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7 UNITED STATES DISTRICT COURT
8
9 SOUTHERN DISTRICT OF CALIFORNIA

10 ROBINJIT SINGH,

11 Petitioner

12 vs.

13 Christopher J LaRose, et al.,

14 Respondents
15
16
17
18

Case No.: 26-cv-02095-BAS-DEB

Court: Cynthia Bashant

Hearing Date:

PETITIONER'S TRAVERSE IN
SUPPORT OF PETITION FOR WRIT
OF HEABEAS COUPUS

19 PETITIONER'S TRAVERSE IN SUPPORT OF
20 PETITION FOR WRIT OF HABEAS CORPUS

21 Petitioner respectfully submits this Honorable court traverse in support of petition
22 for Writ of Habeas as follows:
23

24 Dated this April 19, 2026

25 _____
26 /s/Sajjad Hussain
27 Sajjad Hussain, Esq.

28 PETITIONER'S TRAVERSE IN SUPPORT OF PETITION FOR WRIT OF HEABEAS COUPUS

1
2 **I. INTRODUCTION**

3 Respondents attempt to portray this case as a routine challenge to an Immigration
4 Judge’s discretionary bond determination. It is not. This case presents a fundamental
5 constitutional question: whether Petitioner’s due process rights were violated when he was
6 deprived of a meaningful opportunity to present evidence, following the denial of a brief and
7 reasonable continuance¹.

8
9 Petitioner does not challenge the Immigration Judge’s discretionary weighing of
10 evidence. Rather, he challenges the **complete absence of a meaningful process**—a
11 constitutional defect that falls squarely within this Court’s habeas jurisdiction. Respondents’
12 reliance on exhaustion principles is misplaced because exhaustion is prudential, not
13 jurisdictional, and is excused where, as here, the claim is constitutional, purely legal, and
14 immediate judicial intervention is necessary to prevent ongoing deprivation of liberty.
15

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18
19 ¹ Respondents’ own conduct in these proceedings highlights the unreasonableness of
20 their position. At the bond hearing, Respondents opposed Petitioner’s request for a brief
21 continuance—despite the fact that Petitioner had received effectively one day’s notice and
22 was unable, while detained, to gather essential sponsor documentation. Yet before this Court,
23 Respondents themselves sought and obtained an extension of time to prepare their briefing.
24 It demonstrates that a short continuance would not have caused any prejudice to Respondents
25 and underscores the arbitrariness of opposing such relief at the bond hearing while seeking
26 the same procedural accommodation in federal court.
27

1 **II. RESPONDENTS MISCHARACTERIZE THE NATURE OF PETITIONER'S**
2 **CLAIM**

3 Respondents characterize that Petitioner merely disagrees with the Immigration Judge's
4 conclusion that he poses a flight risk. That framing is incorrect. Petitioner does not
5 challenge *what* the Immigration Judge decided. He challenges *how* the decision was
6 reached.
7

8 The material facts are not in dispute. The bond hearing was scheduled on extremely
9 short notice. Petitioner received actual notice only one day before the hearing through
10 counsel. While detained, he was unable to obtain critical sponsor documentation despite
11 diligent efforts. A brief continuance was requested. The Immigration Judge denied that
12 request and proceeded with the hearing without any evidence from Petitioner, *Declaration*
13 *of Elvira La Peirre*.
14

15 These are not factual disputes requiring agency expertise. They are undisputed
16 procedural facts that give rise to a purely legal question: whether such a proceeding satisfies
17 the requirements of due process. Courts have consistently held that habeas jurisdiction lies
18 where "the discretionary process itself was constitutionally flawed." *Singh v. Holder*, 638
19 F.3d 1196, 1202 (9th Cir. 2011).
20

21 **III. EXHAUSTION IS PRUDENTIAL AND IS EXCUSED IN THIS CASE**

22 Respondents' primary argument rests on Petitioner's failure to exhaust administrative
23 remedies. That argument fails.
24

25 Exhaustion in § 2241 proceedings is not jurisdictional but prudential. Aliens need
26 not exhaust in cases "where resort to the agency would be futile." 370 F.3d at
27 943 (quoting *El Rescate Legal Servs., Inc. v. Executive Off. for Immigr. Rev.*, 959 F.2d 742,
28

1 747 (9th Cir. 1991)); accord Szonyi v. [*896] Barr, 942 F.3d 874, 891 (9th Cir.
2 2019); Juarez Alvarado, 759 F.3d at 1128. (Vasquez-Rodriguez v. Garland (9th Cir. 2021)
3 7 F.4th 888.). Where federal respondents had "not advanced any compelling argument for
4 the proposition that [the petitioner] should be required to appeal to the BIA before seeking
5 relief" in a habeas proceeding, and refusing to require the petitioner to "'sit in an ICE
6 detention facility' for months on end while he awaits a BIA decision"); see also Garcia Ortiz
7 v. Henkey, No. 26-cv-43, 2026 U.S. Dist. LEXIS 78932, 2026 WL 948275, at *3 (D. Idaho
8 Apr. 7, 2026) (concluding that, "given the broader irregularities in bond hearings across the
9 country," "administrative remedies in the immigration system appear no longer efficacious"
10 and that "[m]andating administrative exhaustion would be a 'futile gesture' that prolongs this
11 [irreparable] injury [of prolonged ICE detention] without creating a meaningful opportunity
12 for the agency to correct its mistakes"). (Lopez v. Hernandez (W.D.Wash. Apr. 13, 2026,
13 No. C26-0775 TSZ) 2026 U.S. Dist. LEXIS 80556.)

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15
16
17 Courts routinely excuse exhaustion where administrative remedies are inadequate,
18 futile, or where irreparable harm would result.

19 Here, each of those conditions is met.

20 Petitioner's claim is constitutional in nature. The question before this Court—whether
21 the denial of a continuance and the resulting one-sided hearing violated due process—is not
22 one that the BIA is equipped to resolve in a meaningful way. As the Ninth Circuit has
23 recognized, where an agency lacks authority to adjudicate constitutional claims, the rationale
24 for exhaustion is significantly undermined.

25
26 Exhaustion is also futile. The Immigration Judge has already determined that Petitioner
27 is a "flight risk" and that no amount of bond would mitigate that risk. Any appeal to the BIA
28

1 would necessarily be confined to the same defective record—one created in the absence of
2 Petitioner’s evidence. Requiring exhaustion under these circumstances would not correct the
3 constitutional violation; it would merely perpetuate it. Where the agency’s position appears
4 set and recourse would be futile, exhaustion is not required.
5

6 Finally, requiring exhaustion would result in continued detention based on a
7 constitutionally deficient proceeding. Courts have increasingly recognized that prolonged
8 immigration detention constitutes irreparable harm sufficient to excuse exhaustion,
9 particularly where the delay inherent in the BIA process would effectively moot meaningful
10 relief.
11

12 Respondents rely heavily on cases such as *Leonardo v. Crawford* to argue that
13 exhaustion is required. That reliance is misplaced because those cases address a
14 fundamentally different type of claim. In *Leonardo* and similar decisions, petitioners
15 challenged the **substance or outcome** of the Immigration Judge’s bond determination—
16 issues that fall within the agency’s expertise and require fact-intensive review of the record.
17 In those circumstances, exhaustion serves its intended purpose by allowing the Board of
18 Immigration Appeals (“BIA”) to apply its expertise, develop the factual record, and
19 potentially correct any errors.
20

21 This case is different in kind, not degree. Petitioner does not challenge the Immigration
22 Judge’s discretionary assessment of flight risk or danger, nor does he seek reweighing of
23 evidence or substitution of this Court’s judgment for that of the agency. Instead, Petitioner
24 challenges the **constitutional adequacy of the proceeding itself**—specifically, whether a
25 bond hearing conducted without a meaningful opportunity to present evidence, due to the
26 denial of a brief and reasonable continuance, satisfies the Due Process Clause.
27
28

1 That question is purely legal and does not depend on agency expertise or further factual
2 development. The relevant facts are undisputed: the timing of notice, the denial of a
3 continuance, and the absence of Petitioner’s evidence in the record. Because the claim targets
4 the structural fairness of the process, rather than the correctness of the outcome, it falls
5 squarely within the core of habeas review.
6

7 Moreover, 8 U.S.C. § 1226(e) does not bar jurisdiction over such claims. While that
8 provision precludes review of the Attorney General’s discretionary judgments regarding
9 detention or bond amounts, it does not insulate constitutional defects in the decision-making
10 process from judicial review. The Ninth Circuit has consistently recognized that federal
11 courts retain jurisdiction to review “colorable constitutional claims” arising from
12 immigration detention proceedings, including claims that the procedures employed were
13 fundamentally unfair. See *Singh v. Holder*, 638 F.3d 1196, 1202 (9th Cir. 2011).
14

15 **IV. WITHOUT HABEAS RELIEF, THERE IS NO MEANINGFUL**
16 **RECORD FOR AGENCY REVIEW**
17

18 Respondents argue that exhaustion is necessary to develop a proper record. In this case,
19 the opposite is true.
20

21 Because the Immigration Judge denied a brief continuance and proceeded without
22 allowing Petitioner to present evidence, the record is fundamentally incomplete. It contains
23 no sponsor declaration, no documentation of community ties, and no evidence addressing
24 flight risk from Petitioner’s side.

25 If this Court declines to grant habeas relief and requires Petitioner to appeal, the BIA
26 will be left to review a record that reflects only the Government’s presentation. Such a
27

1 process cannot meaningfully test the Immigration Judge’s determination. The outcome of
2 that review is, practically speaking, predetermined.

3 Granting habeas relief would not bypass the administrative process. It would restore it.
4 A constitutionally compliant bond hearing would allow Petitioner to present evidence, create
5 a complete record, and ensure that any subsequent BIA review is meaningful rather than
6 illusory.
7

8 **V. THE COURT MAY CONSIDER BROADER CONTEXT WITHOUT**
9 **RELYING ON IT**
10

11 Petitioner does not seek to litigate systemic issues concerning the operation of the
12 immigration courts. However, the Court may appropriately recognize that the type of
13 proceeding at issue here—a rushed hearing, denial of continuance, and absence of
14 evidence—is consistent with broader concerns that have been publicly documented.
15

16 Recent reporting has indicated that immigration judges have faced increased
17 institutional pressure regarding outcomes, including monitoring of decisions, scrutiny of
18 grant rates, and expectations surrounding bond determinations. The same reporting reflects
19 that decisions to grant bond have been subject to heightened oversight and, in some
20 instances, discouragement².
21

22 Petitioner does not ask this Court to make findings regarding these broader issues. But
23 their existence underscores the importance of ensuring that individual proceedings adhere
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28 ² <https://www.nytimes.com/2026/04/09/us/politics/trump-miller-immigration-judges-purge.html>
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1 strictly to constitutional requirements. Where procedural shortcuts occur—particularly in
2 detention cases—the risk of erroneous deprivation of liberty is magnified.

3 **VI. CONCLUSION**

4
5 This case presents a straightforward constitutional question. Can the government
6 deprive a person of liberty based on a hearing where he had no meaningful opportunity to
7 present evidence?

8 The answer is no.

9
10 Respondents' exhaustion argument does not justify continued detention based on a
11 constitutionally deficient proceeding. Nor does it promote administrative efficiency. To the
12 contrary, requiring exhaustion here would entrench an incomplete record and perpetuate the
13 violation.

14 Granting habeas relief will not disrupt the administrative process. It will restore it by
15 ensuring that any future review—whether by the Immigration Judge or the BIA—is based
16 on a fair and complete record.

17
18 For these reasons, Petitioner respectfully requests that this Court reject Respondents'
19 arguments, find that the bond hearing violated due process, and order Petitioner's immediate
20 release, or, in the alternative, a new constitutionally compliant bond hearing before a
21 different Immigration Judge.

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24 Respectfully Submitted this April 19, 2026.

25 /s/Sajjad Hussain
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