

UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO

Civil Action No. 26-cv-01791-PAB

GURIKMAN SINGH,

Petitioner,

v.

JUAN BALTAZAR, et al.,

Respondents.

**PETITIONER'S MOTION TO ENFORCE THIS COURT'S MAY 26TH ORDER AND
FOR IMMEDIATE RELEASE OR, IN THE ALTERNATIVE, FOR A NEW
INDIVIDUALIZED BOND HEARING, COMPLIANT WITH THIS COURT'S ORDER**

Pursuant to D.C.COLO.LCivR 7.1(a), undersigned counsel has conferred with counsel for Respondents, Logan P. Brown, AUSA, by email prior to filing this Motion. Respondents oppose this motion. I, Sandra Saltrese Miller undersigned counsel, hereby verify that I conferred with Logan P. Brown, Asst. USA, by email, today, June 24, 2026, and he communicated, after I submitted a synopsis of the above captioned motion to him, that he would oppose it.

I. INTRODUCTION AND BACKGROUND

On May 2, 2026, this Court granted Petitioner's habeas petition, held that 8 U.S.C. § 1226(a) governs his detention, and ordered a bond hearing at which the government was to bear

the burden of proving flight risk, by clear and convincing evidence, and danger to the community, by clear and convincing evidence. ECF No. 13. That burden standard — adopted from *Kuzmic v. Baltazar*, No. 26-cv-00577-CYC (D. Colo. May 12, 2026) — was the result of a federal judge’s consideration of the facts and the law, and his resulting order. It is not the agency standard. It exists because this Court deemed it proper and just. On May 29, 2026, the bond hearing was held and Immigration Judge Meghan C. Buhl-Madsen denied bond in a written decision issued on May 30, 2026. *See Exhibit 1*. Gurikman Singh has now been detained at the Denver Contract Detention Facility since April 9, 2026 —for more than sixty days. This Court found, on May 22, 2026, that his continued detention without a bond hearing violated his right to due process of law. ECF No. 13 at 4. The bond hearing ordered by this Court was held on May 29, 2026. IJ Buhl-Madsen took the matter under advisement and issued her written decision on May 30, 2026, denying bond entirely.

The Petitioner has a colorable claim for asylum and an approved I-360 Petition for Special Immigrant Juvenile Status which provides him a path to apply for legal permanent residency upon a visa becoming available.¹ An approved I-360 (approved Special Immigrant visas) not only provides Mr. Singh a clear path to lawful permanent residency, it also incentivizes him to stay in the U.S. and comply with all immigration court and DHS orders and appearances. It also means he never has to depart the U.S. to obtain his lawful permanent residency.² If ever

¹ Department of State, July 2026 Visa Bulletin- Priority Date for Filing AOS for SIJS (EB4-15SEP22)

² USC §1255. Adjustment of status of nonimmigrant to that of person admitted for permanent residence

(h) Application with respect to special immigrants

In applying this section to a special immigrant described in section 1101(a)(27)(J) of this title- 8 CFR, Part 245(e)(3)Special immigrant juveniles —

(i) Eligibility for adjustment of status. For the limited purpose of meeting one of the eligibility requirements for adjustment of status under section 245(a) of the Act, which requires that an

there were a compelling demonstration that he is not a flight risk, his approved I-360, standing alone, clearly establishes it. Both the DHS and the Immigration Judge made short shrift -- or outright ignored -- the compelling case for the Petitioner's non-absconding. The government entirely failed to meet the burden of proof this Court charged it with.

The Petitioner moves for immediate release on three grounds: (1) this Court has jurisdiction to assess the bond denial in the enforcement of its own order, because BIA review would apply a different and incompatible burden framework that nullifies, rather than reviews compliance, with this Court's order; (2) the evidence is entirely insufficient as a matter of law to meet the clear and convincing standard for flight risk; and (3) the IJ's flight risk finding rested on improper merits determinations which violated the regulatory separation between bond and removal proceedings. The IJ conflated -- albeit erroneously -- the pending asylum case and the bond proceedings, e.g., the IJ relied on her unilateral assessment of the Petitioner's likelihood of prevailing on his asylum claim absent an adversarial hearing (the regulatory and statutory means of adjudication of asylum hearings in immigration court.). The agency appellate apparatus (Board of Immigration Appeals) "BIA" cannot provide meaningful review of whether this Court's order was followed — and this Court's retained jurisdiction is the only adequate forum for determination of the government's compliance. The factual representations in this Motion regarding the conduct of the bond hearing are subject to verification because the bond hearing was recorded. A verbatim transcript is attached so that the Court may verify the factual record

individual be inspected and admitted or paroled, an applicant classified as a special immigrant juvenile under section 101(a)(27)(J) of the Act will be deemed to have been paroled into the United States as provided in § 245.1(a) and section 245(h) of the Act.

before ruling. Petitioner submits that the motion is ripe for decision now on the legal arguments presented, and that the transcript confirms the representations made herein.

II. ARGUMENT

A. THIS COURT HAS JURISDICTION TO REVIEW THE BOND DENIAL — BIA REVIEW WOULD NULLIFY, RATHER THAN HONOR OR ENFORCE THIS COURT'S ORDER

This Court retains jurisdiction over its own remedial order. *Spallone v. United States*, 493 U.S. 265, 276 (1990). It has authority to determine whether that order was complied with, including whether the burden standard it expressly ordered was honored, or met. The authority to assess compliance is not displaced by § 1226(e), which shields discretionary agency judgments, and does not address compliance with federal court orders.

B. BIA REVIEW WOULD APPLY A DIFFERENT AND INCOMPATIBLE BURDEN FRAMEWORK.

The Board of Immigration Appeals' own binding precedents — reaffirmed as recently as 2025 — place the burden of proof in § 1226(a) bond proceedings on the non-citizen, rather than the government. *Matter of CHOC-TUT*, 29 I&N Dec. 48, 48-49 (BIA 2025) ("the burden of proof is on the respondent to demonstrate 'to the satisfaction' of the Immigration Judge and the Board that his 'release would not pose a danger to property or persons,' and that the respondent is likely to appear for any future proceeding"); *Matter of Adeniji*, 22 I&N Dec. 1102, 1112-13 (BIA 1999); *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006); 8 C.F.R. § 1236.1(c)(8). The "alien" must demonstrate that release would not pose a danger and that he would appear. That is the framework the BIA applied in 2025 and is institutionally bound to apply.

The two frameworks are fundamentally incompatible. Different parties bear the burden, under different standards, with different legal consequences. Because this matter involved immigration, the government apparently felt free to ignore or defy this Court's Order, and contumeliously shift the burden to the petitioner. If the Petitioner appeals to the BIA, the BIA will apply CHOC-TUT, Adeniji, and Guerra. It will ask whether Petitioner demonstrated he is not dangerous and not a flight risk — not whether the government adduced clear and convincing evidence of danger or flight risk. This is not a theoretical distinction. The BIA reaffirmed this "alien"-bears-burden framework in a 2025 precedential decision. Based on its precedent, BIA review could not and would not determine whether this Court's order was complied with. It would substitute the "alien"-bears-burden standard for the government-bears-burden standard this Court ordered, effectively nullifying the Kuzmic framework without ever reviewing it. That clearly cannot constitute meaningful appellate review of compliance with this Court's order. It would necessarily replace this Court's order with agency precedent, and dishonor the Order entirely. The BIA is, therefore, an inadequate and futile forum for the central legal question presented here. Only this Court can determine whether its Order was honored or violated.

C. SECTION 1226(E) DOES NOT BAR THIS COURT'S ENFORCEMENT OF ITS ORDER.

Section 1226(e) insulates the Attorney General's discretionary judgment regarding bond from judicial review. It does not — and cannot — truncate or strip a federal court's jurisdiction

to enforce its own remedial order. The Petitioner does not ask this Court to second-guess the IJ's factual weighing. Rather, he requests that this Court determine whether the burden standard it specifically ordered was honored — a question of law that this Court is uniquely positioned and obligated to answer, in the exercise of its inherent authority and duty to the “due administration of justice” *Ex Parte Robinson*, 86 U.S. (19 Wall.) 505 (1874)

Moreover, where — as here — BIA review would substitute a fundamentally different burden for the one this Court ordered, allowing the BIA to have the last word would effectively permit an administrative tribunal to nullify a federal court order. That cannot be the law. *INS v. St. Cyr*, 533 U.S. 289, 301 (2001); *Boumediene v. Bush*, 553 U.S. 723, 779 (2008).

D. THE GOVERNMENT HAS NOT MET ITS BURDEN TO PROVE THAT THE PETITIONER IS A FLIGHT RISK, BY CLEAR AND CONVINCING EVIDENCE, AND ITS POSITION IN ITS ALLEGATIONS OF PETITIONER'S FLIGHT RISK IS COUNTERFACTUAL.

At the May 29, 2026 bond hearing the government bore the burden of proving flight risk by clear and convincing evidence, pursuant to the District Court's Order. The government filed two DHS forms I-213 “Record of Deportable/Inadmissible Alien” as evidence and made an oral argument for less than two minutes at the bond hearing. *See Exhibit 2* (Bond Hearing DAR Transcript, May 29, 2026). The government entered no substantive evidence into the record which could support its allegations in the I-213 that the Petitioner had accumulated 15 ATD violations. The government wholly failed to ascertain Mr. Singh's extensive family connections to the community. In fact, Mr. Singh's lawful permanent resident paternal grandparents have been living in Denver, Colorado, at the same address as his US citizen uncle and aunt since 2018. *See Exhibit 4*. The government entirely failed to meet its burden of proof.

The IJ's flight risk finding rested on the DHS's contention that "Respondent's release would present an unacceptable flight risk." See *Matter of Siniauskas*, 27 I&N Dec. 207, 209 (BIA 2018) (listing factors that are "proper considerations in deciding whether [a respondent] is a flight risk," including "family ties and his possible eligibility for discretionary relief," as well as whether he has "a fixed address, a residence of long duration, a history of employment, and other community ties") The IJ acknowledged Petitioner's some – but not all --U.S. citizen family members, employment history, and community support letters but found they did not outweigh the wholly-unsubstantiated "flight risk".

E. IT IS WELL ESTABLISHED THAT A MERE ALLEGATION IS NOT EVIDENCE, OR PROOF AND IS DEVOID OF EVIDENTIARY WEIGHT.

In light of the fact that the government proffered no competent, substantive, or material evidence in support of its allegation that the petitioner is a flight risk (other than the aforementioned counterfactual assertions and an unsupported assertion #15 ATD violations -- without any explication of what the purported violations were -- it fails on its face to comply with this Court's Order. *See Exhibits 2, 3*. Also, notably and coincidentally, the very same government's proffer of evidence in support of another petitioner's flight risk was a citation of ATD 15 violations, again devoid of any material or substantive evidence of what was contained in the purported #15 violations of the ATD program. *See Exhibit 3*.

These boilerplate allegations indicate that the government is simply submitting documents which it believes will support its result-oriented run around the inconvenient Fifth

and Fourteenth Amendment Due Process mandates. It does so without investigation or any confirmation of ATD violations, and it does so without a scintilla of respect for the truth-seeking function of a hearing. Indeed, the government appears to be unconcerned with the risibility of asserting that two different, unique, petitioners have the same, exact number of ADT violations, while making the assertion completely without any evidentiary content. No court should countenance this contumely.

F. THE CLEAR AND CONVINCING BURDEN WAS NOT MET AND THE IJ'S SPECULATIVE ANALYSIS OF PETITIONER'S ASYLUM CLAIM SHOULD NOT STAND.

Removing the asylum prejudgment from the flight risk analysis. What remains: entry without inspection in 2023. Against these the IJ acknowledged but mischaracterized: U.S. citizen family members; Legal Permanent Resident family members; stable employment history; community support letters; and three years of continuous residence; no prior failures to appear; and no prior removal orders. This history certainly contradicts a clear and convincing standard finding of flight risk, once the improper merits analysis has been removed. Matter of R-A-V-P-, 27 I. & N. Dec. 803 (BIA 2020). The legitimate flight risk factors the IJ cited - manner of entry three years ago, and inadmissibility - are present in virtually every § 1226(a) case in this district. Courts have consistently held they do not establish the kind of individualized flight risk that justifies continued detention. *See Case No. 26-cv-01031-CYC, Case No. 26-cv-00385-NYW-TPO.*

The IJ's analysis of the Petitioner's asylum application is also legally erroneous in that she failed to comply with the asylum statute and regulations. The Form I-589 Application for

Asylum and Withholding of Removal is a single form which encompasses three distinct forms of relief: (1) asylum under INA § 208; (2) withholding of removal under INA § 241(b)(3); and (3) protection under the Convention Against Torture, 8 C.F.R. §§ 1208.16-1208.17. By characterizing the entire I-589 as "incomplete" and by predetermining the merits of the asylum case, the IJ was fatally flawed in that no testimony was taken and the documentary evidence was not adequately considered. Petitioner's withholding and CAT claims give him viable, non-speculative avenues for relief and a correspondingly strong incentive to appear for his removal proceedings. Under *Matter of R-A-V-P-* and *Matter of Andrade*, 19 I. & N. Dec. 488, 490 (BIA 1987), viable relief claims are evidence of motivation to appear - not grounds for finding flight risk. The IJ inverted the analysis, reached the wrong legal conclusion on the merits of the asylum claim, and erroneously used those combined errors as the primary basis for the flight risk determination. The IJ's flight risk finding, stripped of any substantiated basis and its mischaracterization of Petitioner's fixed address, cannot stand.

G. THE IJ'S FLIGHT RISK FINDING IS GROUNDED IN AND RESTS ON AN IMPROPER MERITS DETERMINATION.

The IJ's flight risk finding rested primarily on her assessment that Petitioner's asylum application is "incomplete" and that his claim for relief would fail due the specious assertion These are merits determinations — legal conclusions about the viability of Petitioner's removal defense — that the immigration judge had no authority to make in a bond proceeding. The IJ asserts in her decision that, "[t]he record does not establish that he has a fixed address in the United States, though he provided evidence of a United States Citizen sponsor, his uncle, Davinder Singh Sandhu. Respondent however provided a letter from his uncle that states, 'I am

also willing to provide financial support for him and assist him in any way necessary during these proceedings. Our family is prepared to ensure that he has stable support and guidance.”

See Exhibit 1. At no time did DHS contend that the Petitioner has no fixed address. In fact, the record shows that the Petitioner has indeed maintained a fixed address and has provided his address information to ICE and the immigration court as required. Gurikman has resided at two addresses since entering the United States on October 15, 2023. He first resided at [REDACTED] in Tracy, CA and then a Motion to Change venue was filed to request that his case be moved to Colorado on or about November 6, 2024 where he began residing at [REDACTED] in Denver, CO up until he was detained on April 9, 2026. The IJ relied on no evidence in the record to support her finding that he has no “fixed address,” thereby making her finding arbitrary and capricious. Further, the Petitioner’s paternal grandparents, both of whom are lawful permanent residents, have lived in the U.S., with his U.S. citizen uncle and aunt since 2018, an inconvenient fact and circumstance ignored by the government, which is most peculiar, given that the burden was on it to prove that Mr. Singh is a flight risk. Neither did the government cross-examine the petitioner or investigate Mr. Singh’s family ties, lest it uncover the truth of his grandparents residency and domicile. DHS counsel simply cherry-picked alleged “facts” without conducting any substantive investigation, or making any attempt to ascertain the truth. This decision offends the Petitioner’s due process rights by erroneously shifting the burden of proof to him.

The IJ has also considered the letters from the Respondent’s friends referencing his ties to the community and his evidence of employment. The IJ found that the Petitioner is a flight risk based on the Department of Homeland Security’s argument that the Petitioner “only has a part-time job,” “he has no wife or children,” and allegation that the Petitioner had purportedly

“#15 ICE ADT (“Alternative to Detention”) violations. Coincidentally, another case was heard before the immigration court, wherein the Department of Homeland Security proffered the exact same “evidence” of #15 ATD violations, as support for its position that that petitioner was also a flight risk. *See this Court’s decision in Maldonado Ochoa v. Baltazar, in pertinent part addressing the ATD violations*³ This is a glaring example of the government’s boilerplate submission of the same, exact number of ATD violations in support of their allegations of two different petitioners deemed to be flight risks.. So, two different petitioners violated their ATD (alternative to detention, ISAP) on fifteen occasions, without any substantive explanation or context, devoid of dates, and the nature of the violations.

Department of Homeland Security presented no evidence of such violations or substantive legal argument in support of its allegations. This conclusory allegation was just that: a mere allegation without a factual basis or evidentiary support. It is analogous to a Bill of

³ See Case No. 26-cv-01449-PAB;

“The Court turns to whether the immigration judge properly placed the burden on the government at the bond hearing in compliance with the Court’s April 17 Order. The immigration judge’s written order reads as follows:

The court had jurisdiction to hear this matter due to a habeas order, with the burden shifted to DHS. DHS met its burden to show that respondent has insufficient ties to the community and high likelihood of being a flight risk due to recent illegal entry and 15 violations while on Alternative to Detention.

Respondent has no family ties to the United States.

Docket No. 12-1 at 6. Petitioner’s argument that the Form I-213 was insufficient evidence of flight risk because it did not describe the nature of the violations and such violations could have been “due to DHS error, untimely submission, [or] battery issues” invites the Court to reweigh the evidence presented at the bond hearing and reach a decision contrary to the immigration judge. See Docket No. 12 at 7. Petitioner fails to show that the immigration judge misapplied the burden of proof. Similarly, in arguing that the immigration judge should have considered petitioner’s testimony about the nature of the alleged ATD violations, the fact that he “has been overwhelmingly compliant with the ATD requirements and check-ins,” and petitioner’s letters of support, petitioner asks that the Court reweigh evidence. *Id.* at 8.”

Particulars where the government relies on vagaries which clearly undermine any process due Mr. Singh. The Department of Homeland Security entirely failed to meet its burden of proving the Petitioner is a flight risk by a preponderance of the evidence, let alone the "clear and convincing" standard this Court charged it to honor, and unlawfully shifted the burden to the petitioner contrary to this Court's order.

H. BOND PROCEEDINGS MUST REMAIN SEPARATE FROM MERITS.

Federal regulations expressly require that bond proceedings be "separate and apart from, and shall form no part of, any deportation or removal hearing or proceeding." 8 C.F.R. § 1003.19(d). The EOIR Immigration Court Practice Manual confirms that bond redeterminations "focus on custody issues such as danger to the community and flight risk rather than the underlying merits of removal or relief claims." EOIR Practice Manual § 9.3.⁴ IJ Buhl-Madsen violated federal regulations and the immigration court's own rules by adjudicating the merits of Petitioner's asylum application in the bond proceeding. She concluded the incomplete asylum form, "appears" to apply and the claim is "speculative" - legal determinations about the substance of the asylum case - without briefing, without consideration of documentary and testimonial evidence, and without a merits hearing. These are not observations about the strength of Petitioner's case. They are premature, unsupported, and erroneous legal conclusions about his eligibility for relief.

⁴ Immigration Court Practice Manual § 9.3(e)(5): "Since the Record of Proceedings in a bond proceeding is kept separate and apart from other Records of Proceedings, documents already filed in removal proceedings must be resubmitted if the filing party wishes them to be considered in the bond proceeding." § 9.3 BOND PROCEEDINGS, 2018 WL 4233170.

I. THE PETITIONER HAS SIGNIFICANT TIES TO THE UNITED STATES THAT WOULD HAVE BEEN ASCERTAINED HAD THE GOVERNMENT QUERIED GURIKMAN SINGH PER ITS OBLIGATION TO PROVE HE IS A FLIGHT RISK.

Had the government complied with this Court's Order in ascertaining whether the Petitioner was a flight risk, it would have discovered that his community ties were highly significant - even compelling - in that in addition to having his U.S. citizen uncle and aunt living here in Westminster, Colorado, supporting and/or employing him, his lawful permanent resident paternal grandparents have been living in the U.S., with his aunt and uncle, since 2018. See Exhibit 4. As a matter of law, this evidence cannot support, and directly contradicts the flight risk finding under this Court's ordered standard.

J. THE IJ CONSULTED THE REMOVAL CASE RECORD AND A CONFIDENTIAL ASYLUM APPLICATION IN VIOLATION OF 8 C.F.R. §§ 1003.19(D) AND 208.6 — AND PETITIONER WAS PREJUDICED.

The BIA has recognized that the apparent strength of a respondent's claims for relief is a relevant factor in the flight risk analysis, because a strong claim gives the "alien" incentive to appear and fight for relief. *Matter of R-A-V-P-*, 27 I. & N. Dec. 803, 804 (BIA 2020). That doctrine contemplates adversarial presentation: the parties present evidence about the apparent strength of pending claims, and the IJ considers it as one factor among many. It does not authorize an IJ to independently consult the removal case record — and it certainly does not authorize her to consult a confidential asylum application without the applicant's written consent. That is what happened here. The IJ's written decision contains speculative and unsupported findings about the strength of Petitioner's I-589, as the only basis for the IJ's findings. This violated two independent regulatory requirements. Firstly, 8 C.F.R. § 1003.19(d) requires bond

proceedings to be "separate and apart from, and shall form no part of, any deportation or removal hearing or proceeding." Secondly, 8 C.F.R. § 208.6 provides that information contained in or pertaining to any asylum application "shall not be disclosed without the written consent of the applicant." The IJ unlawfully accessed and used asylum application information in a bond proceeding without Petitioner's written consent and without any applicable exception. Under the Accardi doctrine, agencies must follow their own procedural regulations. *Ramos v. Bondi*, 124 F.4th 1262 (10th Cir. 2025); *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954). Both violations independently rendered the flight risk finding procedurally defective. The prejudice to Petitioner is concrete, and grave: there was literally no evidence concerning the asylum claim in the bond hearing record. DHS counsel made oral assertions only — without introducing the I-589 or any evidence bearing on its content, filing date, or legal status. The Petitioner did not testify about his asylum claim. The IJ had no evidentiary basis on which to characterize the claim in any way — as strong, weak, timely, or speculative. Any characterization she made necessarily came from the removal record she had no authority to, but did, unlawfully, consult.

The government cannot escape through the argument that DHS counsel supplied the asylum information orally at the hearing. Section 208.6's confidentiality requirement applies to DHS as well as to the IJ. The regulation bars disclosure of asylum application information "without the written consent of the applicant." DHS counsel had no written consent to disclose the contents, filing date, or legal status of Petitioner's I-589. If DHS counsel disclosed that information orally at the bond hearing, that disclosure itself violated § 208.6. The result is the same regardless of the source: the IJ's flight risk finding rested on asylum application

information that was illegally before her - either because she consulted the removal record in violation of § 1003.19(d), or because DHS disclosed it in violation of § 208.6, or both.

The IJ's finding that the "...the speculative likelihood that relief from removal would be granted substantially increase his flight risk...because he has little incentive to appear for future immigration proceedings...(noting an applicant with a greater likelihood of obtaining from Removal has increased motivation to appear for future immigration hearings than one with less potential of obtaining such relief." See Exhibit 1. This assertion by the IJ is therefore unsupported by any properly obtained evidence, and is, necessarily, the fruit of the poisonous tree. It is a legal conclusion drawn from an improper source, based on information the Petitioner had no opportunity to address because he had no reason to anticipate that either the IJ or DHS counsel would violate the law.

DHS counsel made a deliberate, correct tactical decision not to address the asylum claim at the bond hearing- because DHS had introduced no proper evidence about it, and because the regulations bar the IJ from consulting the removal record or asylum application. Had the IJ disclosed her intent to consider the asylum merits, counsel would have had the opportunity to respond-presenting evidence of the strength of the claim. None of that happened. The Petitioner was prejudiced because he reasonably relied on government's and IJ's complying with their respective duties to follow the law. The unlawful procedural "irregularities" at the hearing gravely prejudiced the Petitioner. The IJ's findings and DHS counsel's allegations were factually unsupported by the record, and the entire proceeding and resulting order were tainted by illegality, in direct contravention of this Court's Order concerning the burden of proof and the Petitioner's right to due process of law.

III. BECAUSE THE BOND PROCEEDING DID NOT DELIVER THE NEUTRAL, EVIDENCE-BASED, HEARING THIS COURT ORDERED, THE COURT MUST ACT IN AID OF ITS AUTHORITY AND RESPECTIVE JURISDICTION.

This motion is not about a single legal error. It exposes a bond proceeding that brazenly flouted this Court's Order. This Court ordered a neutral hearing at which the government was required to bear the burden of proof under specific, demanding, standards. Notwithstanding the Order, Mr. Singh was subjected to a bond or custody hearing that offered him no due process whatsoever. The government proffered no substantive evidence of his being a flight risk. Instead it "cherry picked" alleged "facts", out of context, and meritlessly, e.g., "he is single"; "he has no children." This was patently not in compliance with the Order. Mr. Singh just turned twenty-one on [REDACTED] He holds an approved Special Immigrant JUVENILE status (I-360 was filed on March 7, 2025 and approved on July 24, 2025).

DHS presented no evidence on the asylum question. The Petitioner presented no evidence on the asylum question because there was no evidence to respond to, or rebut, and no indication the IJ would go further. The IJ then unlawfully consulted Petitioner's information from the removal record, and from a confidential asylum application. She called the claim "incomplete" and speculated as to the likelihood of prevailing on the asylum on the merits, with nothing before her to support that characterization. She used that finding as the primary basis for the flight risk determination, and she denied bond entirely.

The resulting bond denial rests on a foundation of procedural and legal violations: a regulatory violation of § 1003.19(d), a confidentiality violation of § 208.6, an Accardi violation

of the agency's own procedural rules, and a due process violation of Petitioner's right to be heard on the evidence actually used against him. *Ramos v. Bondi*, 124 F.4th 1262 (10th Cir. 2025).

This Court should not order another bond hearing before the same agency. The record demonstrates that the administrative process cannot deliver the neutral, evidence-based proceeding this Court's order contemplated and required. A second bond hearing before the Aurora Immigration Court would require this Court to place confidence in a process that has already shown it will violate the law, go outside the record, consult documents it has no authority to use, and deny a respondent the opportunity to address the evidence used against him. That would not be a remedy — it would be a repetition ad absurdum.

Federal courts are authorized “to issue writs of scire facias, habeas corpus, and all other writs not specially provided for by statute, which may be necessary for the exercise of their respective jurisdictions, and agreeable to the principles and usages of law.” 1 Stat. 73, 81–82. See also *United States v. Morgan*, 346 U.S. 502 (1954) (the All Writs section of the Judicial Code, 28 U.S.C. § 1651(a), gives federal courts the power to employ the ancient writ of *coram nobis*.) This Court found the Petitioner's detention to be unlawful. It ordered a remedy. That order was openly, and egregiously flouted. The Petitioner has two lawful permanent resident paternal grandparents who have lived here since 2018 and a U.S. citizen uncle and aunt who support him.. The government has never made any attempt at an individualized showing that he presents a flight risk. This Court has the authority and the obligation to order his release. The administrative process has had its opportunity. It deliberately violated this Court's Order and should not be given another opportunity for contumely. The writ should issue.

IV. CONCLUSION

For the reasons set forth herein, the Petitioner respectfully requests that this Court order his immediate release on reasonable conditions of supervision. The flight risk finding is legally infirm and based entirely on mere unsupported allegations. Given the apocryphal allegations and IJ findings there is no lawful basis for continued detention.

In the alternative, if this Court declines immediate release, Petitioner requests a new bond hearing before this Court, a neutral decisionmaker — not before the Aurora Immigration Court — at which: the Kuzmic burden standard is correctly applied, DHS is prohibited from consulting the removal case record or any asylum application information absent consent. In sum, DHS is required to present competent evidence, for which attorney argument cannot substitute, for each factual finding it asks the Court to make.

Respectfully submitted on this 24th, day of June, 2026

//s// Sandra Saltrese Miller

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TABLE OF EXHIBITS

No.	EXHIBITS
1	IJ Bond Decision, May 30, 2026
2	Bond Hearing DAR (“Digital Audio Recording”) Transcription, May 29, 2026
3	I-213 DHS forms (October 15, 2023 & April 9, 2026)
4	Proof of Legal Permanent Residence of Petitioner's grandparents

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of June, 2026 I electronically filed the foregoing and any attachments with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the Respondents.

//s// Sandra Saltrese Miller

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