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7 **UNITED STATES DISTRICT COURT**  
8 **SOUTHERN DISTRICT OF CALIFORNIA**  
9 **SOUTHERN DIVISION**

10 **ROBINJIT SINGH,**

Case No.: **'26CV2095 RSH DEB**

11 Petitioner

**PETITION FOR WRIT OF HABEAS  
CORPUS**

12 vs.

13 **Christopher J LaRose**, Senior Warden Otay  
14 **Mesa Detention Center; Markwayne Mullin**,  
15 **Secretary Department of Homeland Security;**  
16 **Gregory J. Archambeault** Field Officer  
17 **Director Enforcement and Removal**  
18 **Operations (ERO) San Diego, CA. Todd M**  
19 **Lyons** Performing the Duties of the  
20 **Immigration and Customs Enforcement;**  
21 **Pamela Bondi** United States Attorney  
22 **General; Executive Office for Immigration**  
23 **Review (EOIR).**

24 Respondents

25 **PETITION FOR WRITE OF HABEAS CORPUS**  
26 **PURSUANT TO 28 U.S.C. §2241**

27 Petitioner respectfully petitions this Honorable court for writ of habeas corpus to remedy  
28 petitioner's unlawful detention by the respondents as follows:

Dated this April 01, 2026

\_\_\_\_\_  
Sajjad Hussain, Esq.

PETITION FOR WRIT OF HABEAS CORPUS

1                   **I. INTRODUCTION:**

2 1. Petitioner Ribinjit Singh (“Petitioner” or “Mr. Singh”) has been civilly detained by U.S.  
3 Immigration and Customs Enforcement (“ICE”) at the Otay Mesa Detention  
4 Center (“Otay Mesa”) since January 2025—approximately fifteen months.

5  
6 2. On March 13, 2026, the United States District Court for the Southern District of  
7 California granted Petitioner’s habeas petition in case number *26-cv-00985-BAS-DEB*,  
8 finding that his detention had become unreasonably prolonged in violation of due  
9 process. The Court ordered that Petitioner be provided with a bond hearing before an  
10 Immigration Judge within fourteen (14) days and required the Government to bear the  
11 burden of proving, by clear and convincing evidence, that Petitioner posed a danger to  
12 the community or a flight risk. The court specifically held that “*Concerns about*  
13 *interrupting court schedules are not a ground to deny bond*”, *Ex 1*.

14  
15 3. On March 16, 2026, an Immigration Judge in San Diego, California, scheduled a  
16 custody hearing for March 18, 2026, pursuant to the district court’s order. Petitioner did  
17 not personally receive notice of this hearing. Instead, on March 17, 2026, Petitioner’s  
18 counsel informed him of the scheduled hearing and requested that he provide supporting  
19 evidentiary documents, Ex 4 ¶ 4.

20  
21 4. Petitioner, who is detained, attempted to contact his sponsor to obtain the requested  
22 documentation; however, he was unable to reach him by phone and had no alternative  
23 means of communication from detention Ex 4 ¶ 6. As a result, at the March 18, 2026,  
24 hearing, Petitioner requested a brief continuance to secure the necessary evidence.  
25

26 5. The Immigration Judge denied this request and proceeded with the hearing, ultimately  
27 denying bond. The Immigration Judge concluded that Petitioner was “deemed to be a  
28

1 significant flight risk, and no amount of bond will mitigate such risk,” with the Court  
2 stating that its reasoning and findings were set forth on the bond record. See Ex. 2.

3  
4 6. This order was the product derived from a constitutionally deficient hearing. The  
5 Immigration Court violated petitioner’s procedural due process by denying a brief  
6 continuance and proceeding on the hearing without having petitioner an opportunity to  
7 file sponsor documents, *Declaration Attorney Chinthana Konganda Ex 6*. If the  
8 Petitioner was allowed to file sponsor documents there are *no* circumstances in which  
9 the IJ could have plausibly established that Mr. Singh posed a flight risk, or that he was  
10 such an extreme flight risk that *no amount of* bond or set of conditions could possibly  
11 mitigate if the court had conducted bond hearing after review of sponsor documents.  
12

13 7. Not only that the IJ failed to adhere to the due process but also failed to consider  
14 the factors required to make a bond determination under the Immigration and  
15 Nationality Act (“INA”) and its implementing regulations. *See* 8 U.S.C. § 1226(a). The  
16 Immigration Judge’s “no bond” order for flight risk subverts the statutory design.  
17

18 8. To restrain an individual’s liberty, the Due Process Clause of the Fifth Amendment,  
19 the INA and agency rules all require the Government to do more than check boxes or  
20 justify detention after-the-fact.

21  
22 9. This Court should issue a writ of habeas corpus and determine that Mr. Singh is entitled  
23 to immediate release under reasonable conditions and pending further order of the  
24 Court.

25 10. Alternatively, this Court should order Mr. Singh’s release unless he receives a bond  
26 hearing before a different Immigration Judge where: (1) he has opportunity to present  
27 his evidence (2) the government bears the burden to establish by clear and convincing  
28

1 evidence that Mr. Singh is a danger or flight risk to justify his continued detention, even  
2 after consideration of alternatives to detention that could mitigate any risk his release  
3 would present; and (3) if the government cannot meet its burden, Mr. Singh must be  
4 ordered released on reasonable conditions, taking into account his ability to pay bond.  
5

6 **II. CUSTODY**

7 11. Mr. Singh is detained in the legal and physical custody of Respondents at the Otay Mesa,  
8 where he is under the direct control of Respondents and their agents.  
9

10 **III. JURISDICTION**

11 12. This action arises under the Constitution of the United States and the Immigration and  
12 Nationality Act, 8 U.S.C. § 1101 et seq.

13 13. Jurisdiction is proper under 28 U.S.C § 2241 (habeas corpus); 28 U.S.C. § 1331 (federal  
14 question); 28 U.S.C. § 1651 (All Writs Act); U.S. Const. art. I, § 9, cl. 2 (the Suspension  
15 Clause); and 5 U.S.C. § 702 (Administrative Procedure Act).  
16

17 **IV. VENUE**

18 14. Venue is proper in this district under 28 U.S.C. § 1391(b) and (e) because at least one  
19 Respondent—Respondent Christopher J LaRose, the legal custodian of Mr. Singh—is  
20 in this District, and a substantial part of the events giving rise to the claims in this action  
21 took place in this District. All material decisions about Mr. Singh’s detention have been  
22 made at the San Diego Field Office of ICE, which is located within San Diego,  
23 California.  
24  
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27  
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1           **V.       EXHAUSTION**

2       13.     A hearing was scheduled on March 18, 2026, the hearing was constitutionally deficient,  
3           wherein the IJ denied the bond request finding petitioner a flight risk. The appeal is not  
4           viable option for the following reasons.

5  
6       14.     The Board of Immigration Appeals (BIA) is an administrative body within the Executive  
7           Office for Immigration Review, a Justice Department component. 8 C.F.R. §  
8           1003.1(d)(1). The BIA adjudicates administrative appeals of Immigration Judge bond  
9           decisions. 8 C.F.R. § 1236.1(d)(3). The BIA process is long, and the lengthy delays in  
10          adjudication often moot pending bond appeals before they are adjudicated.

11  
12       15.     In 2024, EOIR data showed an average processing time of 204 days for bond appeals.  
13           *Rodriguez v. Bostock*, 802 F. Supp. 3d 1297, 1307 (W.D. Wash. 2025). Between 2015  
14           and 2024, bond appeal cases took a year or longer to resolve.

15       16.     During the time it takes the BIA to resolve the bond appeal, most detainees' claims are  
16           mooted by adjudications in their removal proceedings. *Id.*

17  
18       17.     Exhaustion for habeas claims is prudential, not jurisdictional. See *Laing v. Ashcroft*,  
19           370 F.3d 994, 997 (9th Cir. 2004). The prudential exhaustion requirement may be  
20           waived if ““administrative remedies are inadequate or not efficacious, pursuit of  
21           administrative remedies would be a futile gesture, [or] irreparable injury will result.””  
22           *Id.* at 1000. Administrative remedies would be futile, inadequate, and not efficacious  
23           for Mr. Singh Exhausting his constitutional claim would be futile because the agency  
24           does not have the authority to rule on constitutional questions. See *Wang v. Reno*, 81  
25           F.3d 808, 815–16 (9th Cir. 1996) (per curiam) (“the inability of the INS to adjudicate  
26  
27  
28

1 the constitutional claim completely undermines most, if not all, of the purposes  
2 underlying exhaustion”).

- 3 18. Even if exhaustion were not futile, waiver is warranted because Mr. Singh’s claim  
4 presents purely legal issues and no purpose is served by requiring an administrative  
5 appeal. See *Hernandez v. Sessions*, 872 F.3d 976, 988–89 (9th Cir. 2017).

7 **VI. PARTIES**

- 8 19. Petitioner is a native and citizen of India who is detained in the custody of Immigration  
9 and Customs Enforcement at Otay Mesa detention center, CA.

- 10 20. Respondent **Christopher J. Larose** is the Senior Warden of Otay Mesa Detention  
11 Center, where Petitioner is detained. He is sued in his official capacity.

- 12 21. Respondent **Markwayne Mullin** is the Secretary of the Department of Homeland  
13 Security, an agency of the United States. He is responsible for the administration and  
14 enforcement of the immigration laws. See 8 U.S.C. § 1103(a). Respondent is a legal  
15 custodian of Petitioner. He is sued in his official capacity.

- 16 22. Respondent **Gregory J. Archambeault** is the Field Office Director for Enforcement  
17 and Removal Operations (ERO), San Diego, California. He is sued in his official  
18 capacity.

- 19 23. Respondent **Todd M. Lyons** is performing the duties of the Director of U.S.  
20 Immigration and Customs Enforcement (ICE). He is sued in his official capacity.

- 21 24. Respondent **Pamela Bondi** is the Attorney General of the United States. As Attorney  
22 General, Respondent has the authority to interpret the immigration laws and adjudicate  
23 removal cases and bond hearings. See 8 U.S.C. § 1103(g). The Attorney General  
24 delegates this responsibility to the Executive Office for Immigration Review, which  
25  
26  
27  
28

1 administers the immigration courts and the BIA. Respondent Garland is a legal  
2 custodian of Petitioner. He is sued in his official capacity.

3 25. Respondent **EOIR** is the federal agency that has authority over the actions of the  
4 immigration court.  
5

6 **VII. FACTUAL ALLEGATIONS**

7 26. Petitioner **Robinjit Singh** [REDACTED] is a native and citizen of India who is  
8 currently detained at the Otay Mesa Detention Center in San Diego, California. On or  
9 about January 8, 2025, Petitioner entered the United States near Otay Mesa, California.  
10 He was subsequently served with a Notice to Appear dated March 5, 2025, charging  
11 him as removable under INA § 212(a)(6)(A)(i) as a noncitizen present in the United  
12 States without being admitted or paroled, NTA, *Ex 3*.  
13

14 28. Petitioner filed an Application for Asylum, Withholding of Removal, and Protection  
15 under the Convention Against Torture. In his declaration, Petitioner detailed severe  
16 persecution in India due to his political activities as a supporter of the Shiromani Akali  
17 Dal (Amritsar) party and his support for the Khalistan movement. He described multiple  
18 incidents of violence, including beatings by members of the [REDACTED]  
19 [REDACTED] and torture by police officers, including physical assault, humiliation, and threats  
20 of life imprisonment.  
21

22 29. On March 13, 2026, the United States District Court for the Southern District of  
23 California granted Petitioner's habeas petition in Case No 26-cv-00985-BAS-DEB,  
24 finding that his detention had become unreasonably prolonged in violation of due  
25 process. The Court ordered that Petitioner be provided with a bond hearing before an  
26 Immigration Judge within fourteen (14) days and required the Government to bear the  
27  
28

1 burden of proving, by clear and convincing evidence, that Petitioner posed a danger to  
2 the community or a flight risk., *Ex 2*.

3 30. On March 16, 2026, the Immigration Court issued a notice scheduling Petitioner’s bond  
4 hearing for March 18, 2026. Petitioner did not receive this notice of hearing from the  
5 court, but he was informed of this hearing on March 17, 2026, when his attorney notified  
6 him of the scheduled hearing *Ex 5 Counsel Declaration*.

7  
8 31. Upon being informed of the hearing on March 17, 2026—only one day before the  
9 scheduled proceeding—Petitioner immediately attempted to contact his sponsor in order  
10 to obtain the necessary supporting documents, including a notarized statement *Ex 4 ¶ 6*.

11  
12 32. Despite diligent efforts, Petitioner was unable to reach his sponsor on March 17, 2026,  
13 as the sponsor’s phone was not accessible. Petitioner specifically sought to obtain  
14 recently notarized documents because he heard from other detainees that older notarized  
15 documents were being challenged by the Government attorneys. As a result, Petitioner  
16 was unable to secure and submit the required sponsor documentation in time for the  
17 March 18, 2026, bond hearing, *Petitioner’s Declaration, Ex 4*

18  
19 33. Through counsel, Petitioner requested a brief continuance of the bond hearing to obtain  
20 critical sponsor documentation necessary to demonstrate that he was neither a flight risk  
21 nor a danger to the community. The Immigration Judge denied this request and  
22 proceeded with the bond hearing despite the lack of preparedness caused by the  
23 extremely short notice, *Declaration Attorney Chinthana Konganda, Ex 6*.

24  
25 34. At the conclusion of the hearing, the Immigration Judge denied bond, finding that  
26 Petitioner was a flight risk. The manner in which the bond hearing was conducted  
27 deprived Petitioner of the meaningful opportunity to present evidence. The denial of a  
28

1 continuance, combined with the lack of adequate notice and opportunity to prepare,  
2 rendered the bond hearing fundamentally unfair and inconsistent with due process.

3 35. Petitioner continues to suffer from worsening migraines and depression, and his mental  
4 condition has deteriorated during his prolonged confinement.

5  
6 36. Petitioner remains detained under circumstances that have become prolonged,  
7 effectively indefinite, and increasingly harmful to his physical and mental health,  
8 despite the District Court's intervention.

9 **VIII. LEGAL ARGUMENT**

10  
11 **A. IMMIGRATION BOND HEARINGS REQUIRE ROBUST**  
12 **PROCEDURAL DUE PROCESS, AND THE FAILURE TO PROVIDE**  
13 **SUCH SAFEGUARDS VIOLATES THE CONSTITUTION**

14 37. Deprivations of physical liberty are among the most severe actions the government can  
15 impose, and immigration detention is no exception. Although the government may  
16 detain noncitizens based on concerns of flight risk or danger to the community, that  
17 authority is strictly constrained by the Due Process Clause of the Fifth Amendment. As  
18 the Supreme Court has made clear, "no person may be imprisoned merely on account  
19 of his poverty." *Bearden v. Georgia*, 461 U.S. 660, 671 (1983). Accordingly, any  
20 system of immigration detention must include procedural safeguards sufficient to ensure  
21 that continued confinement is justified and constitutionally permissible.

22  
23 38. The Ninth Circuit has repeatedly emphasized that immigration bond hearings must  
24 comport with fundamental principles of due process. In *Singh v. Holder*, 638 F.3d 1196  
25 (9th Cir. 2011), the court held that due process requires adequate procedural protections  
26 to ensure that the government's asserted justification for detention outweighs the  
27 individual's liberty interest. This includes, at a minimum, a meaningful opportunity to  
28

1 be heard, the ability to present evidence, and procedures that ensure a fair and reliable  
2 determination.

3 39. While certain discretionary custody determinations are shielded from review under 8  
4 U.S.C. § 1226(e) and § 1252(a)(2)(B)(ii), those provisions do not bar federal courts  
5 from reviewing constitutional claims or questions of law. The Ninth Circuit has made  
6 clear that habeas jurisdiction remains available where the bond process itself is  
7 constitutionally flawed. *Leonardo v. Crawford*, 646 F.3d 1157, 1160 (9th Cir.  
8 2011); *Singh*, 638 F.3d at 1202. Indeed, “[c]laims that the discretionary [bond] process  
9 itself was constitutionally flawed are cognizable in federal court on habeas because they  
10 fit comfortably within the scope of § 2241.” *Singh*, 638 F.3d at 1202; see  
11 also *Hernandez v. Sessions*, No. 16-56829 (9th Cir. 2017).

14 40. To be cognizable, such claims need only be “colorable,” meaning they have “some  
15 possible validity.” *Torres-Aguilar v. INS*, 246 F.3d 1267, 1271 (9th Cir. 2001). Where,  
16 as here, the procedures employed during a bond hearing deprive the noncitizen of a  
17 meaningful opportunity to present his case, the claim is not only colorable—it  
18 establishes a clear constitutional violation.

20 41. In the present case, the procedures employed during Petitioner’s bond hearing fell far  
21 short of the constitutional minimum. Petitioner received, at most, one day’s notice of  
22 the hearing through counsel and never personally received notice from the Court. The  
23 hearing was scheduled with only two days’ notice, leaving no meaningful opportunity  
24 to prepare or gather critical evidence. Petitioner’s primary counsel was unavailable due  
25 to a scheduling conflict, and substitute counsel appeared to request a brief continuance  
26

1 so that Petitioner could present necessary documentation, including sponsor evidence  
2 directly relevant to flight risk, *Declaration Attorney Sajjad Hussain*.

3 42. Despite these circumstances, the Immigration Judge denied the request for a  
4 continuance and proceeded with the bond hearing in the absence of any supporting  
5 evidence from Petitioner. This deprived Petitioner of a meaningful opportunity to be  
6 heard and rendered the hearing fundamentally unfair.

7  
8 43. Under *Singh* and *Hernandez*, due process requires procedures that ensure a reliable  
9 determination of whether detention is justified. A hearing conducted practically on one  
10 day's notice, without any opportunity to present evidence, cannot satisfy this standard.  
11 Instead, it results in a one-sided proceeding in which the Government's assertions go  
12 effectively unchallenged.

13  
14 44. Moreover, the constitutional deficiency is compounded by the fact that Petitioner's  
15 liberty interest is at its highest—he has been subjected to prolonged detention exceeding  
16 one year. In such circumstances, the procedural safeguards required by due process are  
17 at their most stringent.

18  
19 45. Accordingly, because the Immigration Court failed to provide the basic procedural  
20 protections required under the Due Process Clause—including adequate notice, a  
21 meaningful opportunity to prepare, and the ability to present evidence—the bond  
22 hearing was constitutionally deficient. This violation is fully reviewable under this  
23 Court's habeas jurisdiction and warrants appropriate relief.  
24  
25  
26  
27  
28

**B. VIOLATION OF DUE PROCESS—DENIAL OF CONTINUANCE DEPRIVED PETITIONER OF A FULL AND FAIR HEARING**

1  
2  
3 46. Removal proceedings, although civil in nature, are governed by the Fifth Amendment’s  
4 Due Process Clause, which guarantees that noncitizens are entitled to a “full and fair  
5 hearing” and a meaningful opportunity to be heard. The Ninth Circuit has consistently  
6 held that due process in immigration proceedings requires that a respondent be given a  
7 reasonable opportunity to present evidence, secure counsel, and prepare his case. See,  
8 e.g., *Reno v. Flores*, 507 U.S. 292, 306 (1993); *Colmenar v. INS*, 210 F.3d 967, 971 (9th  
9 Cir. 2000).

10  
11 47. A denial of a continuance may rise to the level of a due process violation where it  
12 prevents the noncitizen from reasonably presenting his case. The Ninth Circuit has made  
13 clear that an Immigration Judge abuses discretion—and violates due process—when  
14 denying a continuance results in actual prejudice by depriving the respondent of the  
15 opportunity to present material evidence. *Colmenar*, 210 F.3d at 971–72.

16  
17 48. Here, the denial of a continuance rendered the bond hearing fundamentally unfair and  
18 violated Petitioner’s due process rights.

19  
20 49. First, the bond hearing was scheduled with a short notice. The Immigration Court issued  
21 notice on March 16, 2026, setting the hearing for March 18, 2026. Petitioner did not  
22 personally receive notice of the hearing. Instead, he was informed by his attorney on  
23 March 17, 2026—only one day before the scheduled hearing. This effectively deprived  
24 Petitioner of any meaningful opportunity to prepare.

25  
26 50. Second, due to the extremely limited notice, Petitioner was unable to reach his sponsor,  
27 gather and submit critical evidence in support of release, including sponsor  
28 documentation. As explained in his declaration, Petitioner made diligent efforts to

1 obtain these documents immediately upon learning of the hearing but was unable to do  
2 so within the timeframe. Petitioner was also unable to prepare and submit the necessary  
3 evidence prior to the Court's notice because, based on his understanding, government  
4 counsel in bond hearings often object to sponsor documents that are prepared in advance  
5 of the custody redetermination hearing. See Petitioner's Declaration at--  
6

7 51. Despite these circumstances, the Immigration Judge denied the request for a brief  
8 continuance and proceeded with the bond hearing in the absence of any supporting  
9 evidence from Petitioner. The hearing therefore proceeded in a manner that deprived  
10 Petitioner of the ability to present his case, directly undermining the adversarial process  
11 contemplated by due process.  
12

13 52. Under well-established Ninth Circuit precedent, such circumstances constitute a denial  
14 of a "full and fair hearing." See *Colmenar*, 210 F.3d at 971 (due process violated where  
15 the petitioner is prevented from reasonably presenting his case). The prejudice here is  
16 clear and substantial: the Immigration Judge denied bond based on an incomplete and  
17 one-sided record, without the benefit of Petitioner's evidence, including sponsor support  
18 that directly bears on flight risk and conditions of release.  
19

20 53. Moreover, this due process violation is particularly egregious in light of the District  
21 Court's habeas order, which required a constitutionally adequate bond hearing with 14  
22 days at which the Government bears the burden of proof. By denying a continuance  
23 under circumstances where Petitioner had no meaningful opportunity to prepare, the  
24 Immigration Court failed to comply with both constitutional requirements and the spirit  
25 of the habeas relief granted.  
26  
27  
28

1 54. In sum, the denial of a continuance under these facts—where notice was effectively  
2 issued electronically only about 48 hours in advance, Petitioner did not personally  
3 receive notice, primary counsel was unavailable, and critical evidence could not be  
4 prepared—deprived Petitioner of a meaningful opportunity to be heard. This constitutes  
5 a clear violation of due process and independently warrants habeas relief.  
6

7 **C. PETITIONER IS ENTITLED TO IMMEDIATE RELEASE OR, IN THE**  
8 **ALTERNATIVE, A NEW BOND HEARING BEFORE A DIFFERENT**  
9 **IMMIGRATION JUDGE IN COMPLIANCE WITH DUE PROCESS**

10 55. The Constitution does not permit the continued detention of a noncitizen where the  
11 procedures used to justify that detention are fundamentally flawed. As the Supreme  
12 Court has emphasized, “[f]reedom from imprisonment... lies at the heart of the liberty”  
13 protected by the Due Process Clause. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).  
14 Accordingly, immigration detention must be accompanied by robust procedural  
15 safeguards to ensure that continued confinement is justified.  
16

17 56. Here, those safeguards were not provided. Under the framework established in *Mathews*  
18 *v. Eldridge*, 424 U.S. 319 (1976), courts must balance: (1) the private interest at stake;  
19 (2) the risk of erroneous deprivation and the value of additional safeguards; and (3) the  
20 government’s interest. Each of these factors weighs decisively in Petitioner’s favor and  
21 compels habeas relief.  
22

23 57. First, Petitioner’s liberty interest is at its apex. He has been detained for over one year  
24 in conditions indistinguishable from penal confinement. Such prolonged deprivation of  
25 physical liberty constitutes a severe intrusion on fundamental constitutional rights.  
26

27 58. Second, the risk of erroneous deprivation in this case is extraordinarily high. The bond  
28 hearing—ordered by the District Court to remedy unconstitutional prolonged

1 detention—was conducted in a manner that deprived Petitioner of any meaningful  
2 opportunity to be heard. Petitioner received, at most, one day’s notice through counsel  
3 and never personally received notice of the hearing. He was unable to gather critical  
4 evidence, including sponsor documentation, despite diligent efforts. His primary  
5 counsel was unavailable, and substitute counsel appeared solely to request a brief  
6 continuance. The Immigration Judge denied that request and proceeded with the hearing  
7 in the absence of any evidence from Petitioner.  
8

9 59. These circumstances resulted in a one-sided proceeding that cannot be considered a  
10 constitutionally adequate bond hearing. As the Ninth Circuit has made clear, due process  
11 requires procedures that ensure a reliable determination of whether detention is  
12 justified. *Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011). A hearing conducted  
13 without notice, without preparation, and without evidence does not satisfy that standard.  
14

15 60. Third, the government’s interest in continuing detention without providing basic  
16 procedural protections is minimal. The government has no legitimate interest in  
17 detaining individuals without affording them a fair process. The burden of providing  
18 constitutionally adequate procedures—such as reasonable notice, a brief continuance,  
19 and access to a record of proceedings—is negligible compared to the severe deprivation  
20 of liberty at stake.  
21

22 61. In sum, the procedures employed here created an unacceptably high risk of erroneous  
23 deprivation of liberty and failed to comply with the requirements of due process. The  
24 bond hearing was not merely imperfect—it was constitutionally deficient.  
25

26 62. Federal courts retain habeas jurisdiction to remedy precisely these types of violations.  
27 While discretionary custody determinations are generally not reviewable, courts may  
28

1 review whether the bond process itself was constitutionally flawed. *Singh*, 638 F.3d at  
2 1202; *Hernandez v. Sessions*, No. 16-56829 (9th Cir. 2017). Where such violations  
3 occur, courts have broad authority to fashion appropriate relief.

4  
5 63. Given the cumulative due process violations in this case—including lack of notice,  
6 denial of a continuance, inability to present evidence, absence of primary counsel, and  
7 failure to maintain a record—the Court should order Petitioner’s immediate release.  
8 Continued detention under these circumstances would perpetuate an ongoing  
9 constitutional violation.

10  
11 64. At a minimum, the Court should order a new bond hearing before a different  
12 Immigration Judge to ensure neutrality and compliance with constitutional  
13 requirements.

14 **IX. CLAIMS FOR RELIEF**

15 **FIRST CLAIM FOR RELIEF**

16 **Violation of the Fifth Amendment**

17  
18 65. Petitioner re-alleges and incorporates by reference the paragraphs 1 through 64.

19 66. The Due Process Clause of the Fifth Amendment forbids the government from depriving  
20 any “person” of liberty “without due process of law.” U.S. Const. amend.

21 66. Due process requires that government action be rational and non-arbitrary. *See U.S. v.*  
22 *Trimble*, 487 F.3d 752, 757 (9th Cir. 2007).

23  
24 67. While the government has discretion to detain individuals under 8 U.S.C. § 1226(a),  
25 this discretion is not “unlimited” and must comport with constitutional due process. *See*  
26 *Zadvydas*, 533 U.S. at 698.

1 68. The Immigration Judge’s failure to briefly continue the hearing and conducting hearing  
2 without any documents from petitioner—violates the Petitioner’s due process.

3 69. The Respondents have previously been found to have violated his constitutional and  
4 statutory rights by unlawfully depriving him of an individualized bond hearing.  
5 Accordingly, Petitioner’s detention violates the Due Process Clause of the Fifth  
6 Amendment.  
7

8 **IX. CLAIMS FOR RELIEF**

9 **SECOND CLAIM FOR RELIEF**

10 **Unlawful Denial of Release on Bond**

11  
12 70. Petitioner restates and realleges all paragraphs I through 69 as if fully set forth here.

13 71. Section 1226(a) is the statutory authority for detaining Mr. Singh “pending a decision  
14 on whether [he] is to be removed from the United States.” It affords him a right to a fair,  
15 individualized bond hearing. *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018); *Matter*  
16 *of Guerra*, 24 I&N Dec. 37 (BIA 2006).  
17

18 72. The DHS has failed entirely to provide a reasoned basis for the exercise of its detention  
19 authority.

20 73. The Immigration Judge has failed to conduct a hearing in compliance with his  
21 constitutional rights and failed to provide any reasonable basis for the IJ’s “flight risk”  
22 determination.  
23

24 74. Respondents have violated §1226(a) and its implementing regulations by detaining  
25 Petitioner without providing him a fair, individualized bond hearing that the statute  
26 and regulations mandate.  
27  
28

1           **X.     PRAYER FOR RELIEF**

2           WHEREFORE, Petitioner respectfully prays this Court grant the following relief:

- 3                   (i)     Assume jurisdiction over this matter.
- 4
- 5                   (ii)    Grant the Order to Show Cause why this petition should not be granted
- 6                                within five days.
- 7                   (iii)   Declare that Petitioner’s ongoing prolonged detention violates 8 U.S.C.
- 8                                § 1226(a) and the Due Process Clause of the Fifth Amendment.
- 9                   (iv)    Declare that Respondent EOIR violated Petitioner’s constitutional and
- 10                               statutory rights by failing to conduct the hearing in compliance with his
- 11                               constitutional rights and deprived him of due process by denying the only
- 12                               request for a brief continuance.
- 13
- 14                   (V)    Declare that Respondent EOIR violated Petitioner’s constitutional and
- 15                               statutory rights by failing to provide any contemporaneous decision
- 16                               explaining the result.
- 17
- 18                   (vi)   Issue a Writ of Habeas Corpus and order Respondents to immediately
- 19                               release Petitioner from DHS custody under reasonable conditions and
- 20                               enjoin Respondents from re-arresting him without a pre-deprivation
- 21                               hearing before this Court.
- 22
- 23                   (vii)   Alternatively, order that Petitioner be released within 5 days unless
- 24                               Respondents schedule a hearing to take place before a neutral arbiter, a
- 25                               different Immigration Judge where to continue detention, the
- 26                               government must establish by clear and convincing evidence that
- 27                               Petitioner presents a danger or flight risk, and address why available
- 28

1 conditions of supervision cannot mitigate any such risks; and if (a) the  
2 government fails to meet this burden, the neutral arbiter orders  
3 Petitioner's release on appropriate conditions of supervision, taking into  
4 account Petitioner's ability to pay a bond; or (b) the government meets  
5 this burden, the neutral arbiter issue a reasoned decision explaining why  
6 the government has met its burden of proof and why alternatives to  
7 detention are inadequate;

8  
9 (viii) Enjoin Respondents from causing Petitioner any greater harm during the  
10 pendency of this litigation and immigration court case, such as by  
11 transferring him farther away from his legal Counsel or placing him into  
12 solitary confinement.

13  
14 (ix) Award reasonable costs and attorneys' fees under the Equal Access to  
15 Justice Act, 28 U.S.C. § 2412, or on any other basis justified under law;  
16 and

17  
18 (x) Grant such further relief as the Court deems just and proper.

19  
20 Respectfully Submitted this April 02, 2026

21  
22  
23 /s/Sajjad Hussain  
24 Sajjad Hussain, Esq.  
25 Indus Pacific Law Office, Law Corp  
26 Attorney for Petitioner  
27

**PROOF OF SERVICE**

I, Sajjad Hussain, declare:

I am an attorney at law duly admitted to practice before this Court and a member of State Bar of California, with an office located at 8996 Miramar Road, Suite 306, San Diego, California 92126.

On April 02, 2026, I electronically served the foregoing documents, including the **Petition for Writ of Habeas Corpus and Application for Temporary Restraining Order**, on the following:

**Kim Gregg, Assistant United States Attorney** Email: kim.gregg@usdoj.gov

Service was effectuated via electronic mail

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

Executed on April 02, 2026, at San Diego, California.

/s/Sajjad Hussain