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

13 **KARAN SINGH**

14 **Petitioner,**

15 **v.**

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

23 **Respondents.**

24 Civil No. 3:26-cv-02108-BJC-DDL

25 **MOTION FOR TEMPORARY**
26 **RESTRAINING ORDER AND ORDER**
27 **TO SHOW CAUSE RE PRELIMINARY**
28 **INJUNCTION**

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31 **MOTION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE**
32 **PRELIMINARY INJUNCTION**

1
2 **I. INTRODUCTION**

3 Petitioner seeks emergency relief to halt an ongoing, unlawful deprivation of liberty. After nearly
4 eight years of full compliance following a bond release ordered by an Immigration Judge, Respondents
5 abruptly re-detained Petitioner—without notice, without any individualized determination, and without
6 the constitutionally required pre-deprivation hearing.

7
8 This is not a case involving new conduct, changed circumstances, or any violation of release
9 conditions. It is a case in which the Government seeks to undo its own prior custody determination based
10 solely on a new legal interpretation of detention authority. Respondents now contend that Petitioner—
11 who has long been in removal proceedings and previously released on bond—is categorically subject to
12 mandatory detention under 8 U.S.C. § 1225(b) and therefore ineligible for bond.

13
14 That position is legally incorrect and constitutionally impermissible. Once the Government grants
15 liberty and an individual relies on that liberty for years, due process prohibits its revocation without notice
16 and a pre-deprivation hearing before a neutral decisionmaker. Because Respondents provided no such
17 process, Petitioner’s detention is unlawful at its inception.

18
19 Immediate release—not a delayed or post hoc bond hearing—is the appropriate remedy.

20 **II. FACTS**

21 Petitioner is a native and citizen of India who entered the United States in 2018 and was placed in
22 removal proceedings under 8 U.S.C. § 1229a. An Immigration Judge ordered his release on bond, which
23 Petitioner posted. He thereafter lived and worked in the community for nearly eight years, fully complying
24 with all requirements, maintaining lawful employment, and committing no violations.

25
26 On April 2, 2026, while working as a commercial truck driver, Petitioner stopped at an inspection
27 point on Highway 86 in El Centro, California. After he provided valid identification and employment
28 authorization, officers immediately detained him solely based on his pending immigration case.

1 Respondents did not allege any violation, criminal conduct, or changed circumstance. Petitioner
2 was given no notice, no opportunity to respond, and no pre-deprivation hearing. He remains detained
3 without access to bond.

4 **III. LEGAL STANDARD**

5 The standards governing a TRO and a preliminary injunction are “substantially identical.”
6 *Stuhlbarg Int’l Sales Co. v. John D. Bush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001).
7

8 A TRO may issue where the movant demonstrates: A likelihood of success on the merits, a
9 likelihood of irreparable harm absent relief, that the balance of equities tips in his favor, and that an
10 injunction is in the public interest. *Winter v. NRDC*, 555 U.S. 7, 20 (2008).
11

12 Alternatively, a TRO may issue where serious questions go to the merits and the balance of
13 hardships tips sharply in the movant’s favor. *Friends of the Wild Swan v. Weber*, 767 F.3d 936, 942 (9th
14 Cir. 2014).

15 **IV. ARGUMENT**

16 **A. Petitioner Is Likely to Succeed on the Merits**

17 **1. Petitioner Is Detained Under § 1226(a), Not § 1225(b)**

18 Petitioner is likely to succeed on the merits because Respondents’ detention determination is
19 unauthorized by the Immigration and Nationality Act and inconsistent with the statutory framework
20 governing pre-final order detention.
21

22 Petitioner entered the United States on July 13, 2018, without inspection. DHS briefly detained
23 him pursuant to a Form I-200, served him with a Notice to Appear charging only INA § 212(a)(6)(A)(i),
24 and placed him into standard removal proceedings under 8 U.S.C. § 1229a. An Immigration Judge
25 subsequently ordered his release on bond, which Petitioner posted.
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1 For nearly eight years, Petitioner complied fully with every condition of release. He never violated
2 any requirement, consistently appeared as directed, and was never alleged to pose a danger or a flight risk.

3 These facts place Petitioner squarely within 8 U.S.C. § 1226(a), which governs detention “pending
4 a decision on whether the alien is to be removed” and requires individualized custody determinations,
5 including access to bond before an Immigration Judge.
6

7 On April 2, 2026, however, Petitioner was abruptly re-detained while working as a commercial
8 truck driver at an inspection point on Highway 86 in El Centro, California. After providing valid
9 identification and employment authorization, he was immediately taken into custody solely because he
10 has a pending immigration case.

11 Petitioner committed no crime, violated no condition of release, and engaged in no unlawful
12 conduct. No warrant was presented. ICE identified no violation, no failure to appear, and no changed
13 circumstance.
14

15 Instead, the re-detention rests solely on DHS’s July 8, 2025 Interim Guidance, through which DHS
16 asserts that individuals who entered without inspection are categorically subject to mandatory detention
17 under 8 U.S.C. § 1225(b). That position is unlawful.
18

19 Section 1225(b) governs initial inspection and admission—not individuals who were arrested
20 under a Form I-200, placed in § 1229a proceedings, released on bond, and permitted to reside in the United
21 States for years.

22 DHS’s own conduct confirms that § 1226(a) applies. DHS exercised discretionary custody
23 authority when it released Petitioner on bond, imposed supervision conditions, and permitted him to
24 remain at liberty in the interior of the United States for years while his removal proceedings were pending.
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1 His re-detention rests solely on DHS's July 8, 2025 Interim Guidance, through which DHS asserts
2 that noncitizens who entered without inspection are categorically subject to mandatory detention under 8
3 U.S.C. § 1225(b). That position is unlawful.

4 Section 1225(b) governs detention of applicants for admission during initial inspection and
5 expedited removal contexts. It does not govern individuals who were arrested under a Form I-200, placed
6 into standard § 1229a removal proceedings, released on bond, and permitted to reside in the interior of the
7 United States for years.

8 Congress created distinct detention regimes § 1225 — inspection and threshold admission; §
9 1226(a) — discretionary detention during removal proceedings; § 1226(c) — mandatory criminal
10 detention; and § 1231 — post-final order detention.

11 DHS may not collapse those categories through policy guidance. Nor may it retroactively
12 reclassify a long-released § 1226(a) detainee as subject to § 1225(b) solely to eliminate access to bond.

13 Because Respondents are detaining Petitioner under an inapplicable mandatory detention
14 provision and denying him access to a bond hearing, Petitioner is likely to succeed on the merits of his
15 statutory and constitutional claims. Because detention lacks statutory authorization, there is no agency
16 determination for this Court to defer to under any standard of review.

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20 **B. Petitioner Is Suffering Irreparable Harm**

21 Loss of physical liberty constitutes irreparable harm as a matter of law. *Melendres v. Arpaio*, 695
22 F.3d 990, 1002 (9th Cir. 2012).

23 For nearly eight years, DHS determined that Petitioner could safely remain at liberty. Petitioner
24 relied on that determination—building a stable life, maintaining lawful employment, and supporting
25 himself through his work as a commercial truck driver.
26
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28

1 Respondents' sudden re-detention—without notice, without changed circumstances, and without
2 any individualized justification—abruptly severed that liberty.

3 Each additional day of detention inflicts ongoing constitutional injury that cannot be remedied
4 after the fact. Petitioner is now forced to litigate his case from detention, separated from his livelihood
5 and community.

6 He also faces the risk of transfer, which could impair this Court's jurisdiction and meaningful
7 review.

8 Immediate injunctive relief is therefore necessary to prevent continuing irreparable harm.

9
10 **C. The Balance of Equities and Public Interest Favor Relief**

11 The balance of equities sharply favors Petitioner. DHS itself previously determined—through a
12 bond decision—that Petitioner posed no danger and no flight risk. Respondents cannot credibly claim
13 harm from restoring that status quo or providing constitutionally required process.

14 By contrast, Petitioner is subjected to the most severe deprivation recognized in law—loss of
15 physical liberty—based solely on an unlawful policy interpretation.

16 The public interest is likewise served by ensuring that executive action complies with the
17 Constitution and the INA. The relief sought does not grant new rights—it restores the lawful status quo.

18 Because Respondents face no cognizable harm from compliance with federal law, the Court may
19 grant relief without requiring a bond under Rule 65(c).

20
21 **D. Petitioner's Re-Detention Was the Product of an Unlawful Fourth Amendment Seizure**

22 The Fourth Amendment protects all “persons” within the United States—including noncitizens—
23 against unreasonable seizures. An arrest or detention by law enforcement constitutes a seizure and must
24 be supported by at least reasonable suspicion, and an arrest must be supported by probable cause.
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1 On April 2, 2026, Petitioner was lawfully present at an inspection point while working. After
2 providing identification and employment authorization, he was detained without a warrant, without
3 probable cause of any crime, and without any individualized basis to believe he had violated immigration
4 conditions.

5 Civil immigration enforcement does not eliminate Fourth Amendment protections. Absent lawful
6 authority and individualized justification, the seizure was unreasonable.

7 Because Petitioner's continued detention flows directly from that unlawful seizure, it
8 independently supports habeas relief and emergency injunctive relief.

9
10 **E. DHS Unlawfully Revoked Petitioner's Liberty Without Due Process Under § 1226(a)**

11 Even apart from the unconstitutional stop, Petitioner's continued detention violates both the
12 Immigration and Nationality Act and the Fifth Amendment.

13
14 DHS exercised discretionary authority under § 1226(a) when it released Petitioner on bond in
15 2018. For more than seven years, the Government reaffirmed through its conduct that detention was
16 unnecessary.

17 Liberty granted under § 1226(a) cannot be revoked arbitrarily. Once the Government exercises
18 discretionary authority to release a noncitizen pending removal proceedings, due process requires that any
19 subsequent re-detention be supported by changed circumstances, a violation of release conditions, or an
20 individualized determination that the noncitizen poses a danger or flight risk. None of those conditions
21 exists here.

22
23 Petitioner was re-detained without notice, without allegation of noncompliance, without changed
24 circumstances, and without any individualized custody determination. He was told only that he had "a
25 case pending before immigration court"—a fact known to DHS on the day it released him in 2018.
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1 Due process prohibits the Government from revoking physical liberty without notice and an
2 opportunity to be heard. Freedom from bodily restraint lies at the core of the liberty protected by the Fifth
3 Amendment. Petitioner's more than seven years of perfect compliance reinforced the Government's
4 original determination that detention was unnecessary. The sudden, policy-driven re-detention—without
5 violation, without changed circumstances, and without individualized findings—violates fundamental
6 fairness and basic procedural safeguards.
7

8 Because Petitioner's detention was imposed without notice, without any individualized
9 determination, and without constitutionally required pre-deprivation process, it is unlawful at its inception.
10 A post hoc bond hearing cannot cure this violation. Immediate release is therefore required.
11

12 **F. POST HOC BOND HEARING DOES NOT CURE THE CONSTITUTIONAL**
13 **VIOLATION**

14 Respondents may argue that any constitutional defect can be remedied through a future bond
15 hearing. That argument fails as a matter of law.
16

17 The constitutional violation occurred at the moment Petitioner's liberty was revoked without
18 notice or a pre-deprivation hearing. Due process requires that, absent extraordinary circumstances, the
19 Government provide notice and an opportunity to be heard before depriving an individual of a protected
20 liberty interest. *Mathews v. Eldridge*, 424 U.S. 319 (1976); *Fuentes v. Shevin*, 407 U.S. 67 (1972).
21

22 Here, Respondents provided no such process. Instead, they detained Petitioner first and seek to
23 justify that detention later. That sequence is precisely what the Due Process Clause prohibits.
24

25 A post hoc bond hearing cannot retroactively legitimize an unlawful seizure of liberty. By the time
26 such a hearing occurs, the constitutional injury—the deprivation of liberty without process—has already
27 been inflicted. Courts have repeatedly recognized that where detention is unlawful at its inception,
28 subsequent procedural opportunities do not cure the violation.

1 Moreover, Respondents' proposed remedy would invert due process entirely. It would allow the
2 Government to detain first, justify later, and avoid judicial scrutiny so long as some eventual process is
3 provided. That approach is incompatible with fundamental constitutional principles.

4 Because the violation is complete and ongoing, the only effective remedy is immediate release.

5 **V. REQUESTED RELIEF**

6 Petitioner respectfully requests that the Court:

- 7 1. Issue a Temporary Restraining Order Prohibiting Respondents from transferring Petitioner outside
- 8 the Southern District of California during the pendency of this action;
- 9
- 10 2. Order Petitioner's immediate release, or in the alternative,
- 11
- 12 3. Order Respondents to provide an individualized bond hearing before an Immigration Judge within
- 13 a fixed time period, with the burden on DHS; and
- 14 4. Set an Order to Show Cause re preliminary injunction.

15 **VI. CONCLUSION**

16 Respondents' continued detention of Petitioner without bond violates the INA, the Fifth
17 Amendment, and binding federal court authority. Immediate injunctive relief is necessary to prevent
18 further irreparable harm and to preserve this Court's jurisdiction.

19 Respectfully,

20 /s/ Gurpreet Kaur
21 Gurpreet Kaur, Esq.

22 Dated this 3rd day of April, 2026.