that govern detention of noncitizens in removal proceedings. First, 8 U.S.C. § 1226(a) authorizes the detention of noncitizens in standard non-expedited removal proceedings before an IJ. *See* 8 U.S.C. § 1226(a); 8 U.S.C. § 1229a. Individuals in section 1226(a) detention are 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).

44. 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 8 U.S.C. § 1225(b)(2).

45. Finally, the INA also provides for detention of noncitizens who are subject to final orders of removal, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b). The detention provisions at section 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(c) was most recently amended earlier this year by the Laken Riley Act ("LRA"), Pub. L. No. 119-1, 139 Stat. 3 (2025).

46. Following enactment of the IIRIRA, the EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under

section 1225 and that they were instead detained under section 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997). In the decades that followed, most noncitizens who entered without inspection—unless they were subject to some other detention authority—received bond hearings. This practice was also consistent with the practice prior to the enactment of the IIRIRA, in which noncitizens who were not deemed "arriving" were entitled to a custody hearing before an IJ or other hearing officer. See 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that section 1226(a) simply "restates" the detention authority previously found at section 1252(a)).

47. On July 8, 2025, DHS issued a memo to all employees of ICE stating that "[t]his message serves as notice that DHS, in coordination with the Department of Justice (DOJ), has revisited its legal position on detention and release authorities. DHS has determined that section 235 of the Immigration and Nationality Act (INA) [8 U.S.C. § 1225], rather than section 236 [8 U.S.C. § 1226], is the applicable immigration detention authority for all applicants for admission. The following interim guidance is intended to ensure immediate and consistent application of the Department's legal interpretation while additional operational guidance is developed." The memo further stated DHS' new position with regard to custody determinations as follows:

> An "applicant for admission" is an alien present in the United States who has not been admitted or who arrives in the United States, whether or not at a designated port of arrival. INA § 235(a)(1) [8 U.S.C. § 1225(a)(1)]. **Effective immediately, it is the position of DHS that such aliens are subject to detention under INA § 235(b) [8 U.S.C. § 1225(b)] and may not be released from ICE custody except by INA § 212(d)(5) parole.** These aliens are also ineligible for a custody redetermination hearing ("bond hearing") before an immigration judge and may not be released for the duration of their removal proceedings absent a parole by DHS. For custody purposes, these aliens are now treated in the same manner that "arriving aliens" have historically been treated. **The only aliens eligible for a custody determination and release on recognizance, bond, or other conditions under INA § 236(a) [8 U.S.C. § 1226(a)] during removal proceedings are aliens admitted to the United States and chargeable with deportability under INA § 237, with the exception of those subject to mandatory detention**

under INA § 236(c) [8 U.S.C. § 1226(c)].

> Moving forward, ICE will not issue Form I-286, Notice of Custody Determination, to applicants for admission because Form I-286 applies by its terms only to custody determinations under INA § 236 and part 236 of Title 8 of the Code of Federal Regulations. With a limited exception for certain habeas petitioners, on which the Office of the Principal Legal Advisor (OPLA) will individually advise, if Enforcement and Removal Operations (ERO) previously conducted a custody determination for an applicant for admission still detained in ICE custody, ERO will affirmatively cancel the Form I-286.
>
> *See* https://www.aila.org/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission (last accessed October 18, 2025) (emphasis original).

48. As a result, DHS now considers all noncitizens who have entered the United States without inspection and are subject to the grounds of inadmissibility, including long-time U.S. residents, to be subject to mandatory detention under section 1225(b) and ineligible for release on bond. Conversely, according to DHS "[t]he only aliens eligible for a custody determination and release on recognizance, bond, or other conditions under INA § 236(a) [8 U.S.C. § 1226(a)] during removal proceedings are aliens admitted to the United States and chargeable with deportability under INA § 237, with the exception of those subject to mandatory detention under INA § 236(c) [8 U.S.C. § 1226(c)]." *Id.*

49. Shortly thereafter, the Board of Immigration Appeals ("BIA") issued decisions reflecting the same interpretation. In Matter of Q. Li, 29 I&N Dec. 66 (BIA 2025) and Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025), the Board concluded that Immigration Judges lack bond authority over certain noncitizens present in the United States without admission because, in the Board's view, § 1225(b)(2)(A) mandates detention of such "applicants for admission" during removal proceedings.

50. Federal courts, however, have rejected DHS's attempt to reclassify noncitizens already placed in removal proceedings as subject to mandatory detention under § 1225(b). Courts have recognized that such individuals remain properly detained, if at all, under § 1226(a) and therefore retain

the statutory right to seek release on bond. See, e.g., *Bautista–Maldonado v. DHS*, holding that DHS may not retroactively convert individuals already in removal proceedings into § 1225(b) detainees in order to deny them access to bond.

51. Petitioner falls squarely within this framework. He entered the United States on October 26, 2023 and was placed in removal proceedings under 8 U.S.C. § 1229a. Shortly after his entry, DHS arrested him pursuant to Form I-200 but subsequently determined that detention was unnecessary and released him on his own recognizance ("ROR") subject to ATD monitoring and ICE reporting requirements. Because Petitioner was placed in removal proceedings and released under supervision, any subsequent detention is governed by 8 U.S.C. § 1226(a), which provides for discretionary detention and eligibility for release on bond.

52. Respondents nevertheless rely on DHS's July 8, 2025 guidance and the Board's recent decisions to claim that Petitioner is categorically subject to mandatory detention under § 1225(b) and therefore ineligible for a bond hearing. That interpretation conflicts with the statutory structure of the INA and unlawfully deprives Petitioner of the procedural protections guaranteed under § 1226(a).

53. The government's re-detention of Petitioner conflicts not only with the statutory structure of the INA, but also with fundamental due process protections governing the revocation of previously granted liberty.

54. Independent of the statutory violation, Petitioner's re-detention violates the Fifth Amendment's Due Process Clause because the government revoked his previously granted liberty without providing any pre-deprivation process.

55. DHS initially determined that detention was unnecessary and released Petitioner on his own recognizance subject to ATD supervision and periodic ICE reporting requirements. Petitioner relied on that release determination and complied fully with every condition imposed.

56. Once the government grants an individual liberty—particularly liberty granted through a government custody determination releasing Petitioner on recognizance under supervision and maintained for an extended period of time—that liberty interest cannot be revoked arbitrarily or without constitutionally adequate procedures.

57. The Supreme Court has long recognized that once the government grants conditional liberty, that liberty interest cannot be revoked without constitutionally adequate procedures. See *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972) (holding that revocation of parole requires due process protections because conditional liberty "includes many of the core values of unqualified liberty"). The same principle applies here. Petitioner's liberty—granted through DHS's custody determination releasing Petitioner on recognizance under supervision and relied upon for years—could not be revoked summarily without notice and an opportunity to be heard.

58. Courts have long recognized that when the government seeks to revoke previously granted liberty, due process ordinarily requires notice and an opportunity to be heard before a neutral decisionmaker prior to the deprivation. See *Mathews v. Eldridge*, 424 U.S. 319 (1976); *Fuentes v. Shevin*, 407 U.S. 67 (1972). These procedural protections are particularly critical where, as here, the government seeks to withdraw liberty that has already been conferred and relied upon by the individual.

59. Here, DHS provided no such process. On March 3, 2026, while working as a commercial truck driver, Petitioner stopped at a gas station to obtain coffee during the course of his delivery route. As Petitioner walked from his truck toward the gas station, an officer approached him and demanded identification.

60. DHS did not allege any violation of Petitioner's ATD conditions or ICE reporting requirements, any criminal conduct, or any changed factual circumstances that would justify revocation of Petitioner's liberty.

61. Instead, Petitioner's liberty was revoked solely because DHS adopted a new legal interpretation of detention authority based on its July 8, 2025 Interim Guidance and the Board's decisions in Matter of Yajure Hurtado and Matter of Q. Li.

62. Petitioner was provided no advance notice that his release status would be reconsidered, no opportunity to contest the legal basis for detention, and no hearing before a neutral decisionmaker prior to being taken into custody.

63. Revoking liberty that was previously granted by DHS through its custody determination releasing Petitioner on recognizance—after years of full compliance and without any alleged violation—based solely on a retroactive policy reinterpretation violates the core protections of the Fifth Amendment's Due Process Clause.

64. The government's revocation of Petitioner's liberty without any pre-deprivation process is particularly troubling where, as here, Petitioner had fully complied with all supervision conditions and had committed no violation that could justify detention. Courts have repeatedly recognized that when the government seeks to revoke conditional liberty previously granted through a custody determination, due process requires at minimum notice and an opportunity to be heard before the deprivation occurs. The government's decision to detain Petitioner summarily—based solely on a revised legal interpretation rather than any individualized conduct—cannot satisfy the Fifth Amendment.

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Substantive Due Process

65. The allegations in the above paragraphs are realleged and incorporated herein.

66. Petitioner challenges DHS's unlawful custody determination that he is subject to

mandatory detention under 8 U.S.C. § 1225(b) and ineligible for release on bond. Respondents' reliance on this interpretation—based on DHS's July 8, 2025 Interim Guidance and the Board of Immigration Appeals' decisions in Matter of Yajure Hurtado **and** Matter of Q. Li—has resulted in Petitioner's continued detention without access to a bond hearing.

67. The Fifth Amendment provides that no person shall "be deprived of life, liberty, or property, without due process of law." U.S. Const. amend. V. Freedom from physical restraint lies at the core of the liberty protected by the Due Process Clause. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

68. Petitioner entered the United States on October 26, 2023 and was briefly detained pursuant to Form I-200. Immigration authorities subsequently determined that detention was unnecessary and released Petitioner on his own recognizance subject to ATD monitoring and ICE reporting requirements. Petitioner fully complied with those conditions and remained at liberty while appearing for immigration proceedings.

69. On March 3, 2026, Respondents abruptly re-detained Petitioner while he was walking from his commercial truck toward a gas station during the course of his employment. Despite his long history of compliance, officers immediately detained him.

70. The re-detention was not based on any alleged violation of ATD supervision conditions or reporting requirements, any criminal conduct, or any changed factual circumstances. Instead, the detention was based solely on DHS's revised legal interpretation of detention authority.

71. If Petitioner is detained at all, the governing authority is 8 U.S.C. § 1226(a), which authorizes discretionary detention and provides for eligibility for release on bond. By categorically treating Petitioner as subject to mandatory detention under § 1225(b), Respondents have eliminated any individualized assessment of whether detention is necessary.

72. Continued detention under these circumstances—after years of liberty granted through DHS's prior custody determination releasing Petitioner under supervision and without any individualized findings—bears no reasonable relationship to a legitimate governmental purpose and therefore violates substantive due process.

73. Petitioner respectfully requests that the Court order his immediate release or, in the alternative, require Respondents to provide a prompt and constitutionally adequate bond hearing.

74. As a remedy, the Court should order Petitioner's immediate release. In the alternative, the Court should order Respondents to provide Petitioner with a prompt bond hearing before an Immigration Judge at which the government bears the burden of justifying continued detention.

COUNT TWO

Violation of Petitioner's Procedural Due Process Rights

75. The allegations in the above paragraphs are realleged and incorporated herein.

76. In *Mathews v. Eldridge*, the U.S. Supreme Court set forth the factors to consider in determining if government action deprives an individual's Fifth Amendment right to procedural due process or whether the government process is constitutionally adequate. 424 U.S. 319 (1976) The *Mathews* factors are as follows: First, the private interest that will be affected by the official action; [S]econd, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; Third, the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail. *Id.* at 335.

77. The risk of erroneous deprivation is substantial. DHS re-detained Petitioner without any individualized custody review, without alleging any violation or changed circumstance, and without affording him access to a bond hearing. The probable value of additional safeguards—namely, an

individualized bond hearing before a neutral adjudicator—is immense.

78. Procedural due process requires notice and a meaningful opportunity to be heard before the government deprives an individual of a protected liberty interest, except in extraordinary circumstances not present here.

79. Petitioner possessed a recognized liberty interest in remaining free from physical detention. That liberty interest was reinforced by DHS's prior decision to release him and permit him to remain at liberty under supervision for an extended period.

a. Respondents revoked that liberty on March 3, 2026 without providing:

a. advance notice that his release would be revoked;

b. any opportunity to contest the legal basis for detention;

c. an individualized custody determination; or

d. a pre-deprivation hearing before a neutral decisionmaker.

80. The re-detention was based solely on a change in agency interpretation, not on any alleged violation, changed circumstance, or individualized risk assessment.

81. Because Respondents revoked Petitioner's liberty without providing a pre-deprivation hearing and continue to deny him access to a meaningful custody determination, his detention violates procedural due process.

82. Petitioner respectfully requests an order directing Respondents to provide a prompt bond hearing before a neutral Immigration Judge at which the government bears the burden of justifying continued detention.

COUNT THREE

Violation of the Immigration and Nationality Act

83. The allegations in the above paragraphs are realleged and incorporated herein.

84. Petitioner was placed in removal proceedings under 8 U.S.C. § 1229a and released on his own recognizance subject to ATD monitoring and ICE reporting requirements. Under the statutory structure of the INA, detention in such proceedings is governed by 8 U.S.C. § 1226(a), absent a separate mandatory detention provision not applicable here.

85. Section 1226(a) authorizes discretionary detention and expressly permits release on bond. Nothing in the statute authorizes DHS to retroactively reclassify a noncitizen already placed in § 1229a proceedings and previously released under § 1226(a) as subject to mandatory detention under § 1225(b).

86. Respondents' categorical denial of bond eligibility and reliance on § 1225(b) exceed statutory authority and are contrary to law.

87. Because Petitioner's detention is not authorized by the INA, habeas relief under 28 U.S.C. § 2241 is warranted.

COUNT FOUR

Violation of the Administrative Procedure Act

88. The allegations above are incorporated herein.

89. This Court has jurisdiction under 28 U.S.C. § 1331 and 5 U.S.C. §§ 702 and 706 to review final agency action for which there is no other adequate remedy in a court.

90. DHS's determination that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b), and its re-detention of him on March 3, 2026 based solely on that interpretation, constitute final agency action within the meaning of 5 U.S.C. § 704. The custody determination is definitive, determines Petitioner's rights and obligations, and has immediate legal consequences—namely, his continued physical detention and categorical ineligibility for bond.

91. The Administrative Procedure Act directs courts to "hold unlawful and set aside agency

action" that is contrary to law; in excess of statutory jurisdiction, authority, or limitations; or arbitrary, capricious, or otherwise not in accordance with law. 5 U.S.C. § 706(2).

92. DHS's application of § 1225(b) to Petitioner—who was arrested pursuant to Form I-200 and subsequently released on recognizance under supervision and placed in removal proceedings under 8 U.S.C. § 1229a—is contrary to the structure and plain language of the Immigration and Nationality Act. Petitioner is subject, if at all, to detention under 8 U.S.C. § 1226(a), which authorizes discretionary detention and eligibility for release on bond.

93. By reclassifying Petitioner as subject to mandatory detention under § 1225(b), DHS has acted in excess of its statutory authority and effectively nullified the bond eligibility expressly provided under § 1226(a).

94. DHS's action is also arbitrary and capricious. The agency:

a. provided no individualized custody determination;
b. relied solely on a revised legal interpretation rather than any new conduct or changed factual circumstance;
c. disregarded Petitioner's longstanding compliance with ATD supervision and ICE reporting requirements; and
d. failed to account for the reliance interests created by its prior decision to release him and permit him to remain at liberty under supervision.

95. An agency must provide a reasoned explanation when it changes course, particularly where prior action has created reliance interests. DHS offered no individualized or reasoned explanation for reversing its earlier custody determination that detention was unnecessary.

96. Because Respondents' custody determination is contrary to law, in excess of statutory authority, and arbitrary and capricious, it must be set aside pursuant to 5 U.S.C. § 706(2).

97. Petitioner respectfully requests declaratory and injunctive relief vacating the unlawful custody determination and restoring his eligibility for release under 8 U.S.C. § 1226(a), including access to a bond hearing before an Immigration Judge.

PRAYER FOR RELIEF

Wherefore, Petitioner requests this Court to grant the following:

1. Assume jurisdiction over this matter;
2. Enjoin Respondents from transferring Petitioner during the pendency of the instant action;
3. Declare that Petitioner's continued detention violates the Immigration and Nationality Act, 8 U.S.C. § 1226(a); and/or the Fifth Amendment to the U.S. Constitution;
4. Order Petitioner's Immediate release from ICE custody; or
5. In the alternative, Order Respondents to provide Petitioner with an individualized bond hearing before an Immigration Judge within 7 days, at which the government bears the burden of justifying continued detention by clear and convincing evidence and must consider alternatives to detention.;
6. Grant Equal Access to Justice Act ("EAJA") fees and costs; and
7. Grant any other further relief this Court deems just and proper.

Respectfully,

/s/Gurpreet Kaur

Gurpreet Kaur, Esq.

Kaur Legal Group, PC
674 County Square Dr, Suite 305
Ventura, CA 93003
Ph. 805-300-9003; Cell 909-997-4570
Fax: 805-716-6100
E-mail: gurpreetkauresq@gmail.com

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

I represent Petitioner, and I submit this verification on his behalf. Because Petitioner is detained at the Imperial Regional Detention Center and immediate relief is sought, counsel verifies this petition on his behalf pursuant to 28 U.S.C. § 2242. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 12th day of March, 2026.

/s/Gurpreet Kaur
Gurpreet Kaur, Esq.