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

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10 TARANJEET KAUR ,)
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_____)
Petitioner,
v.
CHRISTOPHER J. LaROSE, Senior Warden,
Otay Mesa Detention Center, in his official capacity,
Respondents.

Case No. '26 CV2070 AGS DDL


**PETITION FOR WRIT OF
HABEAS CORPUS PURSUANT
TO 28 U.S.C. § 2241**

JURISDICTION AND VENUE

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2 1. This Court has subject-matter jurisdiction over this Petition pursuant to 28 U.S.C. §
3 2241. Petitioner Taranjeet Kaur is in federal custody within this judicial district. The Suspension
4 Clause, U.S. Const. Art. I, § 9, cl. 2, guarantees the availability of habeas corpus to test the
5 legality of executive detention. *INS v. St. Cyr*, 533 U.S. 289, 301-05 (2001). This petition
6 challenges only the legality of Petitioner's detention without an individualized bond hearing, and
7 not the merits of her removal proceedings. *Jennings v. Rodriguez*, 583 U.S. 281, 292 (2018) (§
8 2241 jurisdiction over detention challenges preserved notwithstanding INA § 1252(b)(9));
9 *Zadvydas v. Davis*, 533 U.S. 678, 687-88 (2001) (§ 2241 available for challenges to continued
10 detention).
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12 2. Venue is proper in the Southern District of California because Petitioner is detained at
13 the Otay Mesa Detention Center, 7488 Calzada de la Fuente, San Diego, California 92154, which
14 lies within this judicial district. 28 U.S.C. § 2241(d).
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THE PARTIES

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17 3. Petitioner Taranjeet Kaur  is a native and citizen of India and a Sikh
18 woman from Punjab, India. She is currently detained at the Otay Mesa Detention Center, 7488
19 Calzada de la Fuente, San Diego, California 92154.

20 4. Respondent Christopher J. LaRose is the Senior Warden of the Otay Mesa Detention
21 Center. He is the immediate custodian exercising control over Petitioner's physical confinement
22 and is the proper respondent for this habeas petition, *Rumsfeld v. Padilla*, 542 U.S. 426, 434
23 (2004).
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FACTUAL ALLEGATIONS

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2 5. Petitioner Taranjeet Kaur is a Sikh woman from Punjab, India, who entered the United
3 States at an unknown location on or about July 25, 2025, without having been admitted or
4 paroled.

5 6. Following her apprehension, Ms. Kaur was subjected to expedited removal
6 proceedings under INA § 235(b)(1), 8 U.S.C. § 1225(b)(1). A DHS asylum officer conducted a
7 credible fear screening and found that Ms. Kaur had demonstrated a credible fear of persecution
8 or torture. The expedited removal order was vacated pursuant to 8 C.F.R. § 208.30, and Ms. Kaur
9 was referred to full removal proceedings before an immigration judge pursuant to 8 U.S.C. §
10 1229a.
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12 7. On August 24, 2025, Supervisory Asylum Officer Brittany Hadaway issued a Notice
13 to Appear (Form I-862) charging Ms. Kaur as inadmissible under INA §§ 212(a)(6)(A)(i) and
14 212(a)(7)(A)(i)(I). The NTA was filed with the Otay Mesa Immigration Court on August 28,
15 2025.
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17 8. Ms. Kaur has been detained at the Otay Mesa Detention Center continuously since her
18 apprehension. She has never been released on bond, on her own recognizance, or on any form of
19 supervised release.

20 9. On September 7, 2025, Nilima Patel Shah, Esq. (CA State Bar No. 295993), of
21 Paragon Law Firm, PC, entered her appearance as counsel of record. Master Calendar Hearings
22 were held on September 24 and October 23, 2025, before Immigration Judge Eugene H.
23 Robinson, Jr. At the October 23 hearing, Judge Robinson issued a Scheduling Order setting the
24 Individual Merits Hearing for February 6, 2026, later rescheduled to February 13, 2026, and
25 ultimately held on February 18, 2026.
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27 10. On October 14, 2025, Ms. Kaur filed her Form I-589 Application for Asylum and
28 Withholding of Removal and supporting evidence, including a personal declaration, identity

1 documents, a travel itinerary, and country conditions evidence. Additional evidence was
2 submitted on October 20, 2025 (affidavits) and January 20, 2026 (country conditions).

3 11. On February 12, 2026—one day before the merits hearing—DHS filed two
4 evidentiary submissions. DHS filed as Exhibit 10 an OpIndia news article dated March 30, 2023,
5 as purported impeachment evidence. DHS filed as Exhibit 11 a 57-page packet that prominently
6 included *Singh v. Bondi*, 161 F.4th 560 (9th Cir. 2025), which referenced a 2018 Law Library of
7 Congress report to support an internal relocation finding. DHS did not submit an April 2025 Law
8 Library of Congress report—produced at the specific request of U.S. Immigration and Customs
9 Enforcement—that addresses the identical subject and reaches conclusions directly contrary to
10 the 2018 report cited in *Singh v. Bondi*.

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12 12. On February 18, 2026, after a one-day merits hearing, Immigration Judge Robinson
13 denied all of Ms. Kaur's applications for relief: asylum under INA § 208; withholding of removal
14 under INA § 241(b)(3); withholding of removal under the Convention Against Torture (CAT);
15 and deferral of removal under the CAT. The IJ's written decision was issued on March 10, 2026.
16 DHS waived appeal; Ms. Kaur reserved her right to appeal.

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18 13. On March 18, 2026, undersigned counsel Robert B. Jobe timely filed a Notice of
19 Appeal (Form EOIR-26) with the Board of Immigration Appeals on Ms. Kaur's behalf. Ms.
20 Kaur's BIA appeal is currently pending.

21 14. Ms. Kaur has been continuously detained for approximately eight months. During
22 this entire period, no immigration judge has held an individualized bond hearing to assess
23 whether her continued detention is justified. No neutral decision-maker has ever evaluated
24 whether she poses a danger to the community or a risk of flight that would warrant confinement
25 without a hearing.
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CLAIMS FOR RELIEF

Count I: Statutory Violation — 8 U.S.C. § 1226(a) Governs Petitioner's Detention

15. Petitioner incorporates paragraphs 1 through 14 as if fully set forth herein.

16. Ms. Kaur entered the United States without inspection. Once a positive credible fear determination was made and she was referred to full § 1229a removal proceedings, the § 1225(b)(1) expedited removal regime was complete. Section 1225(b)(1)(B)(ii) commands detention only 'for further consideration of the application for asylum'—language temporarily limited to the credible fear determination process. By contrast, § 1225(b)(1)(B)(iii)(IV) mandates detention 'until removed' for aliens who fail credible fear. Under *Russelo v. United States*, 464 U.S. 16, 23 (1983), Congress's disparate use of these phrases is presumptively intentional and dispositive. Once the credible fear process concluded with a positive determination, Ms. Kaur transitioned into § 1229a proceedings governed by § 1226(a)'s general detention authority.

17. Under *Loper Bright Enterprises v. Raimondo*, 144 S. Ct. 2244 (2024), this Court independently interprets the governing statutes and owes no deference to the BIA's contrary reading in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). EWI aliens such as Ms. Kaur are not 'arriving aliens' under 8 C.F.R. § 1001.1(q) and are therefore not subject to the categorical exclusion from immigration judge bond jurisdiction under 8 C.F.R. § 1003.19(h)(2)(i)(A). Section 1226(a) requires that Ms. Kaur be provided an individualized bond hearing.

18. Respondent's failure to provide Ms. Kaur with a bond hearing is unlawful. This Court should grant the writ and order Respondent to provide such a hearing.

Count II: Procedural Due Process — Fifth Amendment

19. Petitioner incorporates paragraphs 1 through 18 as if fully set forth herein.

20. The Due Process Clause of the Fifth Amendment prohibits the executive branch from depriving persons within the United States of their liberty without due process of law. *Zadvydas*

1 *v. Davis*, 533 U.S. 678, 690 (2001) ('[F]reedom from imprisonment—from government custody,
2 detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due
3 Process] Clause protects.'). All persons within the territory of the United States are entitled to the
4 protection of the Fifth Amendment, *Wong Wing v. United States*, 163 U.S. 228 (1896).

5 21. Ms. Kaur has been detained for approximately eight months without any
6 individualized hearing before a neutral decision-maker. Federal courts have consistently held that
7 prolonged detention of EWI aliens placed in § 1229a proceedings without a bond hearing
8 violates the Due Process Clause. *See Padilla v. ICE*, 387 F. Supp. 3d 1219, 1232 (W.D. Wash.
9 2019); *Pierre v. Doll*, 350 F. Supp. 3d 327, 332 (M.D. Pa. 2018); *Kouadio v. Decker*, 352 F.
10 Supp. 3d 235, 241 (S.D.N.Y. 2018); *Varinder S. v. Warden*, No. 1:26-cv-00634-TLN-EFB (E.D.
11 Cal. Mar. 10, 2026).

12 22. Respondent's failure to provide Ms. Kaur with an individualized bond hearing
13 violates her right to procedural due process under the Fifth Amendment.
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15 **Count III: Prolonged Detention — Constitutional Violation**

16 23. Petitioner incorporates paragraphs 1 through 22 as if fully set forth herein.
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18 24. Even under any theory of detention authority, eight months of imprisonment without
19 a bond hearing is presumptively unconstitutional. The Supreme Court held in *Zadvydas v. Davis*,
20 533 U.S. 678, 701 (2001), that the government's detention authority is implicitly limited to a
21 period reasonably necessary to effectuate the statutory purpose—approximately six months.

22 *Clark v. Martinez*, 543 U.S. 371, 378-79 (2005) (extending *Zadvydas* principle). Ms. Kaur has
23 been detained for two months beyond this baseline with no imminent prospect of final resolution.
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25 25. The government has presented no evidence that Ms. Kaur poses a danger to the
26 community or a risk of flight that would justify continued detention without a hearing. Her case
27 is pending before the BIA, with briefing and a decision likely to take many additional months or
28 longer. Her detention threatens to become indefinite. She is entitled to an individualized bond

1 hearing at which the government must demonstrate by clear and convincing evidence that
2 continued confinement is justified.

3 **PRAYER FOR RELIEF**

4 WHEREFORE, Petitioner Taranjeet Kaur respectfully prays that this Court:

5 1. Issue a Writ of Habeas Corpus ordering Respondent to provide Petitioner with an
6 individualized bond hearing before a neutral immigration judge, at which the government shall
7 bear the burden of demonstrating by clear and convincing evidence that continued detention is
8 justified;
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10 2. Issue an emergency Temporary Restraining Order preventing Respondent from
11 removing Petitioner from the United States or transferring her outside the Southern District of
12 California pending full adjudication of this Petition;

13 3. Issue an Order to Show Cause why a Preliminary Injunction should not issue,
14 maintaining such relief for the duration of these proceedings; and

15 4. Grant such other and further relief as this Court deems just and proper.
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VERIFICATION

I, Taranjeet Kaur, am the petitioner in this action. I have read the foregoing Petition for Writ of Habeas Corpus and certify that the factual statements contained therein are true and correct to the best of my knowledge and belief.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on March 27, 2026, at San Diego, California.

/s/Taranjeet Kaur
Taranjeet Kaur

Date: April 1, 2026

Respectfully submitted,

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