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**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

KARAN SINGH

Petitioner,

v.

JEREMY CASEY, Warden of the Imperial
Regional Detention Center; TODD LYONS,
Acting Director of Immigration and Customs
Enforcement; MARKWAYNE MULLIN, Acting
Secretary of the U.S. Department of Homeland
Security; TODD BLANCHE, Attorney General of
the United States

Respondents.

Civil Action No. '26CV2108 BJC DDL

**VERIFIED PETITION FOR
HABEAS CORPUS**

INTRODUCTION

1. This habeas action challenges the Government's abrupt revocation of liberty previously granted to Petitioner without providing any notice, individualized determination, or pre-deprivation hearing.
2. Petitioner Singh is a native and citizen of India who entered the United States on July 13, 2018, without inspection. Shortly after entry, immigration authorities briefly detained him pursuant to a Form I-200.
3. Following that initial detention, an Immigration Judge ordered Petitioner's release on

1 bond in the amount of \$23,000. Petitioner posted bond and was released from custody,
2 reflecting the Government's determination that he posed no danger and no flight risk.

3 4. Since his release in 2018, Petitioner has remained fully compliant with all immigration
4 requirements. He has appeared as required, complied with all conditions imposed by
5 immigration authorities, and has never violated any condition of release.

6
7 5. On September 24, 2018, DHS served Petitioner with a Notice to Appear charging him
8 solely under INA § 212(a)(6)(A)(i). His removal proceedings remain pending, and
9 Petitioner has complied with all court appearances and obligations.

10 6. Petitioner has no criminal history. He has never been arrested, charged, or convicted of
11 any criminal offense.

12
13 7. During the nearly eight years following his release, Petitioner established significant ties
14 to the community, including steady lawful employment as a commercial truck driver.
15 He has also maintained valid employment authorization based on his pending asylum
16 application.

17
18 8. On April 2, 2026, while working as a commercial truck driver, Petitioner stopped at an
19 inspection point on Highway 86 in El Centro, California. During the inspection, an
20 officer inquired about his immigration status. Petitioner immediately provided valid
21 identification, including his driver's license and employment authorization.

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23 9. Despite Petitioner's full cooperation and longstanding compliance, officers immediately
24 detained him solely based on his pending immigration case.

25 10. At no point did officers identify any violation of release conditions, any criminal
26 conduct, or any new circumstance justifying detention.

27
28 11. Critically, Petitioner was provided no notice, no opportunity to respond, and no pre-

deprivation hearing before the Government revoked his previously granted liberty.

12. Following his detention, Respondents have attempted to justify custody by invoking mandatory detention under 8 U.S.C. § 1225(b), relying on the Department of Homeland Security's July 8, 2025 Interim Guidance and recent Board of Immigration Appeals decisions, including *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), and *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025).
13. But those authorities do not permit the Government to re-detain a noncitizen who was previously released on bond under § 1226(a) and who has remained compliant for years. Nor do they authorize the Government to bypass basic constitutional safeguards.
14. Once the Government grants liberty and an individual relies on that liberty over an extended period, due process prohibits its revocation without a pre-deprivation hearing before a neutral decisionmaker.
15. This case presents a straightforward constitutional violation: the Government has detained Petitioner without process, without statutory authority, and without any individualized determination.
16. Because Petitioner has demonstrated years of compliance, has no criminal history, maintains strong community ties, and poses no danger or flight risk, his continued detention is unlawful.
17. Immediate release—not a delayed or post hoc bond hearing—is the appropriate remedy where detention is imposed without any constitutionally adequate process.
18. Petitioner therefore respectfully requests that this Court grant the writ and order his immediate release. In the alternative, Petitioner seeks an order requiring a prompt bond hearing before an Immigration Judge that comports with due process.

JURISDICTION

19. This action arises under the Constitution of the United States and the INA, 8 U.S.C. § 1101 *et seq.*

20. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

21. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

22. Venue is proper because Petitioner is detained in Imperial Regional Detention Center, which is within the jurisdiction of this District. Venue is also proper in this District because Respondents are officers, employees, or agencies of the United States. *See* 28 U.S.C. § 1391(e).

PARTIES

23. Respondent Jeremy Casey is sued in his official capacity as Warden of the Imperial Regional Detention Center. Respondent Casey is the physical custodian of Petitioner.

24. Respondent Todd Lyons is sued in his official capacity as the Acting Director of U.S. Immigration and Customs Enforcement. Respondent Lyons is a legal custodian of Petitioner and has authority to release him.

25. Respondent Markwayne Mullin is sued in his official capacity as the Secretary of the U.S. Department of Homeland Security. In this capacity, Respondent Mullin is responsible for the implementation and enforcement of the INA, and oversees ICE, the component agency responsible for Petitioner's detention and custody. Respondent Mullin is a legal custodian of Petitioner.

26. Respondent Todd Blanche is sued in his official capacity as the Attorney General of the

1 United States and the senior official of the U.S. Department of Justice. In that capacity, he has the
2 authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review
3 (“EOIR”), which administers the immigration courts and the BIA. Respondent Blanche is a legal
4 custodian of Petitioner.

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6 **STATEMENT OF FACTS**

7 27. Petitioner Singh is a native and citizen of India.

8 28. Petitioner entered the United States on July 13, 2018, without inspection.

9 29. Shortly after his entry, immigration authorities briefly detained Petitioner pursuant to
10 Form I-200.

11 30. An Immigration Judge subsequently ordered Petitioner’s release on bond in the amount
12 of \$23,000, which Petitioner posted.

13 31. Petitioner was released from custody pursuant to that bond order and has remained out
14 of detention for nearly eight years.

15 32. Since his release, Petitioner has fully complied with all conditions imposed by
16 immigration authorities and the Immigration Court.

17 33. Petitioner has never violated any condition of release and has consistently appeared for
18 all required immigration proceedings.

19 34. Petitioner has no criminal history and has never been arrested, charged, or convicted of
20 any criminal offense.

21 35. On September 24, 2018, DHS served Petitioner with a Notice to Appear charging him
22 solely under INA § 212(a)(6)(A)(i).

23 36. Petitioner’s removal proceedings remain pending, and he has complied with all court
24 requirements.
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1 37. Petitioner obtained valid employment authorization based on a timely filed asylum
2 application.

3 38. Petitioner is employed as a commercial truck driver and has maintained stable, lawful
4 employment.

5 39. Over the course of nearly eight years, Petitioner developed significant community ties
6 and demonstrated consistent compliance with all immigration obligations.

7 40. At no point during this period did DHS allege that Petitioner violated any condition of
8 release or posed a danger to the community.

9 41. On April 2, 2026, while working as a commercial truck driver, Petitioner stopped at an
10 inspection point on Highway 86 in El Centro, California.

11 42. During the inspection, an officer asked Petitioner about his immigration status.

12 43. Petitioner cooperated fully and provided his driver's license and valid employment
13 authorization.

14 44. Petitioner also informed officers that he had a pending immigration case and had
15 remained compliant with all requirements since his release on bond.

16 45. Despite this, officers immediately detained Petitioner.

17 46. Officers did not identify any violation of release conditions, any criminal conduct, or
18 any new factual basis for detention.

19 47. Petitioner was detained without prior notice and without any explanation of the basis for
20 revoking his previously granted liberty.

21 48. Petitioner was not provided any opportunity to respond to the decision to detain him.

22 49. Critically, Petitioner was not afforded any **pre-deprivation hearing** before a neutral
23 decisionmaker.
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1 50. Following his detention, Respondents have attempted to justify custody by invoking
2 mandatory detention under 8 U.S.C. § 1225(b), relying on DHS's July 8, 2025 Interim Guidance and
3 the Board's decisions in *Matter of Yajure-Hurtado* and *Matter of Q. Li*.

4 51. Those authorities do not authorize the re-detention of individuals previously released on
5 bond under § 1226(a), nor do they eliminate the requirement of constitutionally adequate process.
6

7 52. Petitioner had already been granted liberty through a bond determination and relied on
8 that liberty for years while living and working in the United States.

9 53. Respondents nevertheless revoked that liberty without any individualized determination
10 or procedural safeguards.
11

12 54. Petitioner remains detained without access to bond or any meaningful custody review.

13 55. As a result, Petitioner is suffering ongoing and irreparable harm from his unlawful
14 detention.

15 56. Petitioner therefore seeks habeas relief ordering his immediate release or, at minimum,
16 a prompt bond hearing that complies with due process.
17

18 STATUTORY FRAMEWORK

19 57. The INA prescribes three primary statutory authorities that govern detention of
20 noncitizens in removal proceedings. First, 8 U.S.C. § 1226(a) authorizes the detention of noncitizens
21 in standard non-expedited removal proceedings before an IJ. *See* 8 U.S.C. § 1226(a); 8 U.S.C. § 1229a.
22 Individuals in section 1226(a) detention are entitled to a bond hearing at the outset of their detention,
23 *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or
24 convicted of certain crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).
25

26 58. Second, the INA provides for mandatory detention of noncitizens subject to expedited
27 removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under
28

1 8 U.S.C. § 1225(b)(2).

2 59. Finally, the INA also provides for detention of noncitizens who are subject to final
3 orders of removal, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).
4 The detention provisions at section 1226(a) and 1225(b)(2) were enacted as part of the Illegal
5 Immigration Reform and Immigrant Responsibility Act (“IIRIRA”) of 1996, Pub. L. No. 104-208, Div.
6 C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Section 1226(c) was most
7 recently amended earlier this year by the Laken Riley Act (“LRA”), Pub. L. No. 119-1, 139 Stat. 3
8 (2025).
9

10 60. Following enactment of the IIRIRA, the EOIR drafted new regulations explaining that,
11 in general, people who entered the country without inspection were not considered detained under
12 section 1225 and that they were instead detained under section 1226(a). *See* Inspection and Expedited
13 Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum
14 Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997). In the decades that followed, most noncitizens
15 who entered without inspection—unless they were subject to some other detention authority—received
16 bond hearings. This practice was also consistent with the practice prior to the enactment of the IIRIRA,
17 in which noncitizens who were not deemed “arriving” were entitled to a custody hearing before an IJ
18 or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229
19 (1996) (noting that section 1226(a) simply “restates” the detention authority previously found at section
20 1252(a)).
21
22

23 61. On July 8, 2025, DHS issued a memo to all employees of ICE stating that “[t]his
24 message serves as notice that DHS, in coordination with the Department of Justice (DOJ), has revisited
25 its legal position on detention and release authorities. DHS has determined that section 235 of the
26 Immigration and Nationality Act (INA) [8 U.S.C. § 1225], rather than section 236 [8 U.S.C. § 1226],
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1 is the applicable immigration detention authority for all applicants for admission. The following interim
 2 guidance is intended to ensure immediate and consistent application of the Department's legal
 3 interpretation while additional operational guidance is developed." The memo further stated DHS' new
 4 position with regard to custody determinations as follows:

5 An "applicant for admission" is an alien present in the United States who has not been admitted
 6 or who arrives in the United States, whether or not at a designated port of arrival. INA §
 7 235(a)(1) [8 U.S.C. § 1225(a)(1)]. **Effective immediately, it is the position of DHS that such**
 8 **aliens are subject to detention under INA § 235(b) [8 U.S.C. § 1225(b)] and may not be**
 9 **released from ICE custody except by INA § 212(d)(5) parole.** These aliens are also ineligible
 10 for a custody redetermination hearing ("bond hearing") before an immigration judge and may
 11 not be released for the duration of their removal proceedings absent a parole by DHS. For
 12 custody purposes, these aliens are now treated in the same manner that "arriving aliens" have
 13 historically been treated. **The only aliens eligible for a custody determination and release**
 14 **on recognizance, bond, or other conditions under INA § 236(a) [8 U.S.C. § 1226(a)] during**
 15 **removal proceedings are aliens admitted to the United States and chargeable with**
 16 **deportability under INA § 237, with the exception of those subject to mandatory detention**
 17 **under INA § 236(c) [8 U.S.C. § 1226(c)].**

18 Moving forward, ICE will not issue Form I-286, Notice of Custody Determination, to applicants
 19 for admission because Form I-286 applies by its terms only to custody determinations under
 20 INA § 236 and part 236 of Title 8 of the Code of Federal Regulations. With a limited exception
 21 for certain habeas petitioners, on which the Office of the Principal Legal Advisor (OPLA) will
 22 individually advise, if Enforcement and Removal Operations (ERO) previously conducted a
 23 custody determination for an applicant for admission still detained in ICE custody, ERO will
 24 affirmatively cancel the Form I-286.

25 See [https://www.aila.org/ice-memo-interim-guidance-regarding-detention-authority-for-](https://www.aila.org/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission)
 26 [applications-for-admission](https://www.aila.org/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission) (last accessed October 18, 2025) (emphasis original).

27 62. As a result, DHS now considers all noncitizens who have entered the United States
 28 without inspection and are subject to the grounds of inadmissibility, including long-time U.S. residents,
 to be subject to mandatory detention under section 1225(b) and ineligible for release on bond.
 Conversely, according to DHS "[t]he only aliens eligible for a custody determination and release on
 recognizance, bond, or other conditions under INA § 236(a) [8 U.S.C. § 1226(a)] during removal
 proceedings are aliens admitted to the United States and chargeable with deportability under INA §
 237, with the exception of those subject to mandatory detention under INA § 236(c) [8 U.S.C. §

1 1226(c)].” *Id.*

2 63. Shortly thereafter, the Board of Immigration Appeals (“BIA”) issued decisions
3 reflecting the same interpretation. In *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025) and *Matter of Yajure*
4 *Hurtado*, 29 I&N Dec. 216 (BIA 2025), the Board concluded that Immigration Judges lack bond
5 authority over certain noncitizens present in the United States without admission because, in the
6 Board’s view, § 1225(b)(2)(A) mandates detention of such “applicants for admission” during removal
7 proceedings.
8

9 64. Federal courts, however, have rejected DHS’s attempt to reclassify noncitizens already
10 placed in removal proceedings as subject to mandatory detention under § 1225(b). Courts have
11 recognized that such individuals remain properly detained, if at all, under § 1226(a) and therefore retain
12 the statutory right to seek release on bond. See, e.g., *Bautista–Maldonado v. DHS*, holding that DHS
13 may not retroactively convert individuals already in removal proceedings into § 1225(b) detainees in
14 order to deny them access to bond.
15

16 65. Petitioner falls squarely within this framework. He entered the United States on July 13,
17 2018, and was placed in removal proceedings under 8 U.S.C. § 1229a. Shortly after his entry, DHS
18 arrested him pursuant to Form I-200, but an Immigration Judge subsequently ordered his release on
19 bond, which Petitioner posted. Because Petitioner was placed in removal proceedings and released
20 pursuant to a bond determination, any subsequent detention is governed by 8 U.S.C. § 1226(a), which
21 provides for discretionary detention and eligibility for release on bond.
22

23 66. Respondents nevertheless rely on DHS’s July 8, 2025 Interim Guidance and the Board’s
24 recent decisions to claim that Petitioner is categorically subject to mandatory detention under § 1225(b)
25 and therefore ineligible for a bond hearing. That interpretation conflicts with the statutory structure of
26 the INA and unlawfully deprives Petitioner of the procedural protections guaranteed under § 1226(a).
27
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1 67. The government's re-detention of Petitioner conflicts not only with the statutory
2 framework of the INA, but also with fundamental due process protections governing the revocation of
3 previously granted liberty.

4 68. Independent of the statutory violation, Petitioner's re-detention violates the Fifth
5 Amendment's Due Process Clause because the government revoked his previously granted liberty
6 without providing any pre-deprivation process.
7

8 69. An Immigration Judge previously determined that detention was unnecessary and
9 ordered Petitioner released on bond. Petitioner relied on that judicial custody determination and
10 complied fully with every condition imposed for nearly eight years.

11 70. Once the government grants liberty—particularly through a formal bond determination
12 by an Immigration Judge and where that liberty has been relied upon for years—that liberty interest
13 cannot be revoked arbitrarily or without constitutionally adequate procedures.
14

15 71. The Supreme Court has long recognized that once the government grants conditional
16 liberty, that liberty interest cannot be revoked without constitutionally adequate procedures. See
17 *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972) (recognizing that conditional liberty “includes many of
18 the core values of unqualified liberty”). That principle applies with equal force here, where Petitioner's
19 liberty was granted through a formal custody determination and maintained for years without incident.
20

21 72. Courts have consistently held that when the government seeks to revoke previously
22 granted liberty, due process requires notice and an opportunity to be heard before a neutral
23 decisionmaker prior to the deprivation. See *Mathews v. Eldridge*, 424 U.S. 319 (1976); *Fuentes v.*
24 *Shevin*, 407 U.S. 67 (1972). These protections are at their apex where, as here, the government seeks
25 to withdraw liberty that has already been conferred and relied upon over an extended period.
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27 73. Here, DHS provided no such process. On April 2, 2026, while working as a commercial
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1 truck driver, Petitioner stopped at an inspection point on Highway 86 in El Centro, California. During
2 the inspection, an officer inquired about his immigration status.

3 74. Petitioner cooperated fully and presented valid identification, including his driver's
4 license and employment authorization based on his pending asylum application.

5 75. DHS did not allege any violation of Petitioner's bond conditions, any criminal conduct,
6 or any changed factual circumstances that would justify revocation of his liberty.

7 76. Instead, Petitioner's liberty was revoked solely based on a legal reinterpretation of
8 detention authority under DHS's July 8, 2025 Interim Guidance and the Board's decisions in *Matter of*
9 *Yajure-Hurtado* and *Matter of Q. Li*.

10 77. Petitioner was provided no advance notice that his release status would be reconsidered,
11 no opportunity to contest the asserted legal basis for detention, and no hearing before a neutral
12 decisionmaker prior to being taken into custody.

13 78. Revoking liberty that was previously granted through a bond determination—after years
14 of full compliance and without any alleged violation—based solely on a retroactive policy
15 interpretation violates the core protections of the Fifth Amendment's Due Process Clause.

16 79. The constitutional violation is particularly stark here, where Petitioner demonstrated
17 nearly eight years of perfect compliance, maintained lawful employment, and posed no danger or flight
18 risk. The government's decision to detain him summarily—without process and without individualized
19 justification—cannot satisfy due process.

20 80. Because the Government failed to provide any pre-deprivation process, the detention is
21 unlawful at its inception. Under these circumstances, a post hoc bond hearing cannot cure the
22 constitutional violation. Immediate release is therefore the appropriate remedy.

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27 **CLAIMS FOR RELIEF**
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COUNT ONE

Violation of Fifth Amendment Right to Substantive Due Process

81. The allegations in the above paragraphs are realleged and incorporated herein.

82. Petitioner challenges DHS's unlawful custody determination that he is subject to mandatory detention under 8 U.S.C. § 1225(b) and ineligible for release on bond. Respondents' reliance on this interpretation—based on DHS's July 8, 2025 Interim Guidance and the Board of Immigration Appeals' decisions in *Matter of Yajure Hurtado* and *Matter of Q. Li*—has resulted in Petitioner's continued detention without access to a bond hearing.

83. The Fifth Amendment provides that no person shall “be deprived of life, liberty, or property, without due process of law.” U.S. Const. amend. V. Freedom from physical restraint lies at the core of the liberty protected by the Due Process Clause. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

84. Petitioner entered the United States on July 13, 2018 and was briefly detained pursuant to Form I-200. An Immigration Judge subsequently ordered his release on bond, which Petitioner posted. That determination reflects a formal finding that detention was not necessary.

85. For nearly eight years, Petitioner remained at liberty in full compliance with all immigration requirements. He appeared for proceedings, maintained lawful employment, and committed no violations.

86. On April 2, 2026, while working as a commercial truck driver, Petitioner stopped at an inspection point on Highway 86 in El Centro, California. After he provided valid identification and employment authorization, officers immediately detained him.

87. The re-detention was not based on any alleged violation of ATD supervision conditions or reporting requirements, any criminal conduct, or any changed factual circumstances. Instead, the

1 detention was based solely on DHS's revised legal interpretation of detention authority.

2 88. If Petitioner is detained at all, the governing authority is 8 U.S.C. § 1226(a), which
3 authorizes discretionary detention and provides for eligibility for release on bond. By categorically
4 treating Petitioner as subject to mandatory detention under § 1225(b), Respondents have eliminated
5 any individualized assessment of whether detention is necessary.

6
7 89. Continued detention under these circumstances—after years of liberty granted through
8 DHS's prior custody determination releasing Petitioner under supervision and without any
9 individualized findings—bears no reasonable relationship to a legitimate governmental purpose and
10 therefore violates substantive due process.

11
12 90. Because the Government revoked Petitioner's liberty without any individualized
13 determination and without any lawful basis, his detention violates substantive due process.

14 91. Because the detention was unlawful at its inception, immediate release is the appropriate
15 remedy. In the alternative, Petitioner seeks a prompt bond hearing at which the Government bears the
16 burden of proof.

17 COUNT TWO

18 **Violation of Petitioner's Procedural Due Process Rights**

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20 92. The allegations in the above paragraphs are realleged and incorporated herein.

21 93. In *Mathews v. Eldridge*, the U.S. Supreme Court set forth the factors to consider in
22 determining if government action deprives an individual's Fifth Amendment right to procedural due
23 process or whether the government process is constitutionally adequate. 424 U.S. 319 (1976) The
24 *Mathews* factors are as follows: First, the private interest that will be affected by the official action;
25 [S]econd, the risk of an erroneous deprivation of such interest through the procedures used, and the
26 probable value, if any, of additional or substitute procedural safeguards; Third, the Government's
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1 interest, including the function involved and the fiscal and administrative burdens that the additional
2 or substitute procedural requirement would entail. *Id.* at 335.

3 94. The risk of erroneous deprivation is substantial. DHS re-detained Petitioner without any
4 individualized custody review, without alleging any violation or changed circumstance, and without
5 affording him access to a bond hearing. The probable value of additional safeguards—namely, an
6 individualized bond hearing before a neutral adjudicator—is immense.

8 95. Procedural due process requires notice and a meaningful opportunity to be heard before
9 the government deprives an individual of a protected liberty interest, except in extraordinary
10 circumstances not present here.

11 96. Petitioner possessed a recognized liberty interest in remaining free from physical
12 detention. That liberty interest was reinforced by DHS's prior decision to release him and permit him
13 to remain at liberty under supervision for an extended period.

15 a. Respondents revoked that liberty on April 2, 2026 without providing:

- 16 a. advance notice that his release would be revoked;
- 17 b. any opportunity to contest the legal basis for detention;
- 18 c. an individualized custody determination; or
- 19 d. a pre-deprivation hearing before a neutral decisionmaker.

21 97. The re-detention was based solely on a change in agency interpretation, not on any
22 alleged violation, changed circumstance, or individualized risk assessment.

24 98. Because Respondents revoked Petitioner's liberty without providing a pre-deprivation
25 hearing and continue to deny him access to a meaningful custody determination, his detention violates
26 procedural due process.

27 99. A post hoc bond hearing cannot cure this violation because the constitutional harm
28

1 occurred at the moment of detention.

2 100. Petitioner respectfully requests immediate release. In the alternative, Petitioner seeks an
3 order requiring a prompt bond hearing before an Immigration Judge at which the Government bears
4 the burden of proof.

5
6 **COUNT THREE**

7 **Violation of the Immigration and Nationality Act**

8 101. The allegations in the above paragraphs are realleged and incorporated herein.

9 102. Petitioner was placed in removal proceedings under 8 U.S.C. § 1229a and released on a
10 bond order of \$23,000. Under the statutory structure of the INA, detention in such proceedings is
11 governed by 8 U.S.C. § 1226(a), absent a separate mandatory detention provision not applicable here.
12

13 103. Section 1226(a) authorizes discretionary detention and expressly permits release on
14 bond. Nothing in the statute authorizes DHS to retroactively reclassify a noncitizen already placed in §
15 1229a proceedings and previously released under § 1226(a) as subject to mandatory detention under §
16 1225(b).
17

18 104. Respondents' categorical denial of bond eligibility and reliance on § 1225(b) exceed
19 statutory authority and are contrary to law.

20 105. Because Petitioner's detention is not authorized by the INA, habeas relief under 28
21 U.S.C. § 2241 is warranted.

22 **COUNT FOUR**

23 **Violation of the Administrative Procedure Act**

24 106. The allegations above are incorporated herein.

25 107. This Court has jurisdiction under 28 U.S.C. § 1331 and 5 U.S.C. §§ 702 and 706 to
26 review final agency action for which there is no other adequate remedy in a court.
27
28

1 108. DHS's determination that Petitioner is subject to mandatory detention under 8 U.S.C. §
2 1225(b), and its re-detention of him on April 2, 2026 based solely on that interpretation, constitute final
3 agency action within the meaning of 5 U.S.C. § 704. The custody determination is definitive,
4 determines Petitioner's rights and obligations, and has immediate legal consequences—namely, his
5 continued physical detention and categorical ineligibility for bond.
6

7 109. The Administrative Procedure Act directs courts to “hold unlawful and set aside agency
8 action” that is contrary to law; in excess of statutory jurisdiction, authority, or limitations; or arbitrary,
9 capricious, or otherwise not in accordance with law. 5 U.S.C. § 706(2).
10

11 110. DHS's application of § 1225(b) to Petitioner—who was arrested pursuant to Form I-200
12 and subsequently released pursuant to 8 U.S.C. § 1226(a) following an Immigration Judge's custody
13 determination and placed in removal proceedings under 8 U.S.C. § 1229a—is contrary to the structure
14 and plain language of the Immigration and Nationality Act. Petitioner is subject, if at all, to detention
15 under 8 U.S.C. § 1226(a), which authorizes discretionary detention and eligibility for release on bond.
16

17 111. By reclassifying Petitioner as subject to mandatory detention under § 1225(b), DHS has
18 acted in excess of its statutory authority and effectively nullified the bond eligibility expressly provided
19 under § 1226(a).
20

21 112. DHS's action is also arbitrary and capricious. The agency:

- 22 a. provided no individualized custody determination;
23 b. relied solely on a revised legal interpretation rather than any new conduct or changed
24 factual circumstance;
25 c. disregarded Petitioner's longstanding compliance with ATD supervision and ICE reporting
26 requirements; and
27 d. failed to account for the reliance interests created by its prior decision to release him and
28 permit him to remain at liberty under supervision.

 113. An agency must provide a reasoned explanation when it changes course, particularly
where prior action has created reliance interests. DHS offered no individualized or reasoned

1 explanation for reversing its earlier custody determination that detention was unnecessary.

2 114. Because Respondents' custody determination is contrary to law, in excess of statutory
3 authority, and arbitrary and capricious, it must be set aside pursuant to 5 U.S.C. § 706(2).

4 115. Petitioner respectfully requests declaratory and injunctive relief vacating the unlawful
5 custody determination and restoring his eligibility for release under 8 U.S.C. § 1226(a), including
6 access to a bond hearing before an Immigration Judge.
7

8 **PRAYER FOR RELIEF**

9 Wherefore, Petitioner requests this Court to grant the following:

- 10 1. Assume jurisdiction over this matter;
11
12 2. Enjoin Respondents from transferring Petitioner during the pendency of the instant action;
13
14 3. Declare that Petitioner's continued detention violates the Immigration and Nationality Act,
15 8 U.S.C. § 1226(a); and/or the Fifth Amendment to the U.S. Constitution;
16
17 4. Order Petitioner's Immediate release from ICE custody; or
18
19 5. In the alternative, Order Respondents to provide Petitioner with an individualized bond
20 hearing before an Immigration Judge within 7 days, at which the government bears the
21 burden of justifying continued detention by clear and convincing evidence and must
22 consider alternatives to detention.;
23
24 6. Grant Equal Access to Justice Act ("EAJA") fees and costs; and
25
26 7. Grant any other further relief this Court deems just and proper.

27 Respectfully,

28 /s/Gurpreet Kaur

Gurpreet Kaur, Esq.

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, and I submit this verification on his behalf. Because Petitioner is detained at the Imperial Regional Detention Center and immediate relief is sought, counsel verifies this petition on his behalf pursuant to 28 U.S.C. § 2242. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 3rd day of April, 2026.

/s/Gurpreet Kaur
Gurpreet Kaur, Esq.