

1 Sukhveer S. Girn (aka Prince Singh Girn), CSB #332145
RAI & ASSOCIATES
2 235 MONTGOMERY STREET, SUITE 860
SAN FRANCISCO, CA 94104
3 TEL: (916) 603-8030
FAX: (415) 693-9135
4 ATTORNEY FOR PETITIONER

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

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

ROHIT ROHIT,

Petitioner,

v.

WARDEN, Imperial Regional Detention Facility, **FIELD OFFICE DIRECTOR**, San Diego Field Office, U.S. Immigration and Customs Enforcement (ICE); **TODD M. LYONS**, in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement (ICE); **MARKWAYNE MULLIN**, in his official capacity as Secretary of the U.S. Department of Homeland Security (DHS); **TODD BLANCHE**, in his official capacity as Acting Attorney General of the United States,

Respondents.

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

PETITIONER'S RENEWED MOTION FOR RECONSIDERATION AND REQUEST FOR IMMEDIATE RELEASE

1 **II. LEGAL STANDARD**

2 A motion for reconsideration is appropriate where the Court has overlooked material
3 facts, controlling law, or where new developments demonstrate that its prior ruling results in
4 manifest injustice. Here, the actual bond hearing outcome constitutes new and highly relevant
5 information confirming that the Court's ordered remedy is inadequate as a matter of law and fact.
6

7 **III. ARGUMENT**

8 **A. The Bond Hearing Confirms That Post-Deprivation Process Cannot Cure the**
9 **Constitutional Violation**

10
11 Petitioner's habeas petition challenged the lawfulness of detention at its inception due to
12 the absence of a pre-deprivation hearing. Due process requires notice and an opportunity to be
13 heard before a deprivation of liberty, not after.

14 A delayed bond hearing does not retroactively validate unconstitutional detention. The
15 subsequent proceedings have now demonstrated that the administrative process is not capable of
16 providing the constitutionally required protection. Rather than curing the violation, the bond
17 hearing has compounded it by prolonging Petitioner's detention based on flawed reasoning and
18 incomplete fact-finding.
19

20 **B. The Immigration Judge's Decision Was Factually and Legally Deficient**

21 The denial of bond rested entirely on a finding of flight risk, despite the absence of any
22 finding that Petitioner poses a danger to the community. That flight risk determination is
23 unsupported by the record as follows.
24

1 *The Address Reporting Finding Is Clearly Erroneous*

2 The Immigration Judge concluded that Petitioner failed to report multiple addresses to the
3 court. This finding ignores critical evidence. The Petitioner disclosed all addresses in his updated
4 Form I-589 submitted to the court and reported his address changes to ICE. As a result, the
5 government had actual knowledge of Petitioner's residence history.
6

7 These facts demonstrate good-faith compliance, not concealment. Rather than engaging with
8 this evidence, the Immigration Judge relied on minor procedural missteps and elevated them into
9 a determinative basis for detention. In doing so, the court effectively applied a draconian
10 standard, treating technical or non-material inconsistencies as proof of flight risk, without any
11 showing of intentional evasion or bad faith. Such reasoning is inconsistent with the purpose of
12 bond proceedings, which require an individualized and realistic assessment of risk. The
13 Immigration Judge failed to reconcile these disclosures with the adverse credibility inference,
14 rendering the finding unsupported.
15

16 *The Government's Knowledge Undermines Any Claim of Flight Risk*

17 As Petitioner reported his address to ICE, the government cannot plausibly claim that
18 Petitioner was evading supervision. The Immigration Judge did not address this fact or seek
19 clarification from government counsel, resulting in a materially incomplete analysis.
20

21 At a minimum, the Immigration Judge should have sought clarification from government
22 counsel regarding DHS/ICE records of Petitioner's reported addresses; considered whether inter-
23 agency records confirmed Petitioner's compliance; and allowed for supplementation or
24

1 clarification of the record where alleged discrepancies could materially affect the liberty
2 determination.

3
4 Instead, the Immigration Judge relied on an incomplete record and drew adverse
5 conclusions without verifying readily available information within the government's possession.
6 This approach falls short of the fundamental requirement that bond determinations be based on a
7 careful and individualized assessment of all relevant evidence.

8 By failing to develop the record and resolve obvious factual questions, the Immigration
9 Judge employed a faulty procedure that resulted in a materially unreliable determination. Such a
10 process cannot support continued detention.

11
12 *Petitioner's Record of Appearance Contradicts Flight Risk*

13 Petitioner has attended all scheduled court hearings. This is one of the strongest
14 indicators that he is not a flight risk. Moreover, Petitioner is actively seeking relief from the
15 immigration court, giving him a clear incentive to appear. The conclusion that Petitioner would
16 abscond is speculative and contrary to the record.

17
18 *The Immigration Judge Failed to Consider Alternatives to Detention*

19 Even assuming arguendo that some risk exists, the Immigration Judge failed to consider less
20 restrictive alternatives, including release on a high monetary bond and GPS monitoring or other
21 supervision conditions. This omission is significant. Due process requires consideration of less
22 restrictive means before continuing detention. The failure to do so independently renders the
23 bond determination deficient.

24

1 *The Outcome Demonstrates the Structural Inadequacy of Bond Hearings as a Remedy*

2
3 The deficiencies in this case are not isolated as they reflect the very structural concerns
4 raised in the habeas petition. The bond hearing did not function as a neutral, searching inquiry
5 into the necessity of detention. Instead, it resulted in continued detention based on incomplete
6 and unsupported reasoning.

7 This confirms that the availability of a bond hearing is not an adequate substitute for
8 constitutionally required pre-deprivation process.

9
10 **C. Exhaustion Is Not Required Because Prudential Considerations Weigh Against a**
11 **BIA Appeal**

12 Although administrative exhaustion is ordinarily required in challenges to Immigration
13 Judge bond determinations, it is a prudential, not jurisdictional, requirement and may be excused
14 where its purposes would not be served. *Leonardo v. Crawford*, 646 F.3d at 1160 (9th Cir. 2011)
15 (stating that exhaustion is ordinarily required, but not analyzing exhaustion).

16 Under controlling Ninth Circuit precedent, courts consider whether agency expertise is
17 needed, whether bypass would undermine the administrative scheme, and whether administrative
18 review would allow the agency to correct its own errors. Here, each consideration weighs against
19 requiring exhaustion. *Puga v. Chertoff*, 488 F.3d 812, 815 (9th Cir. 2007).

20
21 First, the issues presented are constitutional and legal in nature. Petitioner challenges the
22 adequacy of post-deprivation process and the fundamental fairness of the bond proceedings

1 themselves. These are not matters requiring agency expertise or further factual development. The
2 record is complete, and the deficiencies identified arise from legal and procedural errors.

3
4 Second, Petitioner has not bypassed the administrative process. To the contrary,
5 Petitioner complied with this Court's prior order and fully participated in the bond hearing.
6 Petitioner now returns to this Court only because the ordered remedy proved constitutionally
7 inadequate. Seeking judicial review under these circumstances enforces, rather than undermines,
8 the integrity of the process.

9 Third, administrative review is unlikely to correct the errors at issue. The deficiencies
10 identified, failure to consider key evidence, reliance on unsupported conclusions, and failure to
11 consider alternatives to detention, demonstrate that the bond proceeding itself was inadequate.
12 Moreover, the question before this Court is whether the process afforded satisfies constitutional
13 requirements, an issue beyond the agency's ability to meaningfully remedy.

14
15 Exhaustion should also be excused because requiring a BIA appeal would be futile and
16 would result in irreparable harm. Petitioner remains detained as a result of constitutionally
17 deficient proceedings. Requiring further administrative review would prolong that detention
18 without any realistic prospect of relief, inflicting ongoing harm to Petitioner's liberty interests.

19 Finally, the procedural posture weighs strongly against requiring exhaustion. Petitioner
20 returns to this Court following compliance with its prior order directing a bond hearing.
21 Requiring administrative exhaustion in this context would improperly shift to the agency the
22 responsibility for evaluating whether the Court's constitutional mandate has been satisfied.

1 For all of these reasons, exhaustion should be excused and the Court should proceed to
2 the merits.

3 **D. Immediate Release Is the Appropriate Remedy**

4
5 Where detention is imposed without due process, the proper remedy is release, not a
6 delayed administrative proceeding. Courts addressing unlawful detention routinely order release
7 when constitutional violations are established.

8
9 Here, the initial detention violated due process; the ordered bond hearing failed to cure
10 that violation; and the continued detention now rests on a flawed administrative decision. Under
11 these circumstances, continued detention cannot be justified.

12 **IV. CONCLUSION**

13
14 The bond hearing ordered by this Court has now taken place and confirms what Petitioner
15 argued from the outset: post-deprivation administrative process cannot cure an unconstitutional
16 detention and does not provide a meaningful safeguard of liberty.

17 As the constitutional violation remains unremedied, and because the bond proceedings
18 themselves were deficient, the only appropriate relief is immediate release.

19 **V. PRAYER FOR RELIEF**

20
21 Petitioner respectfully requests that this Court:

- 22
23 1. Grant this Motion for Reconsideration;
24 2. Vacate its prior order directing a bond hearing as a sufficient remedy;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

- 3. Find that Petitioner’s detention violates due process; and
- 4. Order Petitioner’s immediate release from custody.

Respectfully submitted,

Dated: April 30, 2026

Sukhveer S. Girm (aka Prince Singh Girm)
 CSB #332145
 Rai & Associates
 235 Montgomery Street, Suite 860
 San Francisco, CA 94104
 Tel: (415) 693-9131
 Fax: (415) 693-9135
 Attorney for Petitioner