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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO

JATINDER SINGH

Petitioner,

v.

JUAN BALTASAR, Warden of the Denver Contract Detention Facility; 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 No. 1:26-cv-01126-NYW

PETITIONER'S MOTION TO ENFORCE HABEAS ORDER AND FOR IMMEDIATE RELEASE

Petitioner, through counsel, respectfully moves this Court to enforce its prior habeas order requiring a constitutionally compliant bond hearing and to order Petitioner's immediate release.

I. INTRODUCTION

This Court ordered that Petitioner receive a bond hearing at which the government bears the burden of proving, by clear and convincing evidence, that continued detention is justified. That order was not followed.

At the bond hearing, the Department of Homeland Security presented no evidence that Petitioner posed a danger to the community, and the Immigration Judge did not find dangerousness. Respondents likewise presented no evidence that Petitioner had ever failed to appear for any immigration hearing, failed to comply with ICE reporting obligations, absconded from supervision, violated any release condition, or otherwise demonstrated noncompliance with immigration authorities.

Instead, Respondents relied almost entirely on two documents: (1) a Form I-213; and (2) a prior removal order currently pending on appeal before the Board of Immigration Appeals ("BIA"). Despite the complete absence of evidence demonstrating any likelihood of future nonappearance, the Immigration Judge denied bond on the basis of "extreme flight risk."

This was not a discretionary evidentiary weighing. It was a failure to apply the burden this Court expressly imposed.

Petitioner, by contrast, submitted approximately 97 pages of documentary evidence demonstrating substantial family ties, stable employment, sponsorship, proof of address, tax records, community support, and extensive evidence establishing that he is neither a danger nor a flight risk.

Because Respondents failed to satisfy their burden under this Court's order and because the resulting custody determination rests on speculation rather than evidence, continued detention is unlawful and immediate release is required.

II. THE COURT RETAINS AUTHORITY TO ENFORCE ITS HABEAS ORDER

This Court retains jurisdiction to enforce compliance with its prior habeas order and to ensure that the relief it granted is not rendered meaningless.

It is well established that federal courts possess inherent authority to enforce their own orders. See *Shillitani v. United States*, 384 U.S. 364, 370 (1966) (courts have inherent power to enforce compliance with their lawful orders). That principle applies with full force in the habeas context, where the effectiveness of the writ depends on the court's ability to ensure that its directives are meaningfully implemented.

In immigration detention cases, federal courts retain habeas jurisdiction to ensure that continued detention complies with constitutional requirements and with the terms of prior habeas relief. See Palma-Salazar v. Davis, 677 F.3d 1031, 1035 (10th Cir. 2012) ("A petition under 28 U.S.C. § 2241 attacks the execution of a sentence rather than its validity and must be filed in the district where the prisoner is confined."). Habeas jurisdiction extends to challenges alleging unlawful executive detention and constitutionally deficient custody procedures.

This Court therefore retains authority to determine whether Respondents complied with its prior order requiring a constitutionally adequate bond hearing at which the government bears the burden of proving, by clear and convincing evidence, that continued detention is justified.

Consistent with longstanding habeas principles, this Court's authority includes ensuring that its prior order was meaningfully implemented in substance—not merely performed as a procedural formality.

Nor does 8 U.S.C. § 1226(e) deprive this Court of jurisdiction. While § 1226(e) limits review of discretionary custody determinations, it does not preclude review of constitutional or legal challenges concerning whether detention procedures complied with due process or with this Court's habeas order.

Petitioner does not ask this Court to reweigh evidence or substitute its judgment for that of the Immigration Judge. Rather, Petitioner seeks enforcement of this Court's order requiring Respondents to justify detention through constitutionally adequate procedures and proof by clear and convincing evidence.

Where the government fails to meet its burden and detention nevertheless continues, the resulting custody is unlawful and subject to habeas relief.

Allowing Respondents to satisfy this Court's order through a proceeding unsupported by evidence would reduce the Court's habeas relief to a procedural formality rather than a meaningful constitutional safeguard.

III. RESPONDENTS FAILED TO COMPLY WITH THE COURT'S ORDER

Respondents did not comply with this Court's order requiring a constitutionally valid bond hearing at which the government bears the burden of justifying detention.

At the bond hearing, Respondents failed to present any evidence that Petitioner posed a flight risk.

Specifically, Respondents submitted only two categories of evidence: (1) a Form I-213; and (2) the Immigration Judge's prior asylum/removal order. Neither document constitutes evidence that Petitioner is likely to abscond or fail to appear for future proceedings.

The Form I-213 merely contains biographical and immigration history information and references Petitioner's apprehension following a traffic accident. It contains no allegation whatsoever that Petitioner ever failed to appear for immigration proceedings, failed to comply with ICE reporting obligations, violated any order of supervision, absconded from authorities, or otherwise demonstrated noncompliance with immigration authorities.

Likewise, the prior removal order—which remains pending on appeal before the BIA—does not establish flight risk. The existence of a non-final removal order under appellate review does not constitute clear and convincing evidence that a noncitizen will flee future proceedings.

If the mere existence of a pending removal order were sufficient to establish flight risk, every detained noncitizen pursuing appellate review could categorically be deemed a flight risk, thereby eliminating the individualized custody determination required by due process.

Indeed, the Immigration Judge relied almost entirely on the existence of the appealed removal order and prior asylum findings in concluding that Petitioner presented an "extreme flight risk." But Respondents presented no evidence connecting those findings to any actual likelihood of nonappearance.

Respondents presented no evidence that Petitioner ever missed an immigration hearing; Petitioner ever failed to comply with ICE reporting requirements; Petitioner ever absconded from supervision; Petitioner ever violated conditions of release; Petitioner ever failed to appear for any ICE appointment; or Petitioner ever attempted to evade immigration authorities.

By contrast, Petitioner submitted approximately 97 pages of documentary evidence demonstrating substantial community ties, stable employment, family support, sponsorship evidence, proof of address, tax records, and extensive letters from family members, employers, friends, neighbors, and community members establishing that he is neither a danger nor a flight risk.

Petitioner's submissions included identity documents; employment verification and tax records; proof of address; sponsor affidavits and financial documentation; community support letters; religious community support; and numerous declarations from family members and friends willing to ensure Petitioner's appearance at all future proceedings.

That support was not merely theoretical. On the day of the bond hearing, the courtroom was filled with family members and community supporters who personally appeared on Petitioner's behalf,

underscoring the depth of Petitioner's ties and the strong support network ensuring compliance with any conditions of release.

Respondents offered nothing to rebut this evidence. This is not a case where the Court is asked to reweigh competing evidence. There was no competing evidence.

The issue before this Court is not whether the Immigration Judge could theoretically infer flight risk from an adverse asylum ruling. The issue is whether Respondents satisfied this Court's order requiring proof by clear and convincing evidence. They did not.

Clear and convincing evidence requires more than speculation, generalized assumptions, or categorical inferences drawn from immigration status or the existence of a pending appeal. It requires evidence showing that this particular Petitioner is likely to flee.

Respondents produced none.

The constitutional deficiency here is particularly significant given the heightened burden this Court imposed. The "clear and convincing evidence" standard is reserved for situations involving particularly weighty liberty interests and reflects the Constitution's demand for heightened reliability before physical liberty may be restrained. See Addington v. Texas, 441 U.S. 418, (1979).

Yet here, Respondents presented no evidence demonstrating any likelihood that Petitioner would fail to appear for future proceedings or ICE appointments. Continued detention under these circumstances cannot satisfy due process.

Because Respondents failed to present evidence sufficient to satisfy their burden, and because the Immigration Judge nevertheless denied bond on a ground unsupported by evidence, the hearing did not comply with this Court's order and did not satisfy due process.

IV. A NEW BOND HEARING IS NOT THE APPROPRIATE REMEDY

Respondents may argue that any defect can be cured through a new bond hearing. That argument should be rejected.

This Court ordered a constitutionally compliant hearing at which the government bears the burden of proving that continued detention is justified. Respondents were afforded a full and fair opportunity to satisfy that burden—and failed to do so.

Nor can Respondents credibly claim that additional evidence exists but was unavailable at the time of the hearing. The government had a full opportunity to gather and present evidence relevant to flight risk. Instead, Respondents chose to rely solely on the I-213 and a removal order currently pending on appeal before the BIA.

Allowing Respondents a second opportunity to supplement the record after failing to satisfy their burden would fundamentally undermine the purpose of this Court's habeas order. The Court did not order an advisory or provisional hearing. It ordered a constitutionally compliant hearing at which the government bears the burden of proof.

Respondents failed to satisfy that burden.

At the hearing, the government presented no evidence of flight risk, yet Petitioner was nonetheless denied bond on that very ground. This was not a technical defect—it was a complete failure of proof. Allowing Respondents a second opportunity to justify detention would improperly reward noncompliance with this Court's order and would permit the government to effectively receive a "do-over" after failing to satisfy its constitutional obligations.

The record is complete. Respondents chose not to present evidence demonstrating flight risk. Petitioner, by contrast, presented substantial unrebutted evidence establishing deep ties to the United States, stable employment, community support, and willingness to comply with all future proceedings. There is nothing left to cure through another hearing.

V. IMMEDIATE RELEASE IS REQUIRED

Immediate release is required because the constitutional and procedural defects in Petitioner's detention are complete, unrebutted, and incapable of cure through further proceedings.

First, this Court's order was not followed. The Court required a bond hearing at which the government bears the burden of proving, by clear and convincing evidence, that detention is justified. A proceeding in which the government presents no evidence on the dispositive issue—yet nevertheless prevails—is not compliance.

Second, the government failed to satisfy its burden. Respondents presented no evidence demonstrating dangerousness and no evidence demonstrating an actual likelihood of future nonappearance.

Third, the resulting detention is unconstitutional. The constitutional defect is especially pronounced because the Immigration Judge's finding of "extreme flight risk" rested entirely on speculative inferences drawn from a removal order that is not administratively final and remains pending on appeal before the BIA. To hold otherwise would effectively penalize noncitizens for pursuing lawful appellate review expressly authorized by Congress.

Critically, Respondents presented no evidence of any past failure to appear, any missed reporting requirement, any violation of supervision, or any conduct suggesting Petitioner would fail to appear for future proceedings or ICE appointments.

The complete absence of such evidence is fatal under the burden this Court imposed.

Due process does not permit detention based on speculation, conjecture, or assumptions untethered to evidence. Yet that is precisely what occurred here.

Here, Respondents failed to establish through evidence that Petitioner's continued detention serves any legitimate regulatory purpose. Instead, detention continues despite the government's failure to satisfy the burden this Court expressly imposed.

Due process does not permit continued detention based on unsupported assumptions or speculative inferences untethered to actual evidence of flight risk. Taken together, these failures leave no gap for further proceedings to fill. The constitutional violation has already occurred, and the evidentiary record is complete.

Petitioner submitted substantial unrebutted evidence establishing strong community ties, stable employment, sponsorship, and support ensuring compliance with any future proceedings, while Respondents presented nothing demonstrating actual flight risk.

Once Respondents failed to satisfy their burden at the ordered bond hearing, continued detention ceased to be regulatory and became arbitrary. The Constitution does not permit continued physical confinement under those circumstances.

Under these circumstances, the only remedy that gives effect to this Court's order and the Constitution is immediate release.

Any lesser remedy would prolong unlawful detention, reward Respondents' failure to comply with their burden, and reduce this Court's prior order to a procedural formality rather than a meaningful safeguard of liberty.

VI. CONCLUSION

Petitioner respectfully requests that this Court:

1. Find that Respondents failed to comply with the Court's habeas order;
2. Hold that the bond hearing was constitutionally deficient;

3. Order Respondents to immediately release Petitioner from custody under reasonable conditions of supervision, if any; and

4. Grant any additional relief the Court deems just and proper.

Respectfully submitted,

/s/ Gurpreet Kaur
Gurpreet Kaur, Esq.
Attorney for Petitioner

Dated this 20th day of May, 2026.