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*Attorney for Petitioner*

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

**Surinder Singh,**

*Petitioner,*

**v.**

**Case No. 26-cv-2438**

**Raul Maldonado,  
in his official capacity as Warden,  
Brooklyn Metropolitan Detention Center;**

**Judith Almodovar,  
in her official capacity as Acting New York  
Field Office Director, U.S. Immigration &  
Customs Enforcement;**

**Todd M. Lyons,  
in his official capacity as Acting Director of  
Immigration & Customs Enforcement; and**

**Todd Blanche,  
in his official capacity as Attorney General,  
U.S. Department of Justice,**

*Respondents.*

**VERIFIED PETITION  
FOR WRIT OF HABEAS  
CORPUS PURSUANT TO  
28 U.S.C. § 2241**

**PRELIMINARY STATEMENT**

1. Petitioner, Surinder Singh (“Petitioner”, or “Mr. Singh”) is a native and citizen of India, who has been living in the United States since 1991. Mr. Singh possesses a removal order issued against him on or about April 11, 1996. Mr. Singh has a US citizen spouse and two US citizen

children.

2. Respondents took Petitioner into custody on October 14, 2025, 191 days ago.
3. Pursuant to Supreme Court precedent, such detention has now become unlawful because there is no likelihood that he will be removed to India at any foreseeable date. Therefore, Mr. Singh seeks his immediate release from this Court.

### **I. PARTIES**

4. Petitioner, Surinder Singh, is a citizen of India and who is currently detained at the Brooklyn Metropolitan Detention Center, 80 29th St., Brooklyn, NY 11232.
5. Respondent Raul Maldonado is the Warden of the Brooklyn Metropolitan Detention Center, and is a legal custodian of Mr. Singh. He is sued in his official capacity.
6. Respondent Judith Almodovar is the ICE New York Acting Field Office Director. She is responsible for carrying out ICE's immigration detention operations in New York City. Respondent Almodovar is a legal custodian of Mr. Singh. She is sued in her official capacity.
7. Respondent Todd M. Lyons is the Acting Director of ICE. As the head of ICE, he is responsible for decisions related to detaining and removing certain noncitizens. Director Lyons is a legal custodian of Mr. Singh.
8. Respondent Todd Blanche is named in his official capacity as the Acting Attorney General of the United States. He is responsible for the administration of the immigration laws as exercised by EOIR, pursuant to 8 U.S.C. § 1103(g). He routinely transacts business in the Eastern District of New York, and is legally responsible for administering Mr. Singh's removal proceedings as well as the procedural standards used in those proceedings. He is therefore a legal custodian of Mr. Singh. Respondent Blanche's office is 950 Pennsylvania Avenue, NW, Washington, DC 20530.

## **II. JURISDICTION**

9. This Court has subject matter jurisdiction over this Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, 28 U.S.C. § 1331, and Article I, § 9, cl.2 of the United States Constitution; All Writs Act, 28 U.S.C. § 1651; the Administrative Procedure Act, 5 U.S.C. § 701; and for injunctive and declaratory relief pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201–2.
10. Respondents incarcerated Mr. Singh on October 14, 2025, and he is under the direct control of Respondents and their agents.
11. This action arises under the Constitution of the United States, and the Immigration and Nationality Act (“INA”).
12. Federal courts have subject matter jurisdiction under 28 U.S.C. § 2241(c)(1) and (c)(3) (habeas corpus) to determine whether people imprisoned in federal custody are held in violation of law. *INS v. St. Cyr*, 533 U.S. 289, 305 (2001).
13. Jurisdiction is also proper pursuant to 28 U.S.C. § 1331 (federal question); 5 U.S.C. § 702 (waiver of sovereign immunity); 28 U.S.C. § 1346 (original jurisdiction); Article I, § 9, cl. 2 of the U.S. Constitution (Suspension Clause); the All Writs Act, 28 U.S.C. § 1651; and 28 U.S.C. §§ 2201-2202 (Declaratory Judgement Act).
14. Further, the Court has jurisdiction to grant injunctive relief pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201–02, 1651, 2241, and the All Writs Act, 28 U.S.C. § 1651. Mr. Singh’s detention constitutes a “severe restraint[] on his individual liberty” interest such that Mr. Singh is “subject to restraints not shared by the public generally” and “in custody in violation of the . . . laws . . . of the United States.” *See Hensley v. Municipal Court*, 411 U.S. 345, 351 (1973).

15. The federal district courts have jurisdiction to hear habeas corpus claims by noncitizens challenging the lawfulness of their detention by DHS. *Jennings v. Rodriguez*, 583 U.S. 281, 292-95 (2018); *Demore v. Kim*, 538 U.S. 510, 516–17 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

### **III. VENUE**

16. Venue properly lies in the Eastern District of New York. 28 U.S.C. §§ 1391(b)(2), (e). This petition is filed while Mr. Singh is physically present within the district, as he is incarcerated in Brooklyn, NY.

### **IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES**

17. Exhaustion is not necessary because Congress did not codify a requirement that petitioners seeking a writ of habeas corpus exhaust administrative remedies. *McCarthy v. Madigan*, 503 U.S. 140, 144 (1992) (“Where Congress specifically mandates, exhaustion is required... But where Congress has not clearly required exhaustion, sound judicial discretion governs.”) (citation omitted).
18. Further, exhaustion of remedies is unnecessary if futile. *See Beharry v. Ashcroft*, 329 F.3d 51, 62 (2d Cir. 2003) (Sotomayor, J.) (as amended) (judicial exhaustion may be excused when “available remedies provide no genuine opportunity for adequate relief” or exhaustion “would be futile”).
19. Finally, even if meaningful administrative remedies were promptly available, Mr. Singh, as a noncitizen challenging the lawfulness of his ongoing immigration detention, is not required to exhaust those remedies under 8 U.S.C. § 2241. *See Louisaire v. Muller*, 758 F. Supp. 2d 229, 234 (S.D.N.Y. 2010).

### **V. FACTS REGARDING PETITIONER’S DETENTION**

20. Petitioner is a native of India who entered the United States in 1991.

21. Petitioner was ordered removed from the United States on April 11, 1996, but has remained in the United States since then.
22. Petitioner was detained by Respondents on October 14, 2025, 191 days ago.

### **STATEMENT OF CLAIMS**

#### **COUNT ONE**

#### **MR. SINGH'S CONTINUED DETENTION WHEN THERE IS NO PROSPECT OF REMOVAL IN A REASONABLE TIME PERIOD VIOLATES HIS CONSTITUTIONAL RIGHTS UNDER *ZADVYDAS V. DAVIS***

23. The United States Supreme Court has held that an individual may not be detained indefinitely following a final order of removal when there is no likelihood of removal in the foreseeable future, *Zadvydas v. Davis*, 533 U.S. 678 (2001). In that case, there was no country willing to accept the alien, who was born in a displaced persons camp. Notwithstanding the alien's significant criminal record, the Supreme Court held that the constitution implicitly limits an alien's detention to a period reasonably necessary to bring about that alien's removal from the United States, and does not permit indefinite detention beyond that period. *See Zadvydas*, 533 U.S. at 688-99.
24. The Court in *Zadvydas* stated that after six months in detention following the final order of removal, that "once the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing," and if this cannot be done, release must be effectuated. *See* 533 U.S. at 701.
25. Petitioner has now been detained for 191 days, beyond the presumptively reasonable six-month period identified in *Zadvydas*.
26. Moreover, there is no significant likelihood of removal in the reasonably foreseeable future, because, upon information and belief, Respondents are nowhere close to effectuating

Petitioner's removal from the United States. Specifically, ICE has interviewed Petitioner at least four times, and as recent as April 14, 2026, in an attempt to gather information to assist with the removal process. Petitioner provided all information that was requested of him, but from these interviews it has become abundantly clear that Respondents have not, and may never be able to, obtain travel documents which would allow Petitioner's travel to India.

27. Furthermore, since his detention on October 14, 2025, Petitioner has been held in the following locations by Respondents: 26 Federal Plaza, New York, NY; Delaney Hall, Newark, NJ; Port Isabel, Texas; Winn Correctional Center, Louisiana; back to Delaney Hall, Newark, New Jersey; and finally, his present location at MDC Brooklyn. This convoluted travel history further supports the fact that Respondents have no real plan to effectuate his deportation from the United States.
28. Petitioner has been detained longer than the time dictated to be permissible by the Supreme Court, and has shown that he is not likely to be removed by Respondents in the near future. Furthermore, Respondents will be unable to meet their burden to show removal is likely. As a result, Petitioner must be released from detention.

#### **PRAYER FOR RELIEF**

WHEREFORE, Mr. Singh prays that this Court grant the following relief:

- 1) Assume jurisdiction over this matter;
- 2) Enjoin Respondents from transferring Mr. Singh outside of the jurisdiction of the Eastern District of New York pending the resolution of this case;
- 3) Issue a writ of habeas corpus directing Respondents to provide Mr. Singh's immediate release from custody.

- 4) Award Mr. Singh attorney's fees and costs under the Equal Access to Justice Act ("EAJA") as amended, 5 U.S.C. § 504 and 28 U.S.C. § 2412, and on any other basis justified under law; and
- 5) Grant any other and further relief that this Court deems just and proper.

Dated: April 23, 2026

Respectfully submitted,

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