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

10 **ROBINJIT SINGH,**

Case No.:

11 Petitioner

**EMERGENCY MOTION FOR  
TEMPORARY RESTRAINING ORDER**

12 vs.

**COURT: Hon Robert S Hue**

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 **EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER**

26 Petitioner respectfully moves this Honorable court for temporary restraining order to remedy  
27 petitioner's unlawful detention by the respondents as follows:

28 Dated this April 02, 2026

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

EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER COURT: HON ROBERT S HUE

1 **I. INTRODUCTION:**

- 2 1. Petitioner Robinjit Singh respectfully moves for a Temporary Restraining Order  
3 (“TRO”) under Federal Rule of Civil Procedure 65 to preserve the status quo and  
4 prevent immediate, irreparable harm while Petitioner prepares and files a petition for  
5 writ of habeas corpus challenging the legality of his detention.  
6
- 7 2. Petitioner is currently detained by the Department of Homeland Security at the Otay  
8 Mesa ICE Processing Center – San Diego, California,  
9
- 10 3. Petitioner, a native and citizen of India, now faces imminent transfer or removal outside  
11 this Court’s jurisdiction before judicial review can occur. Absent immediate interim  
12 relief, Respondents’ actions will irreversibly alter Petitioner’s custodial status and risk  
13 defeating this Court’s ability to review the lawfulness of his detention.  
14
- 15 4. This TRO seeks narrowly tailored, temporary relief to maintain the status quo by  
16 enjoining Respondents from transferring or removing Petitioner from this jurisdiction  
17 for a limited period and ordering his immediate release. The requested relief is necessary  
18 to protect this Court’s jurisdiction, to stop the continued harm and ensure that  
19 meaningful judicial review remains available.

20 **II. JURISDICTION AND AUTHORITY**


- 21 5. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 2241, which  
22 authorizes federal courts to inquire into the legality of executive detention. Habeas  
23 corpus is the proper vehicle for challenging civil immigration detention imposed  
24 without statutory authorization or in violation of the Constitution. *Zadvydas v. Davis*,  
25 533 U.S. 678, 687 (2001). Petitioner is currently detained at the Otay Mesa ICE  
26 Processing Center – San Diego, CA, which is located within this Court’s territorial  
27

1 jurisdiction. Because Petitioner’s immediate custodian is subject to this Court’s  
2 authority, jurisdiction over Petitioner’s habeas claims is proper.

3  
4 6. This Court also has authority to issue temporary, status-quo-preserving relief necessary  
5 to protect its jurisdiction and ensure effective judicial review. Where government action  
6 threatens to moot a detention challenge or frustrate review before the Court can resolve  
7 the merits, interim injunctive relief may be appropriate. *Nken v. Holder*, 556 U.S. 418,  
8 426–27 (2009). Jurisdiction is not barred by 8 U.S.C. §§ 1252(b)(9) or 1252(g).  
9 Petitioner does not seek review of a final order of removal, does not challenge the  
10 conduct or merits of removal proceedings, and does not contest removability. He  
11 challenges only the legality of his current unconstitutional continued detention and  
12 related custody authority. The Ninth Circuit has held that habeas claims challenging  
13 immigration detention are collateral to removal proceedings and fall outside the scope  
14 of §§ 1252(b)(9) and 1252(g). *Nadarajah v. Gonzales*, 443 F.3d 1069, 1075–76 (9th Cir.  
15 2006). The Supreme Court has likewise rejected interpretations of § 1252(b)(9) that  
16 would sweep detention challenges into the removal-review scheme. *Jennings v.*  
17 *Rodriguez*, 583 U.S. 281, 293 (2018).  
18

19  
20 7. Accordingly, this Court has jurisdiction to adjudicate Petitioner’s habeas claims and  
21 authority to issue limited interim relief necessary to preserve that jurisdiction and  
22 prevent irreparable harm during the Court’s review  
23

24 **III. FACTUAL BACKGROUND**

25 8. Petitioner **Robinjit Singh**  is a native and citizen of India who is  
26 currently detained at the Otay Mesa Detention Center in San Diego, California. On or  
27 about January 8, 2025, Petitioner entered the United States near Otay Mesa, California.  
28

1 He was subsequently served with a Notice to Appear dated March 5, 2025, charging  
2 him as removable under INA § 212(a)(6)(A)(i) as a noncitizen present in the United  
3 States without being admitted or paroled, NTA.

4  
5 9. Petitioner filed an Application for Asylum, Withholding of Removal, and Protection  
6 under the Convention Against Torture.

7 10. On March 13, 2026, the United States District Court for the Southern District of  
8 California granted Petitioner's habeas petition in Case No 26-cv-00985-BAS-DEB,  
9 finding that his detention had become unreasonably prolonged in violation of due  
10 process. The Court ordered that Petitioner be provided with a bond hearing before an  
11 Immigration Judge within fourteen (14) days and required the Government to bear the  
12 burden of proving, by clear and convincing evidence, that Petitioner posed a danger to  
13 the community or a flight risk. The court specifically held that "*Concerns about*  
14 *interrupting court schedules are not a ground to deny bond*", *Ex 1*.

15  
16 11. On March 16, 2026, the Immigration Court issued a notice scheduling Petitioner's bond  
17 hearing for March 18, 2026. Petitioner did not receive this notice of hearing from the  
18 court, but he was informed of this hearing on March 17, 2026, when his attorney notified  
19 him of the scheduled hearing.

20  
21 12. Upon being informed of the hearing on March 17, 2026—only one day before the  
22 scheduled proceeding—Petitioner immediately attempted to contact his sponsor in order  
23 to obtain the necessary supporting documents, including a notarized statement.

24  
25 13. Despite diligent efforts, Petitioner was unable to reach his sponsor on March 17, 2026,  
26 as the sponsor's phone was not accessible. Petitioner specifically sought to obtain  
27 recently notarized documents because he heard from other detainees that older notarized

28 EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDERCOURT: HON ROBERT S HUE

1 documents were being challenged by the Government attorneys. As a result, Petitioner  
2 was unable to secure and submit the required sponsor documentation in time for the  
3 March 18, 2026, bond hearing, *Petitioner's Declaration*.

4  
5 14. Through counsel, Petitioner requested a brief continuance of the bond hearing to obtain  
6 critical sponsor documentation necessary to demonstrate that he was neither a flight risk  
7 nor a danger to the community. The Immigration Judge denied this request and  
8 proceeded with the bond hearing despite the lack of preparedness caused by the  
9 extremely short notice, *Declaration Attorney Chinthana Konganda*.

10  
11 15. At the conclusion of the hearing, the Immigration Judge denied bond, finding that  
12 Petitioner was a flight risk. The manner in which the bond hearing was conducted  
13 deprived Petitioner of the meaningful opportunity to present evidence. The denial of a  
14 continuance, combined with the lack of adequate notice and opportunity to prepare,  
15 rendered the bond hearing fundamentally unfair and inconsistent with due process.

16  
17 16. Petitioner continues to suffer from worsening migraines and depression, and his mental  
18 condition has deteriorated during his prolonged confinement.

19  
20 17. Petitioner remains detained under circumstances that have become prolonged,  
21 effectively indefinite, and increasingly harmful to his physical and mental health,  
22 despite the District Court's intervention

23  
24 18. Petitioner seeks temporary, emergency relief to prevent transfer or removal while he  
25 prepares and immediate release from detention to prevent continued harm while he files  
26 a petition for writ of habeas corpus challenging the legality of his continued detention  
27 without a bond hearing meeting constitutional standard of due process.

28  
EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER COURT: HON ROBERT S HUE

1  
2 **IV. LEGAL STANDARD**

- 3  
4 1. A temporary restraining order is an extraordinary remedy governed by Federal Rule of  
5 Civil Procedure 65. A court may issue a temporary restraining order where the moving  
6 party demonstrates (1) a likelihood of success on the merits, (2) a likelihood of  
7 irreparable harm absent relief, (3) that the balance of equities tips in the movant's favor,  
8 and (4) that an injunction is in the public interest. *Winter v. Nat. Res. Def. Council, Inc.*,  
9 555 U.S. 7, 20 (2008).
- 10  
11 2. The Ninth Circuit applies these factors on a sliding-scale basis. Under that approach, a  
12 temporary restraining order may issue where serious questions going to the merits are  
13 raised and the balance of hardships tips sharply in the movant's favor, provided that the  
14 movant also demonstrates irreparable harm and that the requested relief serves the  
15 public interest. *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1134–35 (9th  
16 Cir. 2011).
- 17  
18 3. When the government is a party, the balance of equities and the public interest factors  
19 merge. *Nken v. Holder*, 556 U.S. 418, 435 (2009). In the immigration context, courts  
20 may issue interim relief where government action threatens to irreparably harm the  
21 movant or undermine the availability of meaningful judicial review. *Id.* at 426–27.

22 **V. ARGUMENTS**

23 **1. Likelihood of Success on the Merits**

- 24 4. Petitioner has demonstrated a likelihood of success on the merits. He was summarily  
25 denied bond without providing him opportunity to file sponsor documents. The hearing  
26 before the Immigration Judge violated the Fifth Amendment's Due Process Clause.  
27

- 1 5. Petitioner received less than 48 hours' notice and requested a brief continuance with the  
2 deadline ordered by this court to conduct hearing, however, the immigration court failed  
3 to adhere to this court's order for a hearing in accordance with the constitutional rights  
4 of petitioner.
- 5
- 6 6. Petitioner was denied bond just for the reason of flight risk, not danger to community.
- 7
- 8 7. If the Immigration court had reviewed petitioner's sponsor documents, there was no  
9 plausible reason for the court to find him such a flight risk that no bond amount or  
10 alternates to detention would mitigate this risk.
- 11
- 12 8. Petitioner's sponsor was willing to provide sponsor documents, but he was unable to  
13 get the statement notarized and send it to petitioner on a short notice.
- 14
- 15 9. Petitioner wanted the sponsor to send documents notarized in recent dates to avoid any  
16 DHS objections regarding the recency of documents, Petitioner Declaration.
- 17
- 18 10. Petitioner had sponsor available and his sponsor documents are filed with the petition  
19 which addresses any and all flight risk concerns.
- 20
- 21 11. Under Federal Rule of Civil Procedure 65, a temporary restraining order is warranted  
22 where the moving party establishes a likelihood of success on the merits. *Winter v. Nat.*  
23 *Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).
- 24
- 25 12. *As a threshold matter, the Fifth Amendment prohibits the government from depriving*  
26 *any person of liberty without due process of law. These protections apply to all persons*  
27 *within the United States and extend to civil immigration detention. *Zadvydas v. Davis*,*  
28 *533 U.S. 678, 693 (2001).*

1           (i).     *The Risk Of Erroneous Deprivation Is High, And Additional Safeguards*  
2                     *Would Significantly Reduce That Risk*

3           13. The second Mathews factor concerns the likelihood of error under the procedures used.

4           The risk of erroneous deprivation is greatest where detention is continued, without an  
5           opportunity to be heard [constitutionally deficient hearing], and without any  
6           individualized determination. *Morrissey v. Brewer*, 408 U.S. 471, 484 (1972).

7           14. District courts have recognized that the absence of any pre- or post-deprivation process  
8           creates a substantial risk of error. *R.D.T.M. v. Wofford*, 2025 WL 2617255, at \*4 (E.D.  
9           Cal. Sept. 9, 2025); *Manzanarez v. Bondi*, 2025 WL 3247258, at \*4 (E.D. Cal. Nov. 20,  
10           2025). The same conclusion was reached in *Gurjinder S. v. Warden*, No. 1:26-cv-00188-  
11           TLN-CSK (E.D. Cal. Jan. 16, 2026), which observed that where detention occurs  
12           without any hearing, the probative value of additional procedural safeguards is high.  
13           15. Here, Petitioner’s bond hearing was conducted without proper notice or an opportunity  
14           to file evidence. The government did not identify any specific facts to meet the standard  
15           of clear and convincing evidence to continue detention. The risk of error is substantial.

16           (ii). **The Government’s Interest Does Not Outweigh The Need For Procedural**  
17                     **Protections**

18           16. The third Mathews factor considers the government’s asserted interests. While the  
19           government has an interest in administering the immigration system, that interest must  
20           be weighed against Petitioner’s protected liberty interest.  
21           17. Here, the government’s interest is diminished, the government’s interest in dispensing  
22           with process is limited. *Hernandez v. Sessions*, 872 F.3d 976, 994 (9th Cir. 2017);  
23           *Garcia v. Andrews*, 2025 WL 1927596, at \*5 (E.D. Cal. July 14, 2025).

24           17. Here, the government’s interest is diminished, the government’s interest in dispensing  
25           with process is limited. *Hernandez v. Sessions*, 872 F.3d 976, 994 (9th Cir. 2017);  
26           *Garcia v. Andrews*, 2025 WL 1927596, at \*5 (E.D. Cal. July 14, 2025).

1 18. Moreover, the burden of additional safeguards is modest. Courts have held that the  
2 administrative burden of providing notice and a custody hearing does not outweigh due  
3 process protections. *Khan v. Noem*, No. 1:25-cv-01411-EPG-HC, 2025 WL 3089352,  
4 at \*5 (E.D. Cal. Nov. 5, 2025); *Diaz v. Kaiser*, 2025 WL 1676854, at \*3 (N.D. Cal. June  
5 14, 2025).  
6

7 ***(iii). The Mathews Balance Confirms A Due Process Violation***

8 19. Viewed together, all three Mathews factors favor Petitioner. Petitioner possesses an  
9 enhanced liberty interest arising from long-term conditional release; the risk of  
10 erroneous deprivation from summary re-arrest is substantial; and the government's  
11 interest in dispensing with basic procedural protections is limited. *Kaztashyan v.*  
12 *Warden of the Golden State Annex Detention Facility*, No. 1:25-cv-01526-DC-SCR  
13 (E.D. Cal. 2025); *Khan v. Noem*, No. 1:25-cv-01411-EPG-HC, 2025 WL 3089352, at  
14 \*5 (E.D. Cal. Nov. 5, 2025); *R.D.T.M. v. Wofford*, 2025 WL 2617255, at \*4 (E.D. Cal.  
15 Sept. 9, 2025); *Doe v. Becerra*, 787 F. Supp. 3d 1083, 1093 (E.D. Cal. 2025).  
16  
17

18 ***(iv) Imminent transfer outside this Court's jurisdiction, removal to a third country, or***  
19 ***Continued Detention violates due process and results in irreparable harm***

20 20. Petitioner faces an immediate risk of transfer outside this Court's jurisdiction or removal.  
21 That risk independently implicates due process concerns and would result in irreparable  
22 harm if relief is not granted.

23 21. Transfers outside this Court's jurisdiction would likewise disrupt access to counsel and  
24 interfere with this Court's ability to maintain orderly review of Petitioner's claims.

25 22. Because Petitioner could be transferred or removed at any time absent court intervention,  
26 the threatened removal presents both a violation of due process and a concrete risk of  
27 irreparable harm warranting immediate relief.  
28

1 23. For these reasons, Petitioner has demonstrated a likelihood of success on the merits of  
2 his Fifth Amendment procedural due process claim.

3 ***2. Irreparable Harm***

4 24. Petitioner will suffer irreparable harm absent immediate injunctive relief. He remains  
5 detained following a hearing which failed to adhere this court's order, faces an imminent  
6 risk of transfer outside this Court's jurisdiction or removal to third country. These harms  
7 are immediate, personal to Petitioner, and not susceptible to meaningful repair through  
8 later judicial relief.

9  
10 25. To obtain temporary injunctive relief, a petitioner must show that irreparable harm is  
11 likely in the absence of relief. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 22  
12 (2008). The Ninth Circuit has explained that this requirement is not as demanding as  
13 some formulations suggest. It is sufficient to demonstrate that irreparable harm is  
14 probable, not certain. *Leiva-Perez v. Holder*, 640 F.3d 962, 967 (9th Cir. 2011).  
15 Requiring certainty would defeat the purpose of interim relief, which is to allow courts  
16 time to act responsibly before the harm occurs, rather than after. *Id.* Viewed in light of  
17 this standard; the specific facts of Petitioner's case demonstrate a concrete and  
18 immediate risk of irreparable harm.

19  
20  
21 ***A. Continued detention constitutes irreparable harm***

22 26. As an initial matter, the ongoing deprivation of physical liberty constitutes irreparable  
23 harm. Each additional day of civil immigration detention inflicts a loss that cannot be  
24 remedied through later judicial review. *Zadvydas v. Davis*, 533 U.S. 678, 690–93 (2001).  
25  
26  
27  
28

1                    ***B. Imminent transfer outside this Court's jurisdiction or removal to third country,***  
2                    ***constitutes irreparable harm***

3                    27. Petitioner faces an imminent risk of transfer outside this Court's jurisdiction or removal  
4                    to a third country. Absent relief, such transfer or removal could occur at any time. The  
5                    irreparable-harm requirement does not demand certainty; it is sufficient that the harm is  
6                    probable. *Leiva-Perez v. Holder*, 640 F.3d 962, 967 (9th Cir. 2011).

7  
8                    28. Once transfer or removal occurs, the resulting harm cannot be meaningfully remedied  
9                    through later judicial relief. Accordingly, the imminent risk of transfer or third-country  
10                    removal constitutes irreparable harm.

11                    ***3. Balance of Equities and Public Interest***

12                    29. The balance of equities and the public interest weigh decisively in favor of granting  
13                    temporary injunctive relief. These two factors merge where, as here, the government is  
14                    a party, and the requested relief is narrowly tailored to preserve the status quo while the  
15                    Court considers the legality of detention and threatened removal. *Nken v. Holder*, 556  
16                    U.S. 418, 435 (2009).

17  
18                    30. On Petitioner's side of the scale are substantial and concrete harms. Petitioner remains  
19                    detained. He faces the imminent risk of transfer outside this Court's jurisdiction or  
20                    removal to third country. These harms are immediate and irreversible.

21  
22                    31. On the government's side, the requested relief imposes minimal burden. Petitioner seeks  
23                    only a temporary restraining order preventing transfer or removal for a brief period to  
24                    allow this Court to review his claims and immediate release to stop continued harm in  
25                    the form of detention. The relief would not grant permanent status, preclude future  
26                    enforcement of immigration laws, or interfere with ongoing proceedings beyond  
27                    preserving the status quo. Where removal is not imminent for lawful reasons and judicial  
28                    preserving the status quo. Where removal is not imminent for lawful reasons and judicial

1 review is pending, the government's interest in immediate execution of removal is  
2 reduced.

3 32. The public interest likewise favors relief. The public has a strong interest in ensuring  
4 that executive detention and removal decisions comport with constitutional due process  
5 and statutory safeguards. Preserving access to judicial review before irreparable harm  
6 occurs promotes orderly adjudication and confidence in the fair administration of the  
7 immigration laws. Conversely, denying interim relief would risk irreversible harm to  
8 Petitioner before this Court has an opportunity to consider the merits of his claims.  
9 Granting temporary relief ensures that the Court, determines whether detention and  
10 removal are lawful. Accordingly, both the balance of equities and the public interest  
11 strongly support issuance of a temporary restraining order.  
12

13  
14 **VI. CONCLUSION AND PRAYER FOR RELIEF**

15 33. Petitioner has satisfied the requirements for temporary injunctive relief under Federal  
16 Rule of Civil Procedure 65. He has demonstrated a likelihood of success on the merits  
17 of his constitutional claims, a substantial risk of irreparable harm absent immediate  
18 relief, and that the balance of equities and the public interest favor the grant of requested  
19 relief while this Court considers the legality of his detention and threatened transfer or  
20 removal.  
21

22 34. Absent relief, Petitioner faces continued detention and the imminent risk of transfer  
23 outside this Court's jurisdiction or removal before this Court has an opportunity to  
24 adjudicate his claims. Once effectuated, those actions would result in irreparable harm  
25 that cannot be remedied through later judicial review.  
26

27 Accordingly, Petitioner respectfully requests that the Court grant the following relief:  
28

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- 1 1. Order Petitioner's immediate release from immigration detention, subject to  
2 appropriate conditions of supervision if the Court deems them necessary.
- 3 2. Enjoin Respondents, their officers, agents, employees, and all persons acting in  
4 concert with them from removing Petitioner from the United States or transferring him  
5 outside this Court's jurisdiction pending further order of the Court.
- 6 3. Direct that Respondents maintain Petitioner within this District while this Court  
7 considers his anticipated habeas petition and any additional briefing the Court may  
8 order; and
- 9 4. Grant such other and further relief as the Court deems just and proper.  
10  
11

12  
13 Dated: April 02, 2026, Respectfully Submitted,  
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**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