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5 **UNITED STATES DISTRICT COURT**
6 **SOUTHERN DISTRICT OF CALIFORNIA**

8 SUKHBIR SINGH GORAYA,

9
10 Petitioner,

11 v.

12 WARDEN, Facility Administrator of Imperial
Regional Adult Detention Facility;

13
14 SERGIO ALBARRAN, Acting Field Office
Director of the San Francisco Immigration and
15 Customs Enforcement Office;

16 TODD LYONS, Acting Director of United
States Immigration and Customs Enforcement;

17
18 MARKWAYNE MULLIN, Secretary of the
United States Department of Homeland
19 SECURITY,

20 PAMELA BONDI, Attorney General of the
United States, acting in their official capacities,

21 Respondents.
22

CASE NO. '26CV2059 RBM SBC

**PETITION FOR WRIT OF HABEAS
CORPUS**

INTRODUCTION

1
2 1. Petitioner, Sukhbir Singh Goraya, is a 34-year-old citizen of India who follows
3 the Sikh faith. He was born on [REDACTED] in Dahbanwala Khurd, Punjab, India. He entered
4 the United States on June 17, 2023, seeking safety, stability, and lawful protection under United
5 States immigration laws. Before his detention, Petitioner lived at [REDACTED]
6 [REDACTED] Petitioner has fully complied with immigration procedures, including
7 attending all scheduled Immigration Court hearings and updating his address with the
8 Immigration Court when required. His Form I-589 Application for Asylum and for Withholding
9 of Removal was filed in October 2023, and his removal proceedings remain pending before the
10 San Francisco Immigration Court, with a Master Hearing scheduled for June 23, 2026. Petitioner
11 has no criminal history.
12
13

14 2. After entering the United States, Petitioner settled in California and consistently
15 reported to ICE as instructed. He attended all scheduled ICE check-ins, complied with all
16 supervision requirements including photo check-ins and location reporting, and maintained a
17 stable address known at all times to ICE. Petitioner was granted employment authorization and
18 holds a valid Employment Authorization Document (Category C08, valid through April 16,
19 2029). He obtained a California Commercial Driver’s License (Class A) and supported himself
20 through lawful employment as a commercial truck driver. He maintained strong ties to the Sikh
21 community, serving as a volunteer at Gurdwara Shaheed Baba Deep Singh Ji Khalsa Darbar in
22 Bakersfield, California.
23
24

25 3. Petitioner had always intended to comply fully with all ICE and court
26 requirements. Throughout his supervision, ICE imposed detailed conditions on his work as a
27 truck driver, requiring him to obtain specific permission from ICE before picking up any load
28

1 and to provide vehicle and load information for every trip. Petitioner complied with these
2 requirements faithfully. When ICE communicated concerns about his supervision status, he
3 appeared in person at the ICE office as instructed and cooperated fully.

4
5 4. On February 25, 2026, Petitioner had obtained the required ICE permission and
6 picked up a load for work. The following day, February 26, 2026, after arriving in Coachella,
7 California, Petitioner stopped at a TA Truck Stop to complete his required rest period in
8 accordance with applicable logbook requirements. At approximately 3:00 a.m., ICE officers
9 approached Petitioner, checked his identification, and informed him that he had an “ICE
10 violation.” Petitioner immediately advised ICE officers that he had not committed any violation
11 and that he was in full compliance with all requirements, including having obtained prior ICE
12 permission for his current trip. ICE officers nonetheless instructed him to travel to Indio,
13 California, where his biometrics were taken and his phone and wallet were confiscated. He was
14 detained for two days at the El Centro facility and subsequently transferred to the San Diego
15 Detention Center. Petitioner is presently detained at the Imperial Regional Adult Detention
16 Facility.
17

18
19 5. Petitioner was not provided advance notice of his arrest, a written explanation of
20 the alleged violation, or any opportunity to contest the basis for his detention. ICE made no
21 individualized finding that Petitioner posed a danger to the community or a risk of flight. At the
22 time of his arrest, Petitioner was actively cooperating with ICE, in possession of valid ICE-
23 issued permission for his current work trip, and had never missed an Immigration Court hearing.
24

25 6. Petitioner has no criminal history and has consistently pursued his immigration
26 case in good faith over the course of more than two and a half years since his initial release. His
27
28

1 detention serves no legitimate government purpose and constitutes an arbitrary and unjustified
2 deprivation of liberty.

3 7. Petitioner's summary arrest and detention violate substantive and procedural due
4 process because they lack any individualized finding of danger or flight risk and were imposed
5 without notice or an opportunity to be heard. His arrest reflects the broader pattern of ICE's
6 quota-driven enforcement practices, which prioritize arrest numbers over individualized
7 determinations. Petitioner respectfully seeks immediate relief from this Court to halt the ongoing
8 harm and unlawful deprivation of his liberty.
9

10
11 8. This arrest is part of a new, nationwide initiative by ICE to arbitrarily arrest
12 individuals. Since mid-May, DHS has implemented a coordinated practice of leveraging
13 immigration detention to strip people like Petitioner of their substantive and procedural rights
14 and pressure them into deportation. Immigration detention is civil, and thus is permissible for
15 only two reasons: to ensure a noncitizen's appearance at immigration hearings and to prevent
16 danger to the community. But ICE did not arrest and detain Petitioner--who demonstrably poses
17 no risk of absconding from immigration proceedings or danger to the community--for either of
18 these reasons. Instead, as part of its broader enforcement campaign, DHS detained Petitioner to
19 strip him of his procedural rights, force him to forfeit his applications for relief, and pressure him
20 into fast-track removal.
21

22 9. In immigration court, noncitizens have the right to pursue claims for relief from
23 removal (including asylum), be represented by counsel, gather and present evidence, and pursue
24 appeals. 8 U.S.C. Section 1229(a). By dismissing an ongoing case, DHS--in its view--can
25 transfer a noncitizen's case from removal proceedings in immigration court, governed by 8
26 U.S.C. Section 1229a, to cursory proceedings under 8 U.S.C. Section 1225(b)(1) called
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1 "expedited removal," where the procedural protections and opportunities to pursue relief from
2 removal built into regular immigration-court proceedings do not apply.

3 10. Petitioner's arrest and detention have caused him tremendous and ongoing harm.
4 Every additional day Petitioner spends in unlawful detention subjects him to further irreparable
5 harm.

6 11. Since being detained, Petitioner has experienced significant anxiety, emotional
7 distress, and disrupted sleep. He suffers from a chronic back and disc condition that has been
8 aggravated by the conditions of detention. He relies on daily prescription medications, including
9 [REDACTED] and is concerned about the adequacy of his medical
10 care while in custody. He is unable to practice his Sikh faith, attend Gurdwara, or engage with
11 his community. He has lost his employment as a commercial truck driver. Every additional day
12 Petitioner spends in unlawful detention subjects him to further irreparable harm.

13
14 12. Petitioner's summary arrest and detention violate substantive and procedural due
15 process because they lack any individualized finding of danger or flight risk and were imposed
16 without notice or an opportunity to be heard. His arrest reflects the broader pattern of ICE's
17 quota-driven enforcement practices, which prioritize arrest numbers over individualized
18 determinations. Petitioner respectfully seeks immediate relief from this Court to halt the ongoing
19 harm and unlawful deprivation of his liberty.

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21 13. This arrest is part of a new, nationwide initiative by ICE to arbitrarily arrest
22 individuals. Since mid-May, DHS has implemented a coordinated practice of leveraging
23 immigration detention to strip people like Petitioner of their substantive and procedural rights and
24 pressure them into deportation. Immigration detention is civil, and thus is permissible for only two
25 reasons: to ensure a noncitizen's appearance at immigration hearings and to prevent danger to the
26 community. But ICE did not arrest and detain Petitioner—who demonstrably poses no risk of
27 absconding from immigration proceedings or danger to the community—for either of these
28

1 reasons. Instead, as part of its broader enforcement campaign, DHS detained Petitioner to strip him
2 of his procedural rights, force him to forfeit his applications for relief, and pressure him into fast-
3 track removal.

4 14. In immigration court, noncitizens have the right to pursue claims for relief from
5 removal (including asylum), be represented by counsel, gather and present evidence, and pursue
6 appeals. 8 U.S.C. § 1229(a). By dismissing an ongoing case, DHS—in its view—can transfer a
7 noncitizen’s case from removal proceedings in immigration court, governed by 8 U.S.C. § 1229a,
8 to cursory proceedings under 8 U.S.C. § 1225(b)(1) called “expedited removal,” where the
9 procedural protections and opportunities to pursue relief from removal built into regular
10 immigration-court proceedings do not apply. DHS in concert with ICE is detaining people with
11 the goal of accelerating removals (detained dockets move faster than non-detained dockets, though
12 they’re still slow when you’re detained). DHS is also definitely doing this to demoralize people
13 and get them to give up their immigration cases
14

15 15. Petitioner’s arrest and detention have caused him tremendous and ongoing harm.
16 Every additional day Petitioner spends in unlawful detention subjects him to further irreparable
17 harm.
18

19 16. Since being detained, Petitioner has struggled with anxiety, sleeplessness, and
20 emotional distress. The environment in custody is isolating, noisy, and mentally exhausting. The
21 Constitution protects Petitioner and every other person present in this country from arbitrary
22 deprivations of his liberty and guarantees him due process of law. The government’s power over
23 immigration is broad, but as the Supreme Court has declared, it “is subject to important
24 constitutional limitations.” *Zadvydas v. Davis*, 533 U.S. 678, 695 (2001). “Freedom from bodily
25 restraint has always been at the core of the liberty protected by the Due Process Clause from
26 arbitrary governmental action.” *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992).
27

28 17. Petitioner respectfully seeks a writ of habeas corpus ordering the government to
PETITION FOR WRIT OF HABEAS CORPUS
CASE NO. _____


1 immediately release him from his ongoing, unlawful detention, and prohibiting his re-arrest
2 without a hearing to contest that re-arrest before a neutral decisionmaker. In addition, to preserve
3 this Court's jurisdiction, Petitioner also requests that this Court order the government not to
4 transfer him outside of the district or deport him for the duration of this proceeding.

6 JURISDICTION AND VENUE

7 The Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 (federal question), 28
8 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§ 2201–02 (Declaratory Judgment Act), 28 U.S.C.
9 § 2241 (habeas corpus), Article I, § 9, cl. 2 of the U.S. Constitution (the Suspension Clause),
10 the Fourth and Fifth Amendments to the U.S. Constitution, and 5 U.S.C. §§ 701-706
11 (Administrative Procedure Act).

12 Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(a) and 28 U.S.C. §
13 1391(b)(2) and (e)(1) because Petitioner is physically detained within this district.

14 PARTIES

15 1) Petitioner, Sukhbir Singh Goraya, is a 34-year-old citizen of India who follows
16 the Sikh faith. He was born on  in Dahbanwala Khurd, Punjab, India. He entered
17 the United States on June 17, 2023. His Form I-589 asylum application was filed in October
18 2023. His removal proceedings remain pending before the San Francisco Immigration Court.
19 Petitioner has no criminal history. Before detention, he lived in Bakersfield, and is presently in
20 civil immigration detention at Imperial Regional Adult Detention Facility in Calexico,
21 California.

22 2) Respondent WARDEN is the Facility Administrator of Imperial Regional Adult
23 Detention Facility, a facility that contracts with ICE to detain individuals suspected of civil
24 immigration violations. Respondent is Petitioner's immediate physical custodian and is sued in
25 [his/her] official capacity.
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1 consideration of [their] claim.” *McCarthy v. Madigan*, 503 U.S. 140, 147 (1992). Any further
2 exhaustion requirements would be unreasonable.

3 **LEGAL BACKGROUND**

4 ***A. The Constitution Protects Noncitizens Like Petitioner from Arbitrary Arrest and***
5 ***Detention.***

6 8) The Constitution establishes due process rights for “all ‘persons’ within the United
7 States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or
8 permanent.” *Hernandez v. Sessions*, 872 F.3d 976, 990 (9th Cir. 2017) (quoting *Zadvydas*, 533
9 U.S. at 693). These due process rights are both substantive and procedural.

10 9) *First*, “[t]he touchstone of due process is protection of the individual against
11 arbitrary action of government,” *Wolff v. McDonnell*, 418 U.S. 539, 558 (1974), including “the
12 exercise of power without any reasonable justification in the service of a legitimate government
13 objective,” *Cnty. of Sacramento v. Lewis*, 523 U.S. 833, 846 (1998).

14 10) These protections extend to noncitizens facing detention, as “[i]n our society
15 liberty is the norm, and detention prior to trial or without trial is the carefully limited exception.”
16 *United States v. Salerno*, 481 U.S. 739, 755 (1987). Accordingly, “[f]reedom from
17 imprisonment—from government custody, detention, or other forms of physical restraint—lies
18 at the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas*, 533 U.S. at 690.

19 11) Substantive due process thus requires that all forms of civil detention—including
20 immigration detention—bear a “reasonable relation” to a non-punitive purpose. *See Jackson v.*
21 *Indiana*, 406 U.S. 715, 738 (1972). The Supreme Court has recognized only two permissible
22 non-punitive purposes for immigration detention: ensuring a noncitizen’s appearance at
23 immigration proceedings and preventing danger to the community. *Zadvydas*, 533 U.S. at 690–
24 92; *see also Demore v. Kim*, 538 U.S. 510 at 519–20, 527–28, 31 (2003).

25 12) *Second*, the procedural component of the Due Process Clause prohibits the
26 government from imposing even permissible physical restraints without adequate procedural
27 safeguards.

28 13) Generally, “the Constitution requires some kind of a hearing *before* the State

1 deprives a person of liberty or property.” *Zinerman v. Burch*, 494 U.S. 113, 127 (1990). This is so
2 even in cases where that freedom is lawfully revocable. *See Hurd v. D.C., Gov’t*, 864 F.3d at 683
3 (citing *Young v. Harper*, 520 U.S. 143, 152 (1997) (re-detention after pre-parole conditional
4 supervision requires pre-deprivation hearing)); *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973)
5 (same, in probation context); *Morrissey v. Brewer*, 408 U.S. 471 (1972) (same, in parole context).

6 14) After an initial release from custody on conditions, even a person paroled following
7 a conviction for a criminal offense for which they may lawfully have remained incarcerated has a
8 protected liberty interest in that conditional release. *Morrissey* at 408 U.S. at 482. As the Supreme
9 Court recognized, “[t]he parolee has relied on at least an implicit promise that parole will be
10 revoked only if he fails to live up to the parole conditions.” *Id.* “By whatever name, the liberty is
11 valuable and must be seen within the protection of the [Constitution].” *Id.*

12 15) This reasoning applies with equal if not greater force to people released from civil
13 immigration detention at the border, like Petitioner. After all, noncitizens living in the United
14 States like Petitioner have a protected liberty interest in their ongoing freedom from confinement.
15 *See Zadvydas*, 533 U.S. at 690. And, “[g]iven the civil context [of immigration detention], [the]
16 liberty interest [of noncitizens released from custody] is arguably greater than the interest of
17 parolees.” *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 970 (N.D. Cal. 2019).

18 FACTUAL ALLEGATIONS

19 ***A. DHS Dramatically Expands the Scope of Expedited Removal.***

20 16) For decades, DHS applied expedited removal exclusively in the border enforcement
21 context, with only narrow exceptions to that general rule. From 1997 until 2002, expedited removal
22 applied only to inadmissible noncitizens arriving at ports of entry. *See* Inspection and Expedited
23 Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum
24 Procedures; Final Rule, 62 Fed. Reg. 10312 (Mar. 6, 1997).

25 17) In 2002, the government for the first time invoked its authority to apply expedited
26 removal to persons already inside the country, but only for a narrow group of people who arrived
27 by sea, were not admitted or paroled, and were apprehended within two years of entry. *See* Notice
28

1 Designating Aliens Subject to Expedited Removal Under Section 235(b)(1)(A)(iii) of the
2 Immigration and Nationality Act, 67 Fed. Reg. 68924 (Nov. 13, 2002).

3 18) In 2004, the government authorized the application of expedited removal to
4 individuals who entered by means other than sea, but only if they were apprehended within 100
5 miles of a land border and were unable to demonstrate that they had been continuously physically
6 present in the United States for 14 days. *See* Designating Aliens for Expedited Removal, 69 Fed.
7 Reg. 48877 (Aug. 11, 2004).

8 19) In 2019, at the direction of President Trump, DHS published a Federal Register
9 Notice authorizing the application of expedited removal to certain noncitizens arrested anywhere
10 in the country who could not affirmatively show that they had been continuously present for two
11 years. *See* Designating Aliens for Expedited Removal, 84 Fed. Reg. 35409 (July 23, 2019). The
12 District Court for the District of Columbia entered a preliminary injunction preventing the rule
13 from taking effect, which the D.C. Circuit later vacated. *Make the Rd. New York v. McAleenan*,
14 405 F. Supp. 3d 1, 11 (D.D.C. 2019), *vacated sub nom. Make the Rd. New York v. Wolf*, 962 F.3d
15 612, 618 (D.C. Cir. 2020).

16 20) In 2021, President Biden directed the DHS Secretary to review the rule expanding
17 expedited removal and consider whether it comported with legal and constitutional requirements,
18 including due process. In 2022, DHS rescinded the rule. *See* Rescission of the Notice of July 23,
19 2019, Designating Aliens for Expedited Removal, 87 Fed. Reg. 16022 (Mar. 21, 2022).

20 21) While the 2019 expansion was in effect, the government applied expedited removal
21 to persons inside the country in an exceedingly small number of cases. Thus, from 1997 to 2025,
22 with limited exceptions, immigration authorities generally did not apply expedited removal to
23 noncitizens apprehended far from the border, or individuals anywhere in the United States
24 (including near the border) who had been residing in the country for more than fourteen days.

25 22) This state of affairs changed drastically on January 20, 2025, the day that President
26 Trump took office for his second term. That day, President Trump signed Executive Order 14159,
27 "Protecting the American People Against Invasion," the purpose of which was "to faithfully
28 execute the immigration laws against all inadmissible and removable aliens, particularly those

1 aliens who threaten the safety or security of the American people.” Exec. Order No. 14,159, 90
2 C.F.R. § 8443 (Jan. 20, 2025). The order directed the Secretary of Homeland Security to take
3 various actions “to ensure the efficient and expedited removal of aliens from the United States.”
4 *Id.*

5 23) To implement this Executive Order, DHS issued a notice immediately authorizing
6 application of expedited removal to certain noncitizens arrested anywhere in the country who
7 cannot show “to the satisfaction of an immigration officer” that they have been continuously
8 present in the United States for at least two years. 90 Fed. Reg. 8139 (published Jan. 24, 2025).

9 24) On January 23, 2025, the Acting Secretary of Homeland Security issued a
10 memorandum providing guidance regarding how to exercise enforcement discretion in
11 implementing” the new expedited-removal rule. The guidance directed federal immigration
12 officers to “consider . . . whether to apply expedited removal” to “any alien DHS is aware of who
13 is amenable to expedited removal but to whom expedited removal has not been applied.” As part
14 of that process, the guidance encourages officers to “take steps to terminate any ongoing removal
15 proceeding and/or any active parole status.”¹

16 25) Under the administration’s expanded approach to expedited removal, hundreds of
17 thousands of noncitizens who have lived in the country for less than two years are at imminent risk
18 of summary removal without any hearing, meaningful process, access to counsel, or judicial
19 review—regardless of the strength of their ties to the United States.

20 ***B. To Place More People in Expedited Removal, DHS Undertakes New Campaign of Arrests***
21 ***and Detention.***

22 26) Since mid-May 2025, DHS has initiated an aggressive new enforcement campaign
23 targeting people who are in regular removal proceedings in immigration court, many of whom
24 have pending applications for asylum or other relief. This “coordinated operation” is “aimed at
25 dramatically accelerating deportations” by arresting people at the courthouse or other places and
26

27 ¹ Benjamine C. Huffman, *Guidance Regarding How to Exercise Enforcement Discretion*, Dep’t
28 of Homeland Sec. (Jan. 23, 2025), [https://www.dhs.gov/sites/default/files/2025-01/25_0123_er-](https://www.dhs.gov/sites/default/files/2025-01/25_0123_er-and-parole-guidance.pdf)
[and-parole-guidance.pdf](https://www.dhs.gov/sites/default/files/2025-01/25_0123_er-and-parole-guidance.pdf).

1 placing them into expedited removal.²

2 27) The first step of this enforcement operation typically takes place inside the
3 immigration court or with ICE agents due to baseless ISAP violations. When people arrive in court
4 for their master calendar hearings, DHS attorneys orally file a motion to dismiss the proceedings—
5 without any notice to the affected individual. Although DHS regulations do not permit such
6 motions to dismiss absent a showing that the “[c]ircumstances of the case have changed,” 8 C.F.R.
7 § 239.2(a)(7), (c), DHS attorneys do not conduct any case-specific analysis of changed
8 circumstances before filing these motions to dismiss. Or in circumstances, as with the petitioner,
9 where they are being called by ICE for check-ins and being arrested there.

10 28) Even though individuals are supposed to have ten days to respond to a motion to
11 dismiss, some IJs have granted the government’s oral motion on the spot and immediately
12 dismissed the case. This is consistent with recent instructions from the Department of Justice to
13 immigration judges stating that they may allow the government to move to dismiss cases orally,
14 in court, without a written motion, and to decide that motion without allowing the noncitizen an
15 opportunity to file a response.

16 29) Despite these instructions, some IJs have still asked DHS to re-file the motion as a
17 written motion and continued proceedings to allow individuals to file their response. A smaller
18 group of IJs have expressly denied the motion to dismiss on the record or in a written order.

19 30) The next step of DHS’s new campaign takes place outside the courtroom. ICE
20 officers, in consultation with DHS attorneys and officials, station themselves in courthouse waiting
21 rooms, hallways, and elevator banks. When an individual exits their immigration hearings, ICE
22 officers—typically masked and in plainclothes—immediately arrest the person and detain them.
23 ICE officers execute these arrests regardless of how the IJ rules on the government’s motion to
24 dismiss. On information and belief, they typically do not have an arrest warrant.

25 _____
26 ² Arelis R. Hernández & Maria Sacchetti, *Immigrant Arrests at Courthouses Signal New Tactic*
27 *in Trump’s Deportation Push*, Wash. Post, May 23, 2025,
28 <https://www.washingtonpost.com/immigration/2025/05/23/immigration-court-arrests-ice-trump/>;
see also Hamed Aleaziz, Luis Ferré-Sadurní, & Miriam Jordan, *How ICE is Seeking to Ramp Up*
Deportations Through Courthouse Arrests, N.Y. Times, May 30, 2025,
<https://www.nytimes.com/2025/05/30/us/politics/ice-courthouse-arrests.html>.

1 31) Once the person has been transferred to a detention facility, the government places
2 the individual in expedited removal. In cases in which the IJ did not dismiss the person’s removal
3 proceedings, DHS attorneys unilaterally transfer venue of the case to a “detained” immigration
4 court, where they renew their motions to dismiss—again with the goal of putting the person in
5 expedited removal.

6 32) DHS is aggressively pursuing this arrest and detention campaign at courthouses
7 throughout the country and with the help of ICE agents at check ins. In New York City, for
8 example, “ICE agents have apprehended so many people showing up for routine appointments this
9 month that the facilities” are “overcrowded,” with “[h]undreds of migrants . . . sle[eping] on the
10 floor or sitting upright, sometimes for days.”³

11 33) DHS’s and ICE’s aggressive tactics appear to be motivated by the Administration’s
12 imposition of a new daily quota of 3,000 ICE arrests.⁴ In part as a result of this campaign, ICE’s
13 arrests of noncitizens with no criminal record have increased more than 800% since before
14 January.⁵

15 34) The government’s new campaign is also a significant shift from previous DHS
16 practice of re-detaining noncitizens only after a material change in circumstances. *See Saravia v.*
17 *Sessions*, 280 F. Supp. 3d 1168, 1197 (N.D. Cal. 2017), *aff’d sub nom. Saravia for A.H. v.*
18 *Sessions*, 905 F.3d 1137 (9th Cir. 2018) (describing prior practice).

19 ***C. Petitioner is Unlawfully Arrested and Detained Pursuant.***

20
21
22 _____
23 ³ Luis Ferré-Sadurní, *Inside a Courthouse, Chaos and Tears as Trump Accelerates Deportations*,
N.Y. Times, June 12, 2025, <https://www.nytimes.com/2025/06/12/nyregion/immigration-courthouse-arrests-trump-deportation.html>.

24 ⁴ Ted Hesson & Kristina Cooke, *ICE’s Tactics Draw Criticism as it Triples Daily Arrest Targets*,
25 Reuters, June 10, 2025, <https://www.reuters.com/world/us/ices-tactics-draw-criticism-it-triples-daily-arrest-targets-2025-06-10/>; Alayna Alvarez & Brittany Gibson, *ICE Ramps Up Immigration Arrests in Courthouses Across the U.S.*, Axios, June 12, 2025, <https://www.axios.com/2025/06/12/ice-courthouse-arrests-trump>.

26 ⁵ José Olivares & Will Craft, *ICE Arrests of Migrants with No Criminal History Surging under Trump*,
27 The Guardian, June 14, 2025, <https://www.theguardian.com/us-news/2025/jun/14/ice-arrests-migrants-trump-figures>.
28

1 35) Petitioner, Sukhbir Singh Goraya, is a follower of the Sikh faith who fled India
2 and entered the United States on June 17, 2023. He was born on [REDACTED] in Dahbanwala
3 Khurd, Punjab, India, and is a citizen of India. Before his detention, he lived a peaceful and
4 stable life in California. His removal proceedings are pending before the San Francisco
5 Immigration Court, with a Master Hearing scheduled for June 23, 2026.

6 36) Petitioner entered the United States on June 17, 2023. He was apprehended at the
7 border and released on June 19, 2023. Following his release, DHS instructed Petitioner to report
8 to ICE, and he complied. Petitioner's Form I-589 asylum application was filed in October 2023.

9 37) Petitioner complied with all ICE instructions. He attended scheduled check-ins,
10 reported all address changes to ICE, and maintained consistent contact with his supervising ICE
11 officers. He obtained a valid Employment Authorization Document and a California Commercial
12 Driver's License (Class A) and worked lawfully as a commercial truck driver. He never
13 intentionally missed a scheduled ICE appointment and never attempted to evade supervision.

14 38) Due to the nature of his work, ICE required Petitioner to obtain prior permission
15 before each work trip and to provide detailed vehicle and load information for every pickup.
16 Petitioner complied with this requirement faithfully. On February 25, 2026, Petitioner obtained
17 the required ICE permission and commenced a work trip.

18 39) On February 26, 2026, after arriving in Coachella, California, Petitioner stopped
19 at a TA Truck Stop to fulfill his mandatory rest period under his logbook requirements. At
20 approximately 3:00 a.m., ICE officers approached Petitioner, checked his identification, and
21 stated that he had an "ICE violation." Petitioner immediately informed the officers that he had
22 not committed any violation and was in full compliance, including having received prior ICE
23 permission for his current trip. ICE officers instructed him to travel to Indio, California, where
24 his biometrics were taken and his phone and wallet were confiscated.
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1 40) Petitioner was detained for two days at the El Centro, California facility and was
2 then transferred to the San Diego Detention Center. He is currently held at the Imperial Regional
3 Adult Detention Facility. During his arrest and transfer, Petitioner was never provided a written
4 explanation of the alleged violation, shown documentation supporting any specific claim against
5 him, or given any meaningful opportunity to contest the basis for his arrest.

6 41) ICE did not identify any individualized finding that Petitioner posed a danger to
7 the community or a risk of flight. Petitioner has never intentionally violated any ICE directive,
8 supervision requirement, or court order. His detention serves no legitimate government purpose
9 and represents an unlawful deprivation of liberty inconsistent with the Fifth Amendment.
10

11 ***D. As a Result of His Arrest and Detention, Petitioner is Suffering Ongoing and Irreparable***
12 ***Harm.***

13 42) Petitioner is being deprived of his liberty without any permissible justification. The
14 government previously released him on his own recognizance because he did not pose sufficient
15 risk of flight or danger to the community to warrant detention.

16 43) None of that has changed. Petitioner has no criminal record, and there is no basis
17 to believe that he poses any public-safety risk. Nor is Petitioner, who was arrested *while appearing*
18 *to ICE*, conceivably a flight risk. To the contrary, Petitioner appeared for every immigration court
19 hearing and supervision check-in, and he has consistently informed the court about any change in
20 his address or other circumstances.
21
22

23 **CLAIMS FOR RELIEF**

24 **FIRST CLAIM FOR RELIEF**

25 **Violation of the Fifth Amendment to the United States Constitution**

26 **(Substantive Due Process—Detention)**

27 44) Petitioner repeats and re-alleges the allegations contained in the preceding
28 paragraphs of this Petition as if fully set forth herein.

1 45) The Due Process Clause of the Fifth Amendment protects all “person[s]” from
2 deprivation of liberty “without due process of law.” U.S. Const. amend. V. “Freedom from
3 imprisonment—from government custody, detention, or other forms of physical restraint—lies at
4 the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas*, 533 U.S. at 690.

5 46) Immigration detention is constitutionally permissible only when it furthers the
6 government’s legitimate goals of ensuring the noncitizen’s appearance during removal
7 proceedings and preventing danger to the community. *See id.*

8 47) Petitioner is not a flight risk or danger to the community. Respondents’ detention
9 of Petitioner is therefore unjustified and unlawful. Accordingly, Petitioner is being detained in
10 violation of the Due Process Clause of the Fifth Amendment.

11 48) Moreover, Petitioner’s detention is punitive as it bears no “reasonable relation” to
12 any legitimate government purpose. *Id.* (finding immigration detention is civil and thus ostensibly
13 “nonpunitive in purpose and effect”). Here, the purpose of Petitioner’s detention appears to be “not
14 to facilitate deportation, or to protect against risk of flight or dangerousness, but to incarcerate for
15 other reasons”—namely, to meet newly-imposed DHS quotas and transfer immigration court
16 venue away from an IJ who refused to facilitate DHS’s new expedited removal scheme. *Demore*,
17 538 U.S. at 532–33 (Kennedy, J., concurring).

18
19 **SECOND CLAIM FOR RELIEF**

20 **Violation of the Fifth Amendment to the United States Constitution**

21 **(Procedural Due Process—Detention)**

22 49) Petitioner repeats and re-alleges the allegations contained in the preceding
23 paragraphs of this Petition as if fully set forth herein.

24 50) As part of the liberty protected by the Due Process Clause, Petitioner has a weighty
25 liberty interest in avoiding re-incarceration after his release. *See Young v. Harper*, 520 U.S. 143,
26 146–47 (1997); *Gagnon v. Scarpelli*, 411 U.S. 778, 781–82 (1973); *Morrissey v. Brewer*, 408 U.S.
27 471, 482–83 (1972); *see also Ortega*, 415 F. Supp. 3d at 969–70 (holding that a noncitizen has a
28 protected liberty interest in remaining out of custody following an IJ’s bond determination).

1 51) Accordingly, “[i]n the context of immigration detention, it is well-settled that due
2 process requires adequate procedural protections to ensure that the government’s asserted
3 justification for physical confinement outweighs the individual’s constitutionally protected
4 interest in avoiding physical restraint.” *Hernandez*, 872 F.3d at 990 (cleaned up); *Zinermon*, 494
5 U.S. at 127 (Generally, “the Constitution requires some kind of a hearing *before* the State
6 deprives a person of liberty or property.”). In the immigration context, for such hearings to
7 comply with due process, the government must bear the burden to demonstrate, by clear and
8 convincing evidence, that the noncitizen poses a flight risk or danger to the community. *See Singh*
9 *v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011); *see also Martinez v. Clark*, 124 F.4th 775, 785,
10 786 (9th Cir. 2024).

11 52) Petitioner’s re-detention without a pre-deprivation hearing violated due process.
12 Approximately 32 months after Petitioner was first released from custody on his own
13 recognizance, Respondents re-detained him with no advance notice, no written explanation of
14 the justification for re-detention, and no opportunity to contest his re-detention before a neutral
15 adjudicator. He was arrested on February 26, 2026, while lawfully stopped during a work trip for
16 which he had received prior ICE permission.

17 53) These facts are materially indistinguishable from *Y.S.G. v. Andrews*, No. 2:25-cv-
18 01884-SCR (E.D. Cal. Oct. 22, 2025), where the Court granted a writ of habeas corpus after
19 finding that ICE violated due process by re-detaining a previously released individual without
20 advance notice or a pre-deprivation hearing. In *Y.S.G.*, as here, DHS claimed a technical violation
21 of supervision conditions but offered no proof that the individual posed a danger or flight risk.
22 The court held that any re-detention requires a pre-deprivation hearing before a neutral
23 adjudicator, at which the government bears the burden to establish danger or flight risk by clear
24 and convincing evidence. Petitioner, who has fully complied with ICE and court requirements
25 and poses no danger, was similarly re-detained in violation of his constitutional rights.

PRAYER FOR RELIEF

Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this matter;
2. Issue a writ of habeas corpus ordering Respondents to immediately release Petitioner from custody;
3. Declare that Petitioner’s arrest and detention violate the Due Process Clause of the Fifth Amendment.
4. Enjoin Respondents from transferring Petitioner outside this District or deporting Petitioner pending these proceedings;
5. Enjoin Respondents from re-detaining Petitioner unless his re-detention is ordered at a custody hearing before a neutral arbiter in which the government bears the burden of proving, by clear and convincing evidence, that Petitioner is a flight risk or danger to the community;
6. Award Petitioner his costs and reasonable attorneys’ fees in this action as provided for by the Equal Access to Justice Act and 28 U.S.C. § 2412; and
7. Grant such further relief as the Court deems just and proper.

Date:04/01/2026

Respectfully Submitted,

/s/ Simranjit Kaur
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Attorneys for Petitioner

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VERIFICATION PURSUANT TO 28 U.S.C. 2242

I am submitting this verification on behalf of the Petitioner because I am one of Petitioner's attorneys. I have discussed with Petitioner, Sukhbir Singh Goraya, the events described in the Petition. Based on those discussions, I hereby verify that the factual statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Executed on this 04/01/2026, in Tracy, CA.

/s/ O. Simranjit Kaur
(attorney)
Attorney for Petitioner