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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

DHRMPAL DHRMPAL,

Petitioner,

v.

Civil Action No.:

WARDEN, FLORENCE DETENTION
FACILITY;
ENFORCEMENT AND REMOVAL
OPERATIONS (ERO);
U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT (ICE);
DEPARTMENT OF HOMELAND
SECURITY (DHS),

Respondent

PETITION FOR WRIT OF HABEAS CORPUS

(28 U.S.C. § 2241)

I. INTRODUCTION

Petitioner Dhrmpal Dhrmpal is unlawfully detained by the Department of Homeland Security in violation of the Immigration and Nationality Act ("INA") and the Due Process Clause of the Fifth Amendment. Although Petitioner was previously placed into removal proceedings under 8 U.S.C. § 1229a and released on his own recognizance, Respondents have re-detained him and now improperly classify him as an "arriving alien" subject to mandatory detention under 8 U.S.C. § 1225(b), thereby denying him any meaningful opportunity for release on bond.

This categorical denial of bond jurisdiction is legally erroneous. The Immigration Judge relied on *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), and an administrative stay issued by the Ninth Circuit in *Maldonado Bautista v. Noem*, No. 26-1044 (9th Cir. Mar. 6, 2026), to conclude that Petitioner is subject to mandatory detention. That conclusion is contrary to the statutory framework governing detention and violates well-established constitutional limits on civil immigration detention.

Petitioner has now been detained for approximately ten months without a lawful custody determination, despite

1 having previously been released into removal proceedings.
2 Because Respondents' detention authority is legally
3 defective and because Petitioner has been denied a
4 constitutionally adequate custody hearing, habeas relief is
5 warranted.

6 7 **II. JURISDICTION AND VENUE**

8
9 This Court has jurisdiction under 28 U.S.C. § 2241(c)(3)
10 because Petitioner is "in custody in violation of the
11 Constitution or laws or treaties of the United States."

12
13 Federal courts retain jurisdiction to review challenges to
14 the legality of immigration detention under § 2241.

15 *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001); *Demore v. Kim*,
16 538 U.S. 510, 517 (2003).

17
18 Venue is proper in the District of Arizona because
19 Petitioner is detained within this district at the Florence
20 Detention Center, and his immediate custodian—the Warden—is
21 located within this Court's jurisdiction. See *Rumsfeld v.*
22 *Padilla*, 542 U.S. 426, 434–35 (2004).

23 24 **III. PARTIES**

25

1 Petitioner is a native and citizen of India currently
2 detained by ICE at the Florence Detention Center in
3 Florence, Arizona.

4
5 Respondents are the federal officials and agencies
6 responsible for Petitioner's detention, including DHS, ICE,
7 ERO, the Warden of the Florence Detention Center, and the
8 Attorney General of the United States.

9
10 **IV. FACTUAL BACKGROUND**

11
12 Petitioner entered the United States near Lukeville,
13 Arizona in April 2023 without inspection. He was
14 subsequently placed into removal proceedings under 8 U.S.C.
15 § 1229a and released on his own recognizance.

16
17 Petitioner has remained in the United States with his
18 removal proceedings pending before the San Francisco
19 Immigration Court, with a scheduled hearing in November
20 2026.

21
22 In May 2025, Petitioner was re-detained following a state
23 arrest for leaving the scene of an accident. DHS thereafter
24 treated him as an "OREC violator" and took him back into
25 custody.

Petitioner requested a bond hearing before the Immigration Court. On March 10, 2026, the Immigration Judge denied bond, concluding that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b) and therefore ineligible for bond.

In reaching that conclusion, the Immigration Judge relied on *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), and the Ninth Circuit's administrative stay in *Maldonado Bautista*.

As a result, Petitioner remains detained without any meaningful opportunity to seek release on bond.

V. STATUTORY FRAMEWORK

The INA provides distinct detention frameworks:

- **8 U.S.C. § 1225(b)** governs detention of applicants for admission, generally requiring detention without bond.
- **8 U.S.C. § 1226(a)** governs detention of noncitizens in removal proceedings, permitting release on bond.

- **8 U.S.C. § 1229a** governs formal removal proceedings after entry into the United States.

The Supreme Court has recognized that detention authority depends on the noncitizen's procedural posture. See *Jennings v. Rodriguez*, 583 U.S. 281, 293-94 (2018).

VI. CLAIMS FOR RELIEF

COUNT I

Unlawful Detention Based on Misclassification Under 8 U.S.C. § 1225(b)**

Respondents unlawfully detain Petitioner by classifying him as an "applicant for admission" subject to mandatory detention under § 1225(b), despite the fact that he was previously placed into removal proceedings and released into the United States.

Petitioner was not continuously detained as an arriving alien. Instead, he was processed, placed into § 1229a proceedings, and released on his own recognizance. Once a noncitizen is placed into removal proceedings and released,

1 the statutory scheme governing detention shifts to § 1226,
2 not § 1225.

3
4 The Supreme Court has emphasized that detention authority
5 must track the statutory posture of the case. *Jennings*, 583
6 U.S. at 293-94. Respondents cannot retroactively reclassify
7 Petitioner to impose a more restrictive detention regime.

8
9 The Immigration Judge's reliance on *Matter of Q. Li* is
10 misplaced. That decision addresses individuals apprehended
11 while arriving in the United States and does not authorize
12 the reclassification of individuals who have already been
13 placed into removal proceedings and released.

14
15 Because Respondents lack statutory authority to detain
16 Petitioner under § 1225(b), his detention is unlawful.

17
18 **COUNT II**

19
20 Violation of Due Process - Denial of a Meaningful Bond
21 Hearing**

22
23 Even if Respondents possessed statutory authority to detain
24 Petitioner, his continued detention without a meaningful
25 custody hearing violates the Fifth Amendment.

1
2 Civil immigration detention must be reasonably related to
3 its purposes and accompanied by adequate procedural
4 safeguards. *Zadvydas*, 533 U.S. at 690; *Demore*, 538 U.S. at
5 532-33.

6
7 Here, Petitioner was denied a bond hearing based on a
8 categorical legal determination that the Immigration Court
9 lacked jurisdiction. This is not a discretionary denial—it
10 is a complete deprivation of process.

11
12 Courts have consistently held that due process requires a
13 meaningful opportunity to seek release from detention. See
14 *Rodriguez v. Robbins*, 804 F.3d 1060, 1085 (9th Cir. 2015),
15 rev'd on other grounds by *Jennings*, 583 U.S. 281.

16
17 By foreclosing any bond determination, Respondents have
18 imposed a regime of indefinite civil detention without
19 adequate procedural protections.

20
21 **COUNT III**

22
23 Prolonged Detention Without Adequate Process Violates the
24 Fifth Amendment**
25

1 Petitioner has now been detained for approximately ten
2 months without a constitutionally sufficient custody
3 determination.

4
5 While *Jennings* rejected a statutory six-month bond
6 requirement, it did not foreclose constitutional challenges
7 to prolonged detention. 583 U.S. at 302.

8
9 The Ninth Circuit has recognized that prolonged detention
10 without adequate procedural safeguards raises serious
11 constitutional concerns. See *Diouf v. Napolitano*, 634 F.3d
12 1081, 1091-92 (9th Cir. 2011); *Casas-Castrillon v. DHS*, 535
13 F.3d 942, 950 (9th Cir. 2008).

14
15 Here, the absence of any meaningful custody review—combined
16 with the duration of detention—renders Petitioner's
17 continued confinement constitutionally infirm.

18
19 **VII. EXHAUSTION**

20
21 Exhaustion is not required where administrative remedies
22 are inadequate or futile. See *Singh v. Holder*, 638 F.3d
23 1196, 1203 (9th Cir. 2011).

1 Here, exhaustion would be futile because the Immigration
2 Judge has already determined that no bond jurisdiction
3 exists, and that legal conclusion forecloses meaningful
4 administrative relief.

5
6 **VIII. REQUEST FOR RELIEF**

7
8 WHEREFORE, Petitioner respectfully requests that this
9 Court:

- 10
11 1. **Grant the Petition for Writ of Habeas Corpus;**
12 2. **Order Petitioner's immediate release from custody; or,**
13 in the alternative,
14 3. **Order Respondents to provide Petitioner with a**
15 **constitutionally adequate bond hearing before an**
16 **Immigration Judge within 48 hours,** at which the
17 Government bears the burden of proving that detention
18 is justified;
19 4. Grant such other and further relief as the Court deems
20 just and proper.

21
22 **IX. CONCLUSION**

23
24 Petitioner's continued detention rests on a legally
25 erroneous classification and a categorical denial of bond

1 jurisdiction. Because that detention violates both the INA
2 and the Constitution, habeas relief is warranted.

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4 Respectfully submitted,

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