

1 Gurpreet Kaur, Esq.
2 Kaur Legal Group, PC
3 674 County Square Dr, Suite 305
4 Ventura, CA 93003
5 Ph. 805-300-9003; Cell 909-997-4570
6 Fax: 805-716-6100
7 E-mail: gurpreetkauresq@gmail.com
8 *Attorney for Petitioner*

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

MANPREET SINGH

Petitioner,

v.

Warden of Eloy 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.

**VERIFIED PETITION FOR
HABEAS CORPUS**

INTRODUCTION

1. Petitioner Singh is a native and citizen of India who entered the United States without inspection on or about November 27, 2023. Following a brief initial detention pursuant to a Form I-200 Warrant for Arrest of Alien, Petitioner was released on his own recognizance ("ROR") and placed on Alternatives to Detention ("ATD") supervision, including regular check-ins with Immigration and Customs Enforcement ("ICE").

2. Petitioner fully complied with all conditions of his release from the date of release through his re-detention. He maintained perfect ATD compliance, attended all ICE check-ins, and was

1 never accused of any violation, flight risk, or danger. DHS repeatedly reaffirmed his suitability for
2 release by allowing him to remain in the community under supervision.

3 3. On or about November 19, 2023, DHS served Petitioner with a Notice to Appear
4 (“NTA”), charging him solely under INA § 212(a)(6)(A)(i). Petitioner has no criminal history and has
5 been actively pursuing his immigration case, including a pending asylum application before the
6 Immigration Court.
7

8 4. On or about February 12, 2026, Petitioner—a commercial truck driver holding a valid
9 CDL and employment authorization—was driving on a highway when he was stopped by a local law
10 enforcement officer for an alleged signaling issue. Petitioner demonstrated that his vehicle signals were
11 functioning properly. Despite the absence of any traffic violation or criminal conduct, the officer
12 contacted ICE.
13

14 5. ICE officers arrived on the scene and detained Petitioner without a warrant, without
15 probable cause, and without any immigration violation. At the time of arrest, Petitioner informed ICE
16 that he had been released on ROR, was fully compliant with ATD requirements, and had a pending
17 asylum application. Nonetheless, ICE took Petitioner into custody without providing any notice,
18 explanation, or pre-deprivation hearing.
19

20 6. Following this re-detention, DHS asserted for the first time that Petitioner is subject to
21 mandatory detention under 8 U.S.C. § 1225(b), relying on the July 8, 2025 DHS Interim Guidance and
22 decisions including *Matter of Yajure Hurtado* and *Matter of Q. Li*. This reclassification occurred after
23 years of release and compliance, and without any change in circumstances.
24

25 7. Petitioner is a pre-final-order noncitizen whose detention is governed by 8 U.S.C. §
26 1226(a). Individuals detained under § 1226(a) are entitled to a custody redetermination hearing before
27 an Immigration Judge. DHS’s attempt to reclassify Petitioner under § 1225(b) unlawfully strips him of
28

1 that right and violates both the Immigration and Nationality Act and the Due Process Clause of the
2 Fifth Amendment.

3 8. Petitioner's detention is further unlawful because it resulted from a warrantless arrest
4 lacking probable cause, in violation of the Fourth Amendment. ICE detained Petitioner despite knowing
5 he was lawfully present in removal proceedings, compliant with supervision, and authorized to work.
6

7 9. Because Petitioner is detained under § 1226(a), his continued detention without access
8 to a bond hearing is unlawful. Petitioner therefore seeks habeas relief and emergency injunctive relief,
9 ordering Respondents to provide a prompt bond hearing or, in the alternative, to immediately release
10 him from custody.
11

12 JURISDICTION

13 10. This action arises under the Constitution of the United States and the INA, 8 U.S.C.
14 § 1101 *et seq.*

15 11. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28
16 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension
17 Clause).
18

19 12. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*,
20 the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.
21

22 VENUE

23 13. Venue is proper because Petitioner is detained in Eloy Detention Center, which is within
24 the jurisdiction of this District. Venue is also proper in this District because Respondents are officers,
25 employees, or agencies of the United States. *See* 28 U.S.C. § 1391(e).
26

27 PARTIES

28 14. Respondent is sued in his official capacity as Warden of the Warden of Eloy Detention

Center. Respondent is the physical custodian of Petitioner.

15. 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.

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

17. 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

18. Petitioner is a native and citizen of India. He entered the United States without inspection on or about November 27, 2023.

19. Following his entry, Petitioner was briefly detained by the Department of Homeland Security ("DHS") pursuant to a Form I-200 Warrant for Arrest of Alien. DHS subsequently released Petitioner on his own recognizance ("ROR").

20. As a condition of release, DHS required Petitioner to enroll in Alternatives to Detention ("ATD") monitoring and to report regularly to Immigration and Customs Enforcement ("ICE").

21. Petitioner fully complied with all ATD and reporting requirements from the date of his release through his re-detention. He never missed a check-in, never violated any condition of

1 supervision, and was never accused of noncompliance, danger, or flight risk.

2 22. On or about November 19, 2023, DHS served Petitioner with a Notice to Appear
3 (“NTA”), charging him solely under INA § 212(a)(6)(A)(i).

4 23. Petitioner has no criminal history. He has established significant equities in the United
5 States, including steady employment as a commercial truck driver (CDL holder), family ties, and a
6 pending asylum application that he has been diligently pursuing before the Immigration Court.
7

8 24. From the time of his release through February 12, 2026, Petitioner remained
9 continuously under DHS supervision in the community. DHS repeatedly reaffirmed his suitability for
10 release by allowing him to remain on ROR with ATD monitoring.
11

12 25. On or about February 12, 2026, Petitioner was driving his commercial vehicle when he
13 was stopped by a local law enforcement officer for an alleged signaling issue. Petitioner demonstrated
14 that his vehicle signals were functioning properly and no traffic violation was established.

15 26. Despite the absence of any violation, the local officer contacted ICE. ICE officers
16 arrived and detained Petitioner without a warrant, without probable cause, and without any lawful basis.
17

18 27. At the time of his detention, Petitioner informed ICE officers that he had been released
19 on ROR, was fully compliant with ATD requirements, possessed valid employment authorization, and
20 had a pending asylum case. ICE nonetheless detained him without providing any notice or opportunity
21 to be heard.
22

23 28. Petitioner was not provided any individualized or pre-deprivation hearing prior to the
24 revocation of his liberty.

25 29. Following his re-detention, DHS asserted for the first time that Petitioner is subject to
26 mandatory detention under 8 U.S.C. § 1225(b), relying on the July 8, 2025 DHS Interim Guidance and
27 decisions including *Matter of Yajure Hurtado* and *Matter of Q. Li*.
28

1 30. Petitioner is a pre-final-order noncitizen, and his detention is governed by 8 U.S.C. §
2 1226(a). Individuals detained under § 1226(a) are entitled to a bond hearing before an Immigration
3 Judge.

4 31. Petitioner's immigration status, compliance history, and eligibility for release remained
5 unchanged at the time of re-detention.
6

7 32. DHS's attempt to reclassify Petitioner under § 1225(b)—after his release into the
8 interior and prolonged compliance—violates the INA and fundamental due process principles.

9 33. Petitioner's continued detention without access to a bond hearing is unlawful, and he
10 seeks habeas relief ordering Respondents to provide a prompt bond hearing or immediate release.
11

12 STATUTORY FRAMEWORK

13 34. The INA prescribes three basic forms of detention for noncitizens in removal
14 proceedings. First, 8 U.S.C. § 1226(a) authorizes the detention of noncitizens in standard non-expedited
15 removal proceedings before an IJ. *See* 8 U.S.C. § 1226(a); 8 U.S.C. § 1229a. Individuals in section
16 1226(a) detention are entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§
17 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain
18 crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).
19

20 35. Second, the INA provides for mandatory detention of noncitizens subject to expedited
21 removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under
22 8 U.S.C. § 1225(b)(2).
23

24 36. Finally, the INA also provides for detention of noncitizens who are subject to final
25 orders of removal, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).
26 The detention provisions at section 1226(a) and 1225(b)(2) were enacted as part of the Illegal
27 Immigration Reform and Immigrant Responsibility Act (“IIRIRA”) of 1996, Pub. L. No. 104-208, Div.
28

1 C, §§ 302–03, 110 Stat. 3009–546, 3009–582 to 3009–583, 3009–585. Section 1226(c) was most
2 recently amended earlier this year by the Laken Riley Act (“LRA”), Pub. L. No. 119-1, 139 Stat. 3
3 (2025).

4 37. Following enactment of the IIRIRA, the EOIR drafted new regulations explaining that,
5 in general, people who entered the country without inspection were not considered detained under
6 section 1225 and that they were instead detained under section 1226(a). *See* Inspection and Expedited
7 Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum
8 Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997). In the decades that followed, most noncitizens
9 who entered without inspection—unless they were subject to some other detention authority—received
10 bond hearings. This practice was also consistent with the practice prior to the enactment of the IIRIRA,
11 in which noncitizens who were not deemed “arriving” were entitled to a custody hearing before an IJ
12 or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229
13 (1996) (noting that section 1226(a) simply “restates” the detention authority previously found at section
14 1252(a)).
15
16

17 38. On July 8, 2025, DHS issued a memo to all employees of ICE stating that “[t]his
18 message serves as notice that DHS, in coordination with the Department of Justice (DOJ), has revisited
19 its legal position on detention and release authorities. DHS has determined that section 235 of the
20 Immigration and Nationality Act (INA) [8 U.S.C. § 1225], rather than section 236 [8 U.S.C. § 1226],
21 is the applicable immigration detention authority for all applicants for admission. The following interim
22 guidance is intended to ensure immediate and consistent application of the Department’s legal
23 interpretation while additional operational guidance is developed.” The memo further stated DHS’ new
24 position with regard to custody determinations as follows:
25
26

27 An “applicant for admission” is an alien present in the United States who has not been admitted
28 or who arrives in the United States, whether or not at a designated port of arrival. INA §

1 235(a)(1) [8 U.S.C. § 1225(a)(1)]. **Effective immediately, it is the position of DHS that such**
2 **aliens are subject to detention under INA § 235(b) [8 U.S.C. § 1225(b)] and may not be**
3 **released from ICE custody except by INA § 212(d)(5) parole.** These aliens are also ineligible
4 for a custody redetermination hearing (“bond hearing”) before an immigration judge and may
5 not be released for the duration of their removal proceedings absent a parole by DHS. For
6 custody purposes, these aliens are now treated in the same manner that “arriving aliens” have
7 historically been treated. **The only aliens eligible for a custody determination and release**
8 **on recognizance, bond, or other conditions under INA § 236(a) [8 U.S.C. § 1226(a)] during**
9 **removal proceedings are aliens admitted to the United States and chargeable with**
10 **deportability under INA § 237, with the exception of those subject to mandatory detention**
11 **under INA § 236(c) [8 U.S.C. § 1226(c)].**

12 Moving forward, ICE will not issue Form I-286, Notice of Custody Determination, to applicants
13 for admission because Form I-286 applies by its terms only to custody determinations under
14 INA § 236 and part 236 of Title 8 of the Code of Federal Regulations. With a limited exception
15 for certain habeas petitioners, on which the Office of the Principal Legal Advisor (OPLA) will
16 individually advise, if Enforcement and Removal Operations (ERO) previously conducted a
17 custody determination for an applicant for admission still detained in ICE custody, ERO will
18 affirmatively cancel the Form I-286.

19 See [https://www.aila.org/ice-memo-interim-guidance-regarding-detention-authority-for-](https://www.aila.org/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission)
20 [applications-for-admission](https://www.aila.org/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission) (last accessed October 18, 2025) (emphasis original).

21 39. As a result, DHS now considers all noncitizens who have entered the United States
22 without inspection and are subject to the grounds of inadmissibility, including long-time U.S. residents,
23 to be subject to mandatory detention under section 1225(b) and ineligible for release on bond.
24 Conversely, according to DHS “[t]he only aliens eligible for a custody determination and release on
25 recognizance, bond, or other conditions under INA § 236(a) [8 U.S.C. § 1226(a)] during removal
26 proceedings are aliens admitted to the United States and chargeable with deportability under INA §
27 237, with the exception of those subject to mandatory detention under INA § 236(c) [8 U.S.C. §
28 1226(c)].” *Id.*

29 40. Shortly thereafter, the Board of Immigration Appeals (“BIA”) issued decisions
30 reflecting the same interpretation. In *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025) and *Matter of Yajure*
31 *Hurtado*, 29 I&N Dec. 216 (BIA 2025), the Board concluded that Immigration Judges lack bond
32 authority over certain noncitizens present in the United States without admission because, in the

1 Board's view, § 1225(b)(2)(A) mandates detention of such "applicants for admission" during removal
2 proceedings.

3 41. Federal courts, however, have rejected DHS's attempt to reclassify noncitizens already
4 placed in removal proceedings as subject to mandatory detention under § 1225(b). Courts have
5 recognized that such individuals remain properly detained, if at all, under § 1226(a) and therefore retain
6 the statutory right to seek release on bond. See, e.g., *Bautista-Maldonado v. DHS*, holding that DHS
7 may not retroactively convert individuals already in removal proceedings into § 1225(b) detainees in
8 order to deny them access to bond.
9

10 42. Petitioner falls squarely within this framework. He entered the United States on
11 November 27, 2023 and was placed in removal proceedings under 8 U.S.C. § 1229a. Shortly after his
12 entry, DHS arrested him pursuant to Form I-200 but subsequently determined that detention was
13 unnecessary and released him on his own recognizance ("ROR") subject to ATD monitoring and ICE
14 reporting requirements. Because Petitioner was placed in removal proceedings and released under
15 supervision, any subsequent detention is governed by 8 U.S.C. § 1226(a), which provides for
16 discretionary detention and eligibility for release on bond.
17
18

19 43. Respondents nevertheless rely on DHS's July 8, 2025 guidance and the Board's recent
20 decisions to claim that Petitioner is categorically subject to mandatory detention under § 1225(b) and
21 therefore ineligible for a bond hearing. That interpretation conflicts with the statutory structure of the
22 INA and unlawfully deprives Petitioner of the procedural protections guaranteed under § 1226(a).
23

24 44. Neither Matter of Yajure-Hurtado nor Matter of Q. Li authorizes DHS to re-detain
25 individuals who were already released under § 1226(a) and have remained compliant for years without
26 violation.

27 45. The government's re-detention of Petitioner conflicts not only with the statutory
28

1 structure of the INA, but also with fundamental due process protections governing the revocation of
2 previously granted liberty.

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

6
7 47. DHS initially determined that detention was unnecessary and released Petitioner on his
8 own recognizance subject to ATD supervision and periodic ICE reporting requirements. Petitioner
9 relied on that release determination and complied fully with every condition imposed.

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

14
15 49. The Supreme Court has long recognized that once the government grants conditional
16 liberty, that liberty interest cannot be revoked without constitutionally adequate procedures. See
17 *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972) (holding that revocation of parole requires due process
18 protections because conditional liberty “includes many of the core values of unqualified liberty”). The
19 same principle applies here. Petitioner's liberty—granted through DHS's custody determination
20 releasing Petitioner on recognizance under supervision and relied upon for years—could not be revoked
21 summarily without notice and an opportunity to be heard.

22
23 50. Courts have long recognized that when the government seeks to revoke previously
24 granted liberty, due process ordinarily requires notice and an opportunity to be heard before a neutral
25 decisionmaker prior to the deprivation. See *Mathews v. Eldridge*, 424 U.S. 319 (1976); *Fuentes v.*
26 *Shevin*, 407 U.S. 67 (1972). These procedural protections are particularly critical where, as here, the
27
28

1 government seeks to withdraw liberty that has already been conferred and relied upon by the individual.

2 51. Here, DHS provided no such process. On or about February 12, 2026, while working as
3 a commercial truck driver, Petitioner was stopped by a local law enforcement officer for an alleged
4 signaling issue. Petitioner demonstrated that his vehicle signals were functioning properly and no
5 violation was established. Nevertheless, the officer contacted ICE, and ICE officers arrived at the scene.

6 52. ICE officers then detained Petitioner without a warrant, without probable cause, and
7 without any lawful basis, despite knowing that Petitioner had been released on ROR, was fully
8 compliant with ATD requirements, possessed valid employment authorization, and had a pending
9 asylum case.
10

11 53. DHS did not allege any violation of Petitioner's ATD conditions or ICE reporting
12 requirements, any criminal conduct, or any changed factual circumstances that would justify revocation
13 of Petitioner's liberty.
14

15 54. Instead, Petitioner's liberty was revoked solely because DHS adopted a new legal
16 interpretation of detention authority based on its July 8, 2025 Interim Guidance and the Board's
17 decisions in Matter of Yajure Hurtado and Matter of Q. Li.
18

19 55. Petitioner was provided no advance notice that his release status would be reconsidered,
20 no opportunity to contest the legal basis for detention, and no hearing before a neutral decisionmaker
21 prior to being taken into custody.
22

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

27 57. The government's revocation of Petitioner's liberty without any pre-deprivation process
28

1 is particularly troubling where, as here, Petitioner had fully complied with all supervision conditions
2 and had committed no violation that could justify detention. Courts have repeatedly recognized that
3 when the government seeks to revoke conditional liberty previously granted through a custody
4 determination, due process requires at minimum notice and an opportunity to be heard before the
5 deprivation occurs. The government's decision to detain Petitioner summarily—based solely on a
6 revised legal interpretation rather than any individualized conduct—cannot satisfy the Fifth
7 Amendment.
8

9 **CLAIMS FOR RELIEF**

10 **COUNT ONE**

11 **Violation of Fifth Amendment Right to Substantive Due Process**

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

13 59. Petitioner challenges DHS's unlawful custody determination that he is subject to
14 mandatory detention under 8 U.S.C. § 1225(b) and ineligible for release on bond. Respondents' reliance
15 on this interpretation—based on DHS's July 8, 2025 Interim Guidance and the Board of Immigration
16 Appeals' decisions in *Matter of Yajure Hurtado* and *Matter of Q. Li*—has resulted in Petitioner's
17 continued detention without access to a bond hearing.
18
19

20 60. The Fifth Amendment provides that no person shall “be deprived of life, liberty, or
21 property, without due process of law.” U.S. Const. amend. V. Freedom from physical restraint lies at
22 the core of the liberty protected by the Due Process Clause. *Zadvydas v. Davis*, 533 U.S. 678, 690
23 (2001).
24

25 61. Petitioner entered the United States on November 27, 2023 and was briefly detained
26 pursuant to Form I-200. Immigration authorities subsequently determined that detention was
27 unnecessary and released Petitioner on his own recognizance subject to ATD monitoring and ICE
28

1 reporting requirements. Petitioner fully complied with those conditions and remained at liberty while
2 appearing for immigration proceedings.

3 62. On or about February 12, 2026, while working as a commercial truck driver, Petitioner
4 was stopped by local law enforcement for an alleged signaling issue. Petitioner demonstrated that his
5 vehicle signals were functioning properly and no violation was established. Nevertheless, the officer
6 contacted ICE, and ICE officers arrived and detained him.
7

8 63. The re-detention was not based on any alleged violation of ATD supervision conditions
9 or reporting requirements, any criminal conduct, or any changed factual circumstances. Instead, the
10 detention was based solely on DHS's revised legal interpretation of detention authority.
11

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

16 65. Continued detention under these circumstances—after years of liberty granted through
17 DHS's prior custody determination releasing Petitioner under supervision and without any
18 individualized findings—bears no reasonable relationship to a legitimate governmental purpose and
19 therefore violates substantive due process.
20

21 66. Petitioner respectfully requests that the Court order his immediate release or, in the
22 alternative, require Respondents to provide a prompt and constitutionally adequate bond hearing.
23

24 67. As a remedy, the Court should order Petitioner's immediate release. In the alternative,
25 the Court should order Respondents to provide Petitioner with a prompt bond hearing before an
26 Immigration Judge at which the government bears the burden of justifying continued detention.
27

28 **COUNT TWO**

Violation of Petitioner's Procedural Due Process Rights

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

69. 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.

70. Petitioner's The risk of erroneous deprivation here 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 value of additional safeguards—namely, an individualized bond hearing—is immense.

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

72. Petitioner possessed a protected liberty interest in remaining free from physical detention, reinforced by DHS's prior decision to release him and allow him to remain at liberty under supervision.

73. Respondents revoked that liberty on or about February 12, 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.

74. The re-detention was based solely on a change in agency interpretation, not on any

violation, changed circumstance, or individualized risk assessment.

75. Because Respondents revoked Petitioner's liberty without constitutionally required process and continue to deny him access to a meaningful custody determination, his detention violates procedural due process.

76. 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

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

78. 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.

79. Under the statutory structure of the INA, detention in such proceedings is governed by 8 U.S.C. § 1226(a), which authorizes discretionary detention and expressly permits release on bond.

80. Nothing in the INA 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).

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

82. 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

83. The allegations above are incorporated herein.

84. 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.

85. DHS's determination that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b), and its re-detention of him on February 12, 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.

86. 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).

87. 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.

88. 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).

89. 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

1 factual circumstance;

2 c. disregarded Petitioner's longstanding compliance with ATD supervision and ICE reporting
3 requirements; and

4 d. failed to account for the reliance interests created by its prior decision to release him and
5 permit him to remain at liberty under supervision.

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

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

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

14 **COUNT FIVE**

15 **Violation of the Fourth Amendment (Unlawful Warrantless Seizure)**

16 93. The allegations contained in the preceding paragraphs are incorporated herein by
17 reference.

18 94. The Fourth Amendment to the United States Constitution protects individuals from
19 unreasonable searches and seizures and provides that no warrant shall issue except upon probable
20 cause.

21 95. On or about February 12, 2026, Petitioner was lawfully operating his commercial
22 vehicle when he was stopped by local law enforcement for an alleged signaling issue. Petitioner
23 demonstrated that his vehicle signals were functioning properly.

24 96. Despite the absence of any violation, the officer contacted ICE. ICE officers arrived and
25 detained Petitioner.

26 97. Petitioner informed ICE officers that he had been released on ROR, was fully compliant
27
28

1 with ATD requirements, possessed valid employment authorization, and had a pending asylum case.

2 98. Immigration ICE officers did not present a warrant—judicial or administrative—
3 authorizing Petitioner’s arrest.

4 99. ICE officers did not identify any criminal conduct, immigration violation, or violation
5 of supervision conditions.

6 100. ICE officers lacked probable cause to believe Petitioner had violated any law or
7 condition justifying arrest.

8 101. The detention resulted from a local traffic stop followed by an immigration enforcement
9 call-in, not from any independent immigration investigation supported by probable cause

10 102. ICE officers also had no reason to believe Petitioner would escape before a warrant
11 could be obtained, particularly given his long-standing compliance.

12 103. Petitioner’s identity, immigration status, and compliance history were already known to
13 ICE through ATD supervision.

14 104. The arrest therefore did not fall within the limited authority for warrantless arrests under
15 8 U.S.C. § 1357(a)(2). At the time of arrest, ICE possessed no new information suggesting removability
16 or noncompliance beyond information already known through its ATD supervision program.

17 105. Petitioner was seized and detained without a warrant, without probable cause, and
18 without lawful basis.

19 106. This warrantless seizure violated the Fourth Amendment.

20 107. Because Petitioner’s detention resulted from an unconstitutional seizure, his continued
21 custody is unlawful.

22 108. Petitioner respectfully requests immediate release, or in the alternative, a prompt
23 individualized bond hearing.

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.

Attorney for Petitioner

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 Eloy 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 23rd day of March, 2026.

/s/Gurpreet Kaur

Gurpreet Kaur, Esq.