UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO

Civil Action No:

KARANDEEP SINGH,

Petitioner,

v.

JUAN BALTASAR, in his official capacity as Warden of the Denver Contract Detention Facility;
TODD M. LYONS, Acting Director of U.S. Immigration Customs Enforcement; and
ROBERT GUADIAN, Field Office Director of the Denver Field Office, U.S. Immigration and Customs Enforcement,

Respondents.

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

INTRODUCTION

1. Petitioner Karandeep Singh is in the physical custody of Respondents at the Denver Contract Detention Facility in Aurora, Colorado. He is a citizen of India and entered the United States on December 14, 2023, at or near Tecate, California. Petitioner was 22 years old at the time of entry. He was immediately apprehended by immigration authorities and was released on December 15, 2024, on an Order of Release on Recognizance "in accordance with section 236 of the Immigration and Nationality Act [8 U.S.C. § 1226]." Exhibit A, Order of Release

on Recognizance (OREC). His first hearing was scheduled for May 31, 2024, at the San Francisco Immigration Court. Exhibit B, Notice to Appear (NTA).

2. On February 24, 2026, Petitioner was apprehended by ICE while he was driving his truck in Wyoming. Thereafter, he was transported to the Denver Contract Detention Facility in Aurora, Colorado, where he is currently detained.

3. He now faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR) have concluded that Petitioner is subject to mandatory detention, despite initially detaining and releasing him under 8 U.S.C. § 1226(a).

4. Petitioner is charged with having entered the United States without admission or inspection. *See* 8 U.S.C. § 1182(a)(6)(A)(i); Ex. B.

5. Based on this charge of inadmissibility, DHS will not consider releasing Petitioner from immigration custody, consistent with a new DHS policy issued on July 8, 2025, instructing all ICE employees to consider anyone inadmissible under § 1182(a)(6)(A)(i)—i.e., those who entered the United States without admission or inspection—to be subject to detention under 8 U.S.C. § 1225(b)(2)(A) and, therefore, ineligible for release on bond.

6. Similarly, on September 5, 2025, the Board of Immigration Appeals (BIA or Board) issued a precedent decision, binding on all immigration judges,

holding that an immigration judge has no authority to consider bond requests for any person who entered the United States without admission. *See Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). The Board determined that such individuals are subject to detention under 8 U.S.C. § 1225(b)(2)(A) and, therefore, ineligible for release on bond.

7. Petitioner's detention on this basis violates the plain language of the Immigration and Nationality Act (INA). Section 1225(b)(2)(A) does not apply to individuals like Petitioner who previously entered and are now residing in the United States subject to a grant of conditional parole. Instead, such individuals are subject to a different statute, § 1226(a), that allows for release on conditional parole or bond. That statute expressly applies to people who, like Petitioner, are charged as inadmissible for having entered the United States without inspection and were subsequently released under an OREC.

8. The government's new legal interpretation is plainly contrary to the statutory framework and contrary to decades of agency practice applying § 1226(a) to people like Petitioner.

9. On February 18, 2026, the U.S. District Court for the Central District of California issued an order in a nationwide class action, vacating *Matter of Yajure Hurtado* as contrary to law and the Administrative Procedure Act. *See*

Bautista v. Santacruz, No. 5:25-CV-01873-SSS-BFM, 2026 WL 468284, at *12 (C.D. Cal. Feb. 18, 2026). While the Court may find the reasoning of *Bautista* persuasive, that decision does not have preclusive effect here because Petitioner was apprehended upon entry, released under an OREC, and therefore is not a *Bautista* class member. *See Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM, 2025 U.S. Dist. LEXIS 231977, at *4 (C.D. Cal. Nov. 25, 2025) (defining Bond Eligible Class).

10. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be immediately released from unlawful detention.

JURISDICTION

11. This action arises under the U.S. Constitution and the INA, 8 U.S.C. § 1101 *et seq.*

12. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the U.S. Constitution (the Suspension Clause).

13. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

14. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the U.S. District Court for the District of Colorado, the judicial district in which Petitioner currently is detained.

15. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are an employees, officers, or agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the District of Colorado.

REQUIREMENTS OF 28 U.S.C. § 2243

16. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

17. Habeas corpus is "perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). "The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application." *Yong v. I.N.S.*, 208 F.3d 1116,

1120 (9th Cir. 2000) (citation omitted).

PARTIES

18. Petitioner Karandeep Singh is a native and citizen of India. He entered the United States without inspection in December 2023 and was immediately apprehended by immigration authorities. The following day, DHS released him on his own recognizance in accordance with § 1226(a). On February 24, 2026, ICE apprehended him while he was driving his truck in Wyoming. Since that time, he has been continuously detained at Denver Contract Detention Facility in Aurora, CO. Petitioner is in custody and under the direct control of Respondents.

19. Respondent Juan Baltazar is the Warden of the Denver Contract Detention Facility, where Petitioner is detained. Respondent Baltazar has immediate physical custody of Petitioner and he is sued in his official capacity.

20. Robert Guadian, Field Office Director of the Denver Field Office, U.S. Immigration and Customs Enforcement. As such, he is a legal custodian of Petitioner, is responsible for Petitioner's detention and removal, and has authority to release him.

21. Respondent Todd M. Lyons is the Acting Director of ICE, which is the federal agency responsible for implementing and enforcing the INA, including

the detention and removal of noncitizens. Respondent Lyons has control over the actions of Respondent Director of the Phoenix Field Office for ICE and ICE in general. Respondent Lyons is a legal custodian of Petitioner and is sued in his official capacity.

LEGAL FRAMEWORK

Statutory Authority for Immigration Detention

22. The INA prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings.

23. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an immigration judge (IJ). *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally 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).

24. 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 § 1225(b)(2).

25. Last, the INA also provides for detention of noncitizens who have been ordered removed, including individuals in withholding-only proceedings, *see*

8 U.S.C. § 1231(a)–(b).

26. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

27. The detention provisions at § 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 last year by the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025).

28. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under § 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).

29. Thus, in the decades that followed, most people who entered without inspection and were placed in standard removal proceedings received bond hearings, unless their criminal history rendered them ineligible pursuant to 8 U.S.C. § 1226(c). That practice was consistent with many more decades of prior practice, 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 § 1226(a) simply "restates" the detention authority previously found at § 1252(a)).

30. On July 8, 2025, ICE, "in coordination with" DOJ, announced a new policy that rejected well-established understanding of the statutory framework and reversed decades of practice.

31. The new policy, entitled "Interim Guidance Regarding Detention Authority for Applicants for Admission," claims that all persons who entered the United States without inspection shall now be subject to mandatory detention under § 1225(b)(2)(A). The policy applies regardless of when a person is apprehended or how they were released from initial detention, and affects those who have resided in the United States for months, years, and even decades.

32. On September 5, 2025, the BIA adopted this same position in a published decision, *Matter of Yajure Hurtado*. There, the Board held that all noncitizens who entered the United States without admission or parole are subject to detention under § 1225(b)(2)(A) and are ineligible for IJ bond hearings.

33. Since the government adopted its new position, this Court and many others have rejected the government's new interpretation of the INA's detention authorities and the BIA's reasoning in *Matter of Yajure Hurtado*, which adopts the

same reasoning in DHS's policy. *See, e.g., Sparsh Singh v. Bondi,* No. 26-cv-00497, 2026 U.S. Dist. LEXIS 36589, at *2 (D. Colo. Feb 23, 2026) (Chung, Mag. J.) (collecting cases); *Singh v. Baltazar*, No. 26-cv-00336, 2026 U.S. Dist. LEXIS 26444, at *4 (D. Colo. Feb 9, 2026) (Sweeney, J.); *Merchan-Pacheo v. Noem*, No. 25-cv-03860; 2026 U.S. Dist. LEXIS 549, at *35 (D. Colo. Jan. 12, 2026) (Prose, J.); *Rico v. Baltazar*, No. 25-cv-03943, 2025 U.S. Dist. LEXIS 259962, at *4 (D. Colo. Dec. 16, 2025), (Sweeney, J.); *Echevarria v. Bondi*, No. CV-25-03252, 2025 U.S. Dist. LEXIS 196174, at *9 (D. Ariz. Oct. 3, 2025) (Lanza, J.) (collecting cases); *Gomez v. Doe*, No. CV 25-03255, 2025 U.S. Dist. LEXIS 230946, at *16 (D. Ariz. Nov. 3, 2025) (Bibles, J.); *see also Patel v. McShane*, No. 25-5975, 2025 U.S. Dist. LEXIS 228258, at *1 (E.D. Pa. Nov. 20, 2025) (noting "at least 282" recent district court decisions rejecting the government's interpretation of § 1225); *Mendes v. Hyde*, No. 25-cv-627-JJM-AEM, 2025 U.S. Dist. LEXIS 251341, at *1–2 (D.R.I. Dec. 5, 2025) (emphasizing that "[a]t least 225 judges have ruled in more than 700 cases" rejecting DHS's interpretation of § 1225(b)(2)) (citation omitted).

34. Courts have uniformly rejected DHS's and EOIR's new interpretation because it defies the INA. As this Court and others have explained, the plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to

people like Petitioner. *See, e.g.*, *Singh v. Baltazar*, 2026 U.S. Dist. LEXIS 26444, at * 14-15. Section 1226(a) applies by default to all persons "pending a decision on whether the [noncitizen] is to be removed from the United States." 8 U.S.C. § 1226(a). These removal hearings are held under § 1229a, to "decid[e] the inadmissibility or deportability of a[] [noncitizen]." *See id.* § 1229a(a)(1)

35. The text of § 1226 also explicitly applies to people charged as being inadmissible, including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)'s reference to such people makes clear that, by default, such people are afforded a bond hearing under subsection (a). As one district court explained, "[w]hen Congress creates 'specific exceptions' to a statute's applicability, it 'proves' that absent those exceptions, the statute generally applies." *Vazquez v. Bostock*, No. 3:25-cv-05240-TMC, 2025 U.S. Dist. LEXIS 193611, at *52 (W.D. Wash. Sep. 30, 2025) (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)).

36. Section 1226 therefore leaves no doubt that it applies to people who face charges of being inadmissible to the United States, including those who are present without admission or parole.

37. Critically, DHS's treatment of Petitioner confirms that only § 1226(a) governs his detention. DHS released Petitioner on his own recognizance and

issued him an OREC that expressly states that his release was in accordance with § 1226. ICE then detained Petitioner more than two years later as he complied with the terms of release.

38. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who recently entered the United States. The statute's entire framework is premised on inspections at the border of people who are "seeking admission" to the United States. 8 U.S.C. § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme applies "at the Nation's borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible." *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018). Simply put, "§ 1225 applies to *arriving* noncitizens seeking admission, while § 1226 applies to noncitizens like Petitioner who are already present in the United States." *Merchan-Pacheo*, 2026 U.S. Dist. LEXIS 5493, at *30.

39. While most courts agree that interpreting §§ 1226 and 1225 this way is consistent with the statutory framework, recently the Fifth Circuit agreed with the government's interpretation, finding that the term "applicant for admission" necessarily includes "seeking admission" regardless of length of presence in the United States, subjective intent, or whether apprehension occurred as part of the

inspection and screening framework established in § 1225. *Buenrostro-Mendez v. Bondi*, 166 F.4th 494, 498 (5th Cir. 2026).

40. The Court should decline to follow the Fifth Circuit's reasoning in *Buenrostro*, as that decision is not binding on this Court. *See Singh v. Baltazar*, 2026 U.S. Dist. LEXIS 26444, at *6-7 (noting *Buenrostro* is "at most persuasive" but not binding). In addition, another Circuit has indicated disagreement with *Buenrostro's* holding. *Id.* at *7 (citing *Castanon-Nava v. U.S. Dep't of Homeland Sec.*, 161 F.4th 1048, 1061 (7th Cir. 2025). Critically, *Buenrostro* is inapposite here because unlike the petitioners in that case who were not apprehended at the border, Petitioner was apprehended upon entry and released on his own recognizance. *See Buenrostro-Mendez*, 166 F.4th at 498. Another important point is that Petitioner raises a due process challenge to his detention, whereas the *Buenrostro* court only addressed the statutory basis for § 1225 detention and did not reach the due process question. *See generally id.*

41. Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does not apply to people like Petitioner, who have already entered under a valid grant of conditional parole and were residing in the United States at the time they were re-detained.

Due Process Principles

42. Liberty from immigration custody is protected by the Due Process Clause: "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). "[T]he Due Process Clause applies to all "persons" within the United States, including aliens, whether their presence here is lawful unlawful, temporary, or permanent." *Id.* at 693.

43. The Supreme Court reemphasized the well-established rule that noncitizens, even those without legal status, are entitled to due process of law requiring "notice and an opportunity to be heard." *Trump v. J.G.G.*, 604 U.S. 670, 673 (2025).

44. Re-detention without any notice or opportunity to be heard violates an individual's due process rights. *Pinchi v. Noem*, 792 F. Supp. 3d 1025, 1032 (N.D. Cal. 2025) ("even when ICE has the initial discretion to detain or release a noncitizen pending removal proceedings, after that individual is released from custody she has a protected liberty interest in remaining out of custody.")

45. Petitioner retained a significant liberty interest under the Due Process Clause of the Fifth Amendment in avoiding detention. *See Young v. Harper*, 520 U.S. 143, 146-47 (1997); *Morrissey v. Brewer*, 408 U.S. 471, 482-483 (1972). For

more than two years, Petitioner exercised his freedom under the OREC issued by DHS in 2023. He lived in his community while his removal proceedings were pending, complied with the conditions of his release, and was permitted to seek relief from removal.

46. Petitioner's situation is materially indistinguishable from the parolee in *Morrissey*: he lived at home, worked lawfully, and was free to "form the other enduring attachments of a normal life." *Morrissey*, 408 U.S. at 482. He relied on "an implicit promise that parole [would] be revoked only if he fail[ed] to live up to the parole conditions." *Id.*; *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 969 (N.D. Cal. 2019) (holding individual re-detained after release on bond had a liberty interest in remaining out of custody).

47. Courts evaluate the procedural protections required using the *Mathews v. Eldridge* factors which consider: (1) the private interest affected; (2) the risk of erroneous deprivation and probable value of additional safeguards; and (3) the government's interest, including fiscal and administrative burdens. 424 U.S. 319, 335 (1976).

48. Being free from physical detention is "the most elemental of liberty interests." *Hamdi v. Rumsfeld*, 542 U.S. 507, 529, (2004). Individuals have a liberty interest in their continued freedom and this principle has been reinforced

by both the Supreme Court and district courts on many occasions. *See, e.g.*, *Young*, 520 U.S. at 152 (holding that individuals placed in a pre-parole program have a protected liberty interest pre-deprivation due process); *Pinchi*, 792 F. Supp. 3d at 1033; *Ortega*, 415 F. Supp. 3d at 969 (emphasizing that like "people on preparole, parole, and probation" immigration detainees have a liberty interest in remaining released); *Hurd v. District of Columbia,* 864 f.3D 671, 683 (D.C. Cir. 2017) ("a person who is in fact free of physical confinement – even if that freedom is lawfully revocable – has a liberty interest that entitles him to constitutional due process before he is re-incarcerated") (citing *Young*, 520 U.S. at 152, *Gagnon*, 411 U.S. at 782, and *Morrissey*, 408 U.S. at 482).

49. The risk of erroneous deprivation to Petitioner is high. DHS and the BIA have employed an impermissibly broad reading of 8 U.S.C. § 1225, which forecloses any opportunity for Petitioner to receive a bond hearing to determine whether his re-detention is justified. *See A.E. v. Andrews*, No. 1:25-cv-00107-KES-SKO (HC), 2025 U.S. Dist. LEXIS 94233, at *11 (E.D. Cal. May 15, 2025) (finding the second *Mathews* factor weighed in petitioner's favor because he had not received any bond or custody redetermination hearing).

50. Civil immigration detention must be "nonpunitive in purpose and effect" and is only justified when a noncitizen presents a risk of flight or danger to

the community. *Zadvydas*, 533 U.S. at 690. Significantly, where DHS already determined that Petitioner does not pose a danger or a flight risk, his re-detention without notice, a hearing, or any individualized assessment before DHS revoked his release, presents an evident risk of erroneous deprivation of Petitioner's liberty interest. *See, e.g.*, *Shoimov v. Chestnut*, No. 1:25-cv-1603 CSK, 2026 U.S. Dist. LEXIS 1824, at *17 (E.D. Cal. Jan. 6, 2026) (Kim, J.).

51. While the government has an interest in ensuring that noncitizens appear at their removal proceedings and are not a danger to the community, this interest is low when compared to Petitioner's significant liberty interest. *Ortega*, 415 F. Supp. 3d at 970 (holding that government interest in re-detention "without a hearing before an IJ is low.") DHS already determined in 2023 that Petitioner was neither dangerous nor a flight risk and released him according to that determination. *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1176 (N.D. Cal. 2017), *aff'd* 905 F.3d 1137 (9th Cir. 2018). Petitioner has no criminal history, and he fully complied with the terms of his release. Outside of the government's incorrect interpretation of § 1225, nothing has changed to warrant Petitioner's detention. Affording Petitioner notice and a pre-deprivation hearing where he could have presented evidence to support his continued release on recognizance would have imposed only a minimal burden and cost on the government because DHS and the

Immigration Courts frequently perform these reviews for individuals in detention. *See* 8 C.F.R. § 1236.1(d)(1).

52. Because ICE stripped Petitioner of his freedom without any procedure, his current detention violates due process and is unlawful, and he is entitled to immediate release.

FACTS

53. Petitioner Karandeep Singh is 24 years old and has resided in the United States since DHS granted him conditional parole on December 15, 2023. Ex. A. Prior to his recent detention, he was living in [redacted] California.

54. On February 24, 2026, ICE apprehended him while he was driving his truck in Wyoming and transferred him to the Denver Contract Detention Facility. Petitioner has been in ICE custody since that time.

55. By releasing Petitioner on conditional parole and giving him an OREC, DHS created a reasonable expectation in Petitioner that he would be permitted to remain free without being subject to arbitrary arrest. *Perry v. Sindermann*, 408 U.S. 593, 601–03 (1972) (reliance on policies and practices may establish a legitimate claim of entitlement to a constitutionally-protected interest).

56. Petitioner is currently in standard removal proceedings before the Aurora Immigration Court pursuant to 8 U.S.C. § 1229a. ICE has charged

Petitioner with being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who entered the United States without inspection. *See* Ex. B. Petitioner's first hearing in immigration court was originally scheduled for May 31, 2024. *Id.*

57. Petitioner has no criminal history, and he is neither a flight risk nor a danger to the community—as the government necessarily determined when it granted Petitioner conditional parole. *Saravia,* 280 F. Supp. 3d at 1176 ("[r]elease reflects a determination by the government that the noncitizen is not a danger to the community or a flight risk.") When Petitioner was detained in February 2026, there were no changed circumstances with respect to flight risk and dangerousness. He worked with valid employment authorization as a truck driver, and he was actively complying with the terms of his release, just as he had previously done.

58. Although many judges have issued hundreds of decisions holding that § 1226 applies to individuals similarly-situated to Petitioner, the government seemingly ignores the courts' sound reasoning and continues to misapply § 1225. At the same time, IJs continue to deny bond based on *Matter of Yajure Hurtado*.

59. Petitioner remains in unlawful detention because the government applies an impermissibly broad reading of § 1225 to him. Additionally, Petitioner's detention is unlawful because ICE revoked his conditional

parole—granted in accordance with § 1226(a)—and arrested Petitioner without affording him any procedural protections as required by law and the Due Process Clause of the Fifth Amendment.

60. Without relief from this court, Petitioner faces the prospect of months, or even years, in immigration custody, separated from his community.

CLAIMS FOR RELIEF

COUNT I

Violation of the INA | Statutory Misclassification Under 8 U.S.C. § 1225

61. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

62. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. As relevant here, it does not apply to those who were residing in the United States pursuant to a grant of conditional parole under § 1226(a) at the time of arrest.

63. The Court should reject any argument that Petitioner falls under § 1225(b)(1) or (b)(2) on the basis that he is an "applicant for admission" or was paroled at a port of entry because such arguments ignore that DHS released Petitioner under § 1226(a) and that Petitioner has an established liberty interest

from his time living freely in the United States.

64. DHS re-detained Petitioner without notice or individualized assessment as to his dangerousness or flight risk, despite DHS's previous determination that Petitioner posed neither.

65. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and violates the INA. *See Gomez*, 2025 U.S. Dist. LEXIS 230946, at *20 (collecting cases where courts have found that § 1225 does not govern detention of an individual released on recognizance).

66. Accordingly, Petitioner's detention is properly governed by § 1226(a), and he is entitled to immediate release under that provision because DHS failed to provide him notice or a pre-deprivation hearing before revoking his release on his own recognizance.

COUNT II

Violation of Fifth Amendment Due Process

67. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

68. The Due Process Clause of the Fifth Amendment forbids the government from depriving any "person" of liberty "without due process of law." U.S. Const. amend. V. The Supreme Court has long-established that noncitizens

are afforded due process rights. *Reno v. Flores*, 507 U.S. 292, 306 (1993); *Zadvydas*, 533 U.S. at 690.

69. To determine whether civil detention violates an individual's due process rights, courts apply the three-part test set forth in *Mathews v. Eldridge,* 424 U.S. 319 (1976).

70. Petitioner has a fundamental interest in liberty and being free from official restraint. He acquired a protected liberty interest in his freedom for more than two years he remained out of ICE custody.

71. The government's assertion of the wrong detention authority and revocation of Petitioner's release on recognizance without any process presents a significant risk of erroneous deprivation of Petitioner's liberty interest. The government's position lacks support in the plain text of the INA and contravenes longstanding interpretation and prevailing case law.

72. The government's detention of Petitioner without a bond redetermination hearing to determine whether he is a flight risk or danger to others violates his right to due process.

73. Any appeal to the BIA would be futile because the BIA has adopted the same erroneous interpretation of the law as DHS. In essence, Petitioner has no meaningful opportunity, outside of this Petition, to challenge the fact of his

detention based on an incorrect reading of the law or his unjustified detention after being at liberty for several months before ICE detained him at his check-in.

74. There is no significant governmental interest in keeping Petitioner detained. To the extent that the government has an interest in ensuring Petitioner is not a danger and will appear at future immigration hearings, DHS already made that determination and released Petitioner pursuant to § 1226(a) in December 2023. Petitioner has complied with the terms of his release, and has no criminal history.

75. The government's interest and any administrative burden in providing Petitioner with procedural due process prior to revoking his release and detaining him is low.

76. Petitioner's continued detention without procedural due process amounts to a serious deprivation of his constitutional rights and violates the Due Process Clause of the Fifth Amendment. *See Merchan-Pacheo*, 2026 U.S. Dist. LEXIS 5493, at *44-50 (holding automatic stay regulation violates petitioner's procedural due process rights under and finding *Mathews* factors weighed in petitioner's favor.)

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

a. Assume jurisdiction over this matter;

a. Order that Petitioner shall not be transferred outside the U.S. District Court for the District of Colorado while this habeas petition is pending;

a. Issue an Order to Show Cause ordering Respondent to show cause why this Petition should not be granted within three days;

a. Issue a Writ of Habeas Corpus requiring Respondent to release Petitioner immediately;

a. Order that Respondent may not impose any additional conditions of release or supervision not previously imposed by DHS in connection with Petitioner's 2023 Order of Release on Recognizance;

b. Order that Respondent is enjoined and restrained from re-detaining Petitioner unless the government demonstrates, by clear and convincing, evidence at a pre-deprivation bond hearing before a neutral decisionmaker, that Petitioner is a flight risk or danger to the community, such that his physical detention is legally justified;

a. Order Respondent to file a Notice of Compliance within seven days of the Court's order;

a. Award Petitioner's attorney's fees and costs under the Equal Access

to Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and

a. Grant any other and further relief that this Court deems just and proper.

Date: March 13, 2026

Respectfully submitted,

/s/ Patricia Castillo Flanagan
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Counsel for Petitioner

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

I represent Petitioner, Karandeep Singh, and submit this verification on his behalf. I verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus and the documents submitted in support thereof are true and correct to the best of my knowledge.

Dated this 13h Day of March 2026.

s/Patricia Castillo Flanagan
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