

Chief Magistrate Judge Theresa L. Fricke

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

GAGANDEEP SINGH,

Petitioner,

v.

TODD BLANCHE, *et al.*,<sup>1</sup>

Respondents.

Case No. 2:26-cv-00962-TLF

FEDERAL RESPONDENTS'  
RETURN MEMORANDUM

Noted for Consideration:  
April 13, 2026

**I. INTRODUCTION**

U.S. Immigration and Customs Enforcement (ICE) detains Petitioner Gagandeep Singh, a noncitizen subject to an administratively final order of removal, pursuant to 8 U.S.C. §1231. Petitioner brings this habeas litigation pursuant to 28 U.S.C. § 2241 to challenge the lawfulness of his immigration detention.

<sup>1</sup> Pursuant to Fed. R. Civ. P. 25(d), Federal Respondents substitute Acting United States Attorney General Todd Blanche for Pamela Bondi.

Pursuant to Fed. R. Civ. P. 25(d), Federal Respondents substitute Department of Homeland Security Secretary Markwayne Mullin for Kristi Noem.

Pursuant to Federal Rule of Civil Procedure 25(d), Federal Respondents substitute Julio Hernandez for Laura Hermosillo.

Respondent Bruce Scott is not a Federal Respondent and is not represented by the U.S. Attorney's Office.

Pursuant to this Court's Order (Dkt. No. 3), Federal Respondents submit the following factual background as contained in the records of Petitioner's immigration case and as set forth in the Declaration of Deportation Officer Anthony Rosa (Rosa Decl.), as well as the relevant detention authority. Federal Respondents do not believe that an evidentiary hearing is necessary.

## II. DETENTION AUTHORITIES

The Immigration and Nationality Act (INA) governs the detention and release of aliens during and following their removal proceedings. *See Johnson v. Guzman Chavez*, 594 U.S. 523, 527-29 (2021). The general detention periods are generally referred to as "pre-order" (meaning before the entry of a final order of removal) and "post-order" (meaning after the entry of a final order of removal). *Compare* 8 U.S.C. § 1226 (authorizing pre-order detention) *with* § 1231(a) (authorizing post-order detention).

When a final order of removal has been entered, a noncitizen enters a 90-day "removal period." 8 U.S.C. § 1231(a)(1). Congress has directed that the Secretary of Homeland Security "shall remove the alien from the United States." *Id.* To ensure an alien's presence for removal and to protect the community from noncitizens who may present a danger, Congress mandated detention during the "removal period," which is the 90-day period following the issuance of a final order of removal. 8 U.S.C. § 1231(a)(2).

Section 1231(a)(6) authorizes ICE to continue detention of noncitizens after the expiration of the removal period. Unlike Section 1231(a)(2), Section 1231(a)(6) does not mandate detention and does not place any temporal limit on the length of detention under that provision:

An alien ordered removed who is inadmissible under section 1182 of this title, removable under section 1227(a)(1)(C), 1227(a)(2), or 1227(a)(4) of this title or who has been determined by the Attorney General to be a risk to the community or unlikely to comply with the order of removal, *may be detained beyond the removal period* and, if released, shall be subject to the terms of supervision in paragraph (3)

8 U.S.C. § 1231(a)(6) (emphasis added).

1 During the removal period, ICE<sup>2</sup> is charged with attempting to effectuate removal of a  
2 noncitizen from the United States. 8 U.S.C. § 1231(a)(1). Although there is no statutory time  
3 limit on detention pursuant to Section 1231(a)(6), the Supreme Court has held that a noncitizen  
4 may be detained only “for a period reasonably necessary to bring about that [noncitizen’s] removal  
5 from the United States.” *Zadvydas v. Davis*, 533 U.S. 678, 689 (2001). The Supreme Court has  
6 further identified six months as a presumptively reasonable time necessary to bring about a  
7 noncitizen’s removal. *Id.*, at 701.

8 If an alien cannot be removed to the country designated in his removal order because the  
9 country refuses to accept the alien, the alien has been granted relief from removal to that country,  
10 the country refuses to recognize the alien as its citizen, or another reason, Congress has directed  
11 ICE to pursue removal to alternate countries. *See* 8 U.S.C. §§ 1231(b)(2)(D), (E); § 1231(b)(3); 8  
12 C.F.R. §§ 241.13(a), 241.15.

13 The government is prohibited from removing a person to a third country where they may  
14 be persecuted or tortured, a form of protection known as withholding of removal. *See* 8 U.S.C. §  
15 1231(b)(3)(A); *see also* 8 C.F.R. §§ 208.16, 1208.16. Similarly, the government cannot remove a  
16 person to a country where they would be tortured, a form of protection known as protection under  
17 the Convention Against Torture (“CAT”). *See* Foreign Affairs Reform and Restructuring Act of  
18 1998 (FARRA), Public Law 105–277, div. G, sec. 2242, 112 Stat. 2681, 2631–822 (8 U.S.C. §  
19 1231 note); 28 C.F.R. §§ 200.1, 208.16–208.18, 1208.16–1208.18. Withholding of removal and  
20 CAT protection are mandatory, but “only restrict where the Government may remove a noncitizen  
21 to, not whether the noncitizen is subject to removal.” *Kumar v. Wamsley*, No. 2:25-cv-02055-KKE,  
22

23 <sup>2</sup> Under 8 C.F.R. § 241.2(b), ICE deportation officers are delegated the Secretary of Homeland Security’s  
24 authority to execute removal orders.

2025 WL 3204724, at \*2 (W.D. Wash. Nov. 17, 2025). “Thus, even if the immigration judge grants such protection, the removal order remains valid and enforceable, albeit not to the identified country or countries of risk.” *Id.* (citing 8 U.S.C. § 1231(b)(3)(A); 8 C.F.R. § 1208.16(f); *Johnson*, 594 U.S. at 536; *Lanza v. Ashcroft*, 389 F.3d 917, 933 (9th Cir. 2004)).

### III. FACTUAL BACKGROUND

Petitioner is a native and citizen of India. Rosa Decl., ¶ 3; Declaration of Lawrence Van Daley (Van Daley Decl.) Exhibit (Ex.) 1, Notice to Appear. On or about June 6, 2013, Petitioner unlawfully entered the United States at or near San Luis, Arizona, without inspection or admission by an immigration officer. *Id.* He was apprehended by U.S. Customs and Border Protection (CBP) Border Patrol agents and determined to be inadmissible under 8 U.S.C. § 1182(a)(7)(A)(i)(I), as an alien who, at the time of application for admission, lacked a valid entry document and had entered without inspection. *Id.*; Van Daley Decl., Ex. 2, Form I-213.

On July 1, 2013, the Department of Homeland Security (DHS) issued Petitioner a Notice to Appear (NTA), initiating removal proceedings before the Immigration Court. Rosa Decl. ¶ 4. On July 12, 2013, Petitioner was released from DHS custody on a \$7,500 bond. Rosa Decl. ¶ 4; Van Daley Decl., Ex. 3, Bond Order.

On February 18, 2020, Petitioner, represented by counsel, appeared before an Immigration Judge in Sacramento, California, for a hearing on the merits on his applications for relief from removal. Rosa Decl. ¶ 5. The Immigration Judge denied Petitioner’s application for relief, ordered Petitioner removed to India, and granted withholding of removal under 8 U.S.C. § 1231(b)(3). *Id.*; Van Daley Decl., Ex. 4, Removal Order. Petitioner waived appeal of the Immigration Judge’s decision to the Board of Immigration Appeals, rendering the removal order administratively final. *Id.*

1 On January 30, 2023, Petitioner was arrested by the San Joaquin County Sheriff's Office  
2 in California on four felony firearms charges. Rosa Decl. ¶ 6. Those charges remain pending, and  
3 an arrest warrant is currently outstanding. *Id.*

4 On January 21, 2025, ICE mailed a notice to Petitioner's bond obligor directing Petitioner  
5 to report to the Stockton, California ICE Field Office on February 20, 2025, for removal. Rosa  
6 Decl. ¶ 7. Petitioner failed to appear as directed. *Id.* Instead, on February 20, 2025, Canadian  
7 Border Services Agency (CBSA) officers encountered Petitioner while he was seeking to enter  
8 Canada for the purpose of residing there permanently on the basis of an asylum claim against India.  
9 Rosa Decl. ¶ 8. CBSA issued an exclusion order and returned Petitioner to the custody of CBP at  
10 Blaine, Washington. *Id.*; Van Daley Decl., Ex. 5 Exclusion Order.

11 On February 21, 2025, Petitioner was transferred to the Northwest ICE Processing Center  
12 (NWIPC) in Tacoma, Washington, where he remains in DHS custody. Rosa Decl. ¶ 9. On  
13 March 13, 2025, ICE cancelled Petitioner's \$7,500 bond due to his failure to comply with the  
14 conditions of release and appear for removal. Rosa Decl. ¶ 10.

15 On May 28, 2025, Petitioner submitted a letter to the Immigration Court in Tacoma,  
16 Washington, affirmatively stating that he does not fear returning to India and requesting that his  
17 grant of withholding of removal be cancelled so that he could be removed. Rosa Decl. ¶ 11; Van  
18 Daley Decl., Ex. 6, Note to Court.

19 On November 17, 2025, Petitioner filed a motion to reopen removal proceedings with the  
20 Immigration Court in Sacramento, California. Rosa Decl. ¶ 12. The motion was rejected on  
21 November 20, 2025, for failure to include proof of payment of the required filing fee. *Id.*; Van  
22 Daley Decl., Ex. 7, Court Order.

23 Petitioner remains in DHS custody at the NWIPC pending execution of the final order of  
24 removal. Rosa Decl. ¶ 13. However, no removal plans are in place at this time. The ninety-day

1 removal period under 8 U.S.C. § 1231(a)(1) ended on or about May 21, 2025, and the six-month  
2 presumptively reasonable period of detention under *Zadvydas*, expired on or about August 22,  
3 2025.

4 DATED this 6th day of April, 2026.

5 Respectfully submitted,

6 s/ Lawrence Van Daley

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16 *Attorney for Federal Respondents*

17 I certify that this memorandum contains 1,366  
18 words, in compliance with the Local Civil Rules.