

THE HONORABLE THERESA L. FRICKE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GAGANDEEP SINGH,

Petitioner,

v.

TODD BLANCHE et. al,
Respondents.

No. 2:26-cv-00962-TLF

PETITIONER'S TRAVERSE
MEMORANDUM IN SUPPORT OF
PETITION FOR WRIT OF HABEAS
CORPUS

I. INTRODUCTION

Respondents' Return Memorandum is devoid of legal argument or authority. They concede that Singh's detention without due process is unreasonable and unlawful. Instead, Respondents offer a series of unsupported and inaccurate inferences and accusations. None of these inferences and accusations have the slightest bearing on the legal issues before the Court, but each is addressed briefly below to ensure inaccurate information does not enter the record unchallenged. The Court should order Singh's immediate release and enjoin Respondents from any future unlawful detention of Singh.

II. STATEMENT OF FACTS

Singh entered the United States on or about June 6, 2013, near San Luis, Arizona. Declaration of Gagandeep Singh ("Singh Decl.") ¶ 2. He came to the United States because he feared persecution and violence due to his religion and political affiliations in India. *Id.* In 2015,

1 he applied for asylum in the United States, *Id.* ¶ 3. While the case was pending, he was granted a
2 work permit and earned a commercial driver's license, and he worked as a truck driver from 2015
3 until ICE detained him in 2025. *Id.* ¶ 4. On February 20, 2025, he travelled to the Peace Arch
4 Border Park in Blaine, Washington, intending to meet his cousin, who lives in Canada. *Id.* He did
5 not intend to cross the border, leave the United States, or apply for asylum or other legal status in
6 Canada. *Id.*

7 Canadian authorities detained Singh when he accidentally crossed the border, which was not
8 clearly marked. *Id.* ¶ 5. Singh did not have heroin or any other illegal drug on his person when
9 Canadian authorities detained him. *Id.* ¶ 4; *see* Dkt. 10-2 at 3. Canadian authorities told Singh he
10 would be deported to India unless he applied for asylum. *Id.* "Faced with the possibility of being
11 sent to India, where I fear persecution, I applied for asylum." *Id.* Canadian authorities denied his
12 asylum application and instead deported him to the United States, where ICE placed him in
13 detention. *Id.*

14 Singh's visit to the border park had nothing to do with the notice dated January 21, 2025,
15 that demanded he appear in Stockton for removal. *Id.* ¶ 6. He was not aware of the notice at the
16 time he visited the border park. *Id.* Singh's obligor, Baldev Singh, did not inform Singh he had
17 received this notice, and Singh only learned about the notice from ICE after ICE had detained him.
18 *Id.*

19 Singh did not write the letter attached to Respondents' return memorandum as Exhibit 6 to
20 the Declaration of Lawrence Van Daley. *Id.* ¶ 7; *see* Dkt. 10-6. Singh states:

21
22 On May 28, 2025, Officer DeCastro directed me to sign a blank piece of paper in
23 two places. He then took the paper from me and wrote on it. He did not show me
24 the paper when he finished writing on it, but he told me he would use it to cancel
25 my withholding of removal.

26 *Id.* This piece of paper appears to be the document reproduced as Exhibit 6 to the
Declaration of Lawrence Van Daley. *See* Dkt. 10-6.

1 In October 2025, ICE officials informed Singh that if he did not voluntarily reopen
 2 his case and cancel his withholding of removal, ICE would hold him at NWIPC for the rest
 3 of his life. Singh Decl. ¶ 8. Faced with this threat, and “forced to choose between
 4 persecution in India or life-long detention in the United States,” Singh reluctantly chose to
 5 try to re-open his case. *Id.* Singh continues to fear persecution in India and does not want
 6 to return to that country. *Id.*

8 III. ARGUMENT

9 A party concedes arguments to which it fails to respond. *See, e.g., Hunt v. Colvin*, 954
 10 F. Supp. 2d 1181, 1196 (W.D. Wash. 2013) (“The Commissioner does not respond to this
 11 argument in her briefing, which the Court construes as a concession that Plaintiff’s
 12 argument has merit.”); *see also Pamela S. v. Bisignano*, 2025 WL 2399145, at *4 (E.D.
 13 Wash. 2025) (“If a party fails to counter an argument that the opposing party makes, the
 14 Court may treat that argument as conceded.”). Courts follow this rule in considering
 15 petitions for writs of habeas corpus by immigration detainees. *See, e.g., Baldizon v. Noem*,
 16 2026 WL 246017, at *4 (C.D. Cal. 2026) (“Public interest concerns are implicated when a
 17 constitutional right has been violated, because all citizens have a stake in upholding the
 18 Constitution . . . Again, Respondents do not respond to this argument and thus concede it.”
 19 (internal citation and quotation omitted)); *Aliakbar Manaie v. Immigration and Customs*
 20 *Enforcement et al.*, 2026 WL 917614, at *4 (C.D. Cal. 2026) (“Petitioner’s ongoing
 21 detention of indeterminate length inherently risks him irreparable harm, as it is not clear
 22 when he will be processed, released, or removed. Respondents do not respond to this
 23 argument and thus concede it.”).

1 Here, Respondents have failed to respond to not some but *all* of Singh's arguments in favor
2 of immediate release and injunctive relief and thus conceded that he is entitled to both. First,
3 Respondents concede Singh must be released immediately. *Zadvydas v. Davis* requires a
4 "significant likelihood of removal in the reasonably foreseeable future" to justify continued
5 detention of a noncitizen beyond six months. 533 U.S. 678, 701 (2001). Respondents have held
6 Singh for 14 months and counting. They admit that "the six-month presumptively reasonable
7 period of detention under *Zadvydas*, expired on or about August 22, 2025"—more than six months
8 ago—and that "no removal plans are in place at this time." Dkt. 8 at 5–6. Because Respondents
9 fail to respond, they concede that Singh must be released.¹

11 Second, Respondents concede that Singh is entitled to an injunction preventing his removal
12 to a third country without due process. An injunction is appropriate "when the party seeking relief
13 demonstrates that: (1) it is likely to suffer irreparable injury that cannot be redressed by an award
14 of damages"; (2) that "considering the balance of hardships between the plaintiff and defendant, a
15 remedy in equity is warranted"; and (3) "that the public interest would not be disserved by a
16 permanent injunction." *City & Cnty. of S.F. v. Trump*, 897 F.3d 1225, 1243 (9th Cir. 2018). As
17 stated in Singh's Petition, "Current immigration policies make it likely that without an injunction
18 Respondents will remove [Singh] to a third country without necessary due process." *See* Dkt. 1 at
19 15–20. Respondents do not contest Singh's assertion that he is at risk of deportation to a third
20 country without due process, thus conceding that Singh is at such risk. *See generally* Dkt. 8. Such
21 removal would irreparably injure Singh, and granting an injunction to prevent that injury would
22 neither cause hardship to Respondents nor disserve the public interest. *See City & Cnty. of S.F.*,
23 897 F.3d at 1243. Singh is therefore entitled to injunctive relief preventing his removal to a third
24 country without due process.

1 Third, Respondents concede that Singh is entitled to an injunction preventing his removal
 2 to any country where he would face imprisonment, servitude or other forms of punishment. *See*
 3 Dkt. 1 at 20–22. In his petition, Singh presented evidence that “since January 2025, Respondents
 4 have developed and implemented a policy and practice of removing individuals to prisons in third
 5 countries.” *Id.* Respondents do not contest that they have developed such a program, and therefore
 6 concede it. *See generally* Dkt. 8. Being removed to a country in which he would face
 7 imprisonment, servitude, or other forms of punishment would cause Singh irreparable injury. *City*
 8 *& Cnty. of S.F.*, 897 F.3d at 1243. Prohibiting Respondents from removing Singh to such a country
 9 would impose no hardship on them; simply being required to follow the law is not a hardship.
 10 Finally, the public interest is well served by requiring government officials to follow the law. Singh
 11 is therefore entitled to an injunction preventing his removal to any country where he would face
 12 imprisonment, servitude or other forms of punishment.
 13
 14

15 IV. CONCLUSION

16 For the reasons set forth herein, Singh’s petition should be granted in full. The Court
 17 should order Singh’s immediate release from custody, and further order that:

18 (a) Within 24 hours of his release, Respondents shall provide the Court with a
 19 declaration confirming that Singh has been released from custody;

20 (b) Respondents may not re-detain Singh without first holding a hearing before a
 21 neutral decision-maker at which the government bears the burden of establishing flight risk or
 22 danger to the community by clear and convincing evidence based on changed circumstances
 23 since Singh was previously released;

24 (c) Respondents may not re-detain Singh to effect removal to India because Singh has
 25 been granted withholding of removal to India;
 26

1 (d) Respondents may not remove or seek to remove Singh to a third country without
2 notice and meaningful opportunity to respond in compliance with the statute and due process in
3 reopened removal proceedings;

4 (e) Respondents may not remove Singh to any third country in which he would face
5 imprisonment, servitude, or other forms of punishment; and

6 (f) all other relief that the Court deems just and proper.
7

8 RESPECTFULLY SUBMITTED this 13th day
9 of April, 2026

10 I certify that this *traverse* contains 1531 words,
11 in compliance with the Local Civil Rules.

s/ Benjamin L. Lester

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