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

ROHIT ROHIT,

Petitioner,

v.

WARDEN; et al.,

Respondents.

Case No. 3:26-cv-02194-TWR-DDL

**PETITIONER'S TRAVERSE AND  
MOTION FOR IMMEDIATE  
RELEASE**



1           **III. THE GOVERNMENT’S REQUEST FOR 14 DAYS TO HOLD A BOND**  
2           **HEARING DUE TO CASELOAD AND STAFFING SHOULD BE REJECTED**

3           In a footnote, the Government requests 14 days to provide a bond hearing due to “heavy  
4 caseloads and staffing levels.” This argument should be rejected for several reasons:

5           **A. Administrative Burdens Do Not Justify Continued Unlawful Detention**

6           The Government’s internal staffing issues and workload are not a lawful basis to continue  
7 detaining a person whose detention is unconstitutional. Constitutional rights cannot be suspended  
8 due to administrative inconvenience. Courts have consistently held that government resource  
9 constraints do not justify constitutional violations.  
10

11           **B. The Government’s Administrative Problems Are Self-Inflicted**

12           The Government operates one of the largest law enforcement and immigration enforcement  
13 systems in the world with vast resources, personnel, detention facilities, and administrative  
14 infrastructure. Any staffing shortage or caseload backlog is a product of the Government’s own  
15 policy choices, enforcement priorities, and resource allocation decisions. Those institutional  
16 decisions cannot be used as a justification to continue depriving an individual of liberty.

17           The Petitioner is an individual immigrant with limited financial resources who has already  
18 spent significant time in detention. He does not control the Government’s staffing, hiring,  
19 enforcement priorities, detention policies, or court backlog. It would be fundamentally unfair and  
20 contrary to due process to require Petitioner to remain detained simply because the Government  
21 is understaffed or overworked. The Constitution does not allow the Government to detain  
22 someone longer because it is busy.  
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1 leave the United States or gets to stay”. *Department of Justice (2026)* <https://join.justice.gov/>.

2 This terminology is revealing. While the statutory title remains “immigration judge,” the DOJ’s  
3 own public-facing language rebrands the role in outcome-oriented terms, i.e., deportation.

4 This is not a neutral label. It reflects an institutional expectation and mission orientation that  
5 is fundamentally inconsistent with the role of a neutral decisionmaker. See, e.g., the DOJ  
6 recruitment language urging applicants to “apply today to become a deportation judge,”  
7 emphasizing removal as the defining function of the position. Such framing signals that the  
8 adjudicator’s purpose is not to impartially weigh liberty interests, but to effectuate enforcement  
9 priorities.

10 Additionally, recent reports indicate that immigration court proceedings have at times been  
11 used in ways that undermine the very purpose of judicial process, for example, individuals  
12 appearing for scheduled proceedings have been detained or funneled into expedited enforcement  
13 actions rather than receiving meaningful adjudication. *Id.* These practices reinforce the reality  
14 that administrative processes within the immigration system cannot reliably safeguard liberty  
15 interests once detention has already occurred.

16  
17 For these reasons, the Government’s suggestion that a bond hearing could cure the  
18 constitutional violation is misplaced. Due process requires that the Government provide notice  
19 and an opportunity to be heard before revoking an individual’s liberty. A delayed administrative  
20 hearing within an overburdened and structurally constrained immigration court system cannot  
21 retroactively cure an unconstitutional detention. Where detention was imposed without the  
22 constitutionally required process, the appropriate remedy is immediate release, not a speculative  
23 future hearing that may occur only after prolonged confinement.

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**MOTION FOR RELIEF**

WHEREFORE, Petitioner motions that this Court grant the following relief:

1. Issue a Writ of Habeas Corpus ordering Respondents to release from custody immediately and permanently enjoining his re-detention during the pendency of his removal proceeding absent written notice and a hearing prior to re-detention where Respondents must prove by clear and convincing evidence that he is a flight risk or danger to the community and that no alternatives to detention would mitigate those risks;
2. Direct Respondent's to Return any and all personal property seized at the time of the arrest;
3. Declare that Mehakpreet's re-detention while removal proceedings are ongoing without first providing an individualized determination before a neutral decisionmaker violates the Due Process Clause of the Fifth Amendment;
4. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law.

Respectfully submitted,

Dated: April 13, 2026

/s/ Prince Girn  
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