

Deepak Ahluwalia, Esq., CSB# 341879
Singh Ahluwalia Immigration Law Firm
7075 N. Chestnut Ave., Ste. 103
Fresno, CA 93720
Tel. (559) 878-4958
E: deepak@singhahluwalia.com
Attorney for Petitioner

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ANMOLJIT SINGH,



Petitioner,

v.

JEREMY CASEY, Warden, Imperial
Regional Detention Facility, **DANIEL A.**
BRIGHTMAN, Field Office Director, San
Diego Field Office, U.S. Immigration and
Customs Enforcement; **MARKWAYNE**
MULLIN, Secretary of the U.S.
Department of Homeland Security; and
TODD BLANCHE, Acting Attorney
General of the United States,

in their official capacities.

Respondents.

Case No. **'26CV2691 BJC MMP**

PETITIONER'S EX PARTE NOTICE
OF MOTION AND MOTION FOR
TEMPORARY RESTRAINING
ORDER AND OSC RE:
PRELIMINARY INJUNCTION;
MEMORANDUM OF POINTS AND
AUTHORITIES

Filed concurrently with TRO
Checklist; [Proposed] Restraining Order
and Temporary Order to Show Cause re
Preliminary Injunction

Petitioner Anmoljit Singh ("Mr. Singh") respectfully submits this Motion for a Temporary Restraining Order ("TRO") and Preliminary Injunction (the "Motion"), based on the reasons contained in his Original Verified Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief, and filed with the Court on April 24, 2026. *See* ECF No. 1. In accordance with the instructions provided by the United States District Clerk's Office, and pursuant to Federal Rule of Civil Procedure 65(b)(3) and Local Civil Rule 78.1, Mr. Singh

requests that the Court set the Motion for oral argument at the earliest practicable time—ideally within forty-eight (48) hours—given the nature of the issues presented and the illegality of ICE’s detention of Mr. Singh amidst his ongoing removal proceedings before the Immigration Court.

In support thereof, Petitioner would show as follows:

INTRODUCTION

Petitioner Anmoljit Singh is a citizen of India who entered the United States in 2013 and applied affirmatively for Asylum. Since his entry, Mr. Singh has been a model resident of the community: he developed strong community ties, and diligently pursued his pending asylum application.

Despite his integration into the community, in March 2026 immigration authorities abruptly detained Mr. Singh, and jailed him without any new hearing. EOIR declines to find jurisdiction, citing to a recent Board of Immigration Appeals decision, *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), which directs that noncitizens in Mr. Singh’s posture be treated as subject to mandatory detention under 8 U.S.C. § 1225(b). As a result, Mr. Singh is now confined in ICE custody at the Imperial Regional Adult Detention Facility, California, with no opportunity to seek release through the immigration court system. Absent intervention by this Court, Mr. Singh faces prolonged and potentially indefinite civil detention, despite no finding by any court or agency that he poses a flight risk or danger to the community.

This motion seeks immediate relief from Mr. Singh’s unlawful detention. Specifically, Petitioner moves for a Temporary Restraining Order (“TRO”), pursuant to Federal Rule of Civil Procedure 65, directing Respondents to (1) immediately release Mr. Singh from custody, or (2) at minimum provide him an individualized bond hearing before a neutral decision maker. Each additional day in detention irreparably harms the Petitioner by prolonging the deprivation of his liberty.

Notice of this motion and the relief requested has been provided to Respondents' counsel, satisfying Fed. R. Civ. P. 65(b)(1) and the Local Rules. Petitioner respectfully requests a prompt hearing on this motion at the earliest available time. For the reasons set forth below, Mr. Singh meets the requirements for emergency relief: he is likely to succeed on the merits of his claims that his ongoing detention without a bond hearing violates the Due Process Clause, the Immigration and Nationality Act ("INA"), and the Administrative Procedure Act ("APA"); he is suffering irreparable harm every day he remains unlawfully detained; the balance of equities tips sharply in his favor; and an injunction is strongly in the public interest.

ARGUMENT

Mr. Singh respectfully requests that this Court issue a TRO directing Respondents to provide him with an immediate individualized custody redetermination hearing under INA § 236(a) within seven (7) days, or, in the alternative, to release him under reasonable conditions of supervision. Petitioner further requests preliminary injunctive relief as appropriate.

I. Requirements for a Temporary Restraining Order

The Supreme Court has made clear that such extraordinary relief depends on a four-factor test. The moving party must demonstrate: (1) a likelihood of success on the merits; (2) a likelihood of irreparable harm absent preliminary relief; (3) that the balance of equities tips in the movant's favor; and (4) that an injunction is in the public interest. *Nken v. Holder*, 555 U.S. 418, 434-36 (2009); *see also Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). Mr. Singh satisfies all of the applicable criteria and immediate relief is warranted.

II. Petitioner is Likely to Succeed on the Merits.

Mr. Singh has a strong likelihood of success on the merits of his claims. Due process requires the Government to afford Mr. Singh a bond hearing before a neutral decision maker where ICE is required to justify re-detention before it occurs. In recent months, as DHS has

detained other noncitizens in similar situations, courts in this district have ordered the immediate release of noncitizens with ongoing proceedings who are re-detained without a hearing. *See e.g. Maklad v. Murray*, 2025 WL 2299376, at *10, 2025 U.S. Dist. LEXIS 153675 (E.D. Cal. Aug. 8, 2025) (ordering immediate release due to lack of pre-deprivation hearing); *Garcia v. Andrews*, 2025 WL 2420068, at * 13, 2025 U.S. Dist. LEXIS 133521 (E.D. Cal. Aug. 21, 2025) (similar); *Hernandez v. Wofford*, 2025 WL 2420390, 2025 U.S. Dist. LEXIS 162801 (E.D. Cal. Aug. 21, 2025)(similar). Accordingly, Mr. Singh is likely to prevail on his claims that his ongoing detention without a bond hearing violates the law; and that Respondents' actions flout the Fifth Amendment's Due Process Clause as well as the INA and its implementing regulations and are arbitrary and capricious in violation of the APA.

A. Detaining Mr. Singh Without a Bond Hearing Violates Due Process.

The Due Process Clause of the Fifth Amendment forbids the Government from depriving any person of liberty without due process of law, and this fundamental protection extends to noncitizens in removal proceedings. When determining what process is due before the Government may strip an individual of liberty, courts apply the three-part balancing test of *Mathews v. Eldridge*, 424 U.S. 319 (1976). Under *Mathews*, a court evaluates (1) "the private interest that will be affected by the official action"; (2) "the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguard" and (3) "the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail." 424 U.S. at 335; *see also Morrissey v. Brewer*, 408 U.S. 471, 482-84 (1972) (assessing parolee's liberty interests and the state's interests to assess what process is due a parolee). Each of these factors confirms that ICE's refusal to afford Mr. Singh notice before detaining him violates due process.

Private Interest

Mr. Singh's interest in freedom from bodily restraint is paramount. "Freedom from imprisonment ... lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001)(citing *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992) ("Freedom from bodily restraint has always been at the core of the liberty protected by the Due Process Clause.")). Having been previously free in the United States, Mr. Singh had a settled expectation of liberty that magnifies his interest in not being arbitrarily returned to custody. *See Martinez v. Chestnut*, 2026 U.S. Dist. LEXIS 9177 at *9 (E.D. Cal. Jan. 16, 2026) ("For over three years, petitioner was free from custody before his re-detention ... The duration of his conditional release elevates and underscores his interest in liberty.").

"The Supreme Court has repeatedly held that in at least some circumstances, a person who is in fact free of physical confinement – even if that freedom is lawfully revocable – has a liberty interest that entitles him to due process before he is re-incarcerated." *Hurd v. District of Columbia*, 864 F.3d 671, 683 (D.C. Cir. 2017); *see also Morrissey*, 408 U.S. at 482 ("liberty" of a parolee, although conditional, is real, and its termination calls for due process protections). This principle applies with even greater force in the civil immigration context, where no punitive conviction underlies the liberty restriction.

In line with this reasoning, numerous courts, including this one, have found that noncitizens enjoy a significant liberty interest in remaining free from detention after an initial release. *See e.g. Maklad*, 2025 WL 2299376, at *8; *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 970 (N.D. Cal. 2019) (holding petitioner had a substantial liberty interest when he had been released from custody for 18 months).

Mr. Singh's situation illustrates the weight of this private interest. After over ten years in the U.S., he has family and community support, built a life here including a pending asylum

claim, all of which were disrupted when he was summarily detained. He has no criminal record. He has complied with all ICE requirements while free on his own. His interest in continuing his life outside of custody, maintaining his family relationships, and preparing his legal case is indisputably *strong*. Thus, the first *Mathews* factor heavily favors more process (a hearing) before that liberty is taken away.

Risk of Erroneous Deprivation

The current process (or lack thereof) carries an unacceptably high risk of error. *See A.E. v. Andrews*, 1:25-cv-0197 KES SKO, 2025 U.S. Dist. LEXIS 94233, 2025 WL 1424382, at *5 (E.D. Cal. May 15, 2025) (“The risk of an erroneous deprivation [of liberty] is high” when “[the petitioner] has not received any bond or custody redetermination hearing.”). ICE detained Mr. Singh without providing *any* notice of the reasons or any hearing at which he could contest the necessity of his detention. He was not afforded a neutral decisionmaker’s review at all, let alone one where the Government had to justify why revoking his release on recognizance and returning him to jail were warranted. *Cf. Zadvydas*, 533 U.S. at 690 (re-detention must still “bear [] [a] reasonable relation” to a valid government purpose, such as preventing flight or protecting the community against dangerous individuals).

Detaining someone who has lived in the community for years without any hearing creates an obvious risk of erroneous deprivation, there are no procedural safeguards to ensure that the individual actually poses a flight risk or danger now warranting confinement. ICE’s unilateral decision to detain Mr. Singh was based on a blanket policy change (a new legal interpretation under *Matter of Yajure-Hurtado*) rather than any individualized finding about Mr. Singh. He was given no opportunity to rebut any allegations or to present evidence that he is neither a flight risk nor a danger, which in fact he is not.

The value of an immediate custody hearing is obvious: it would greatly reduce the risk of an erroneous and unnecessary detention. Such hearings are a familiar and feasible safeguard; immigration courts regularly conduct bond hearings to separate dangerous or absconding individuals from those who can safely remain at liberty. Indeed, even if ICE had legitimate concerns about Mr. Singh's release from custody on recognizance that ICE itself had granted, those concerns could have been addressed through a hearing rather than summary incarceration. Thus, the second *Mathews* factor, the probative value of a hearing to prevent error, weighs in Mr. Singh's favor.

Government's Interest

The government's interest in detaining Mr. Singh without a hearing is slight. *See Maklad*, 2025 WL 2299376, at *8; *Martinez v. Chestnut*, 2026 U.S. Dist. LEXIS 9177 at *9 (E.D. Cal. Jan. 16, 2026) (“[T]his Court recognizes that the government has an interest in enforcing immigration laws, but respondents’ interest in detaining petitioner without a hearing is ‘low.’”). Its general interest in enforcing the immigration laws and ensuring court appearances is not in dispute, but those goals do not require detaining Mr. Singh without a hearing. Mr. Singh has never missed a court date. The Government has articulated no *particularized* reason why he suddenly must be jailed now. Moreover, providing a bond hearing imposes minimal administrative burden: immigration courts are fully capable of conducting custody hearings on short notice. Releasing Mr. Singh (or at least giving him a hearing) would impose little cost or risk on the Government, especially since he was living peaceably in the community before and has no history of violence or absconding. By contrast, continued detention without process burdens not only Mr. Singh's liberty but also the Government's purse and the immigration court's docket. *See Lopez v. Heckler*, 713 F.2d 1432, 1437 (9th Cir. 1983) (“Society's interest lies

on the side of affording fair procedures to all persons, even though the expenditure of governmental funds is required.”).

In sum, the *Mathews* balance tilts toward requiring a hearing: Mr. Singh’s liberty interest is profound, the risk of erroneous detention is high without a hearing, and the Government’s countervailing interest in bypassing due process is weak. *Cf. Cleaveland Bd. Of Educ. v. Loudermill*, 470 U.S. 532, 542 (1985) (“An essential principle of due process is that a deprivation of life, liberty, or property be *preceded* by notice and opportunity for hearing appropriate to the nature of the case.”) (internal quotation marks and citation omitted) (emphasis added). Accordingly, Mr. Singh is likely to succeed on his procedural due process claim.

In addition, Mr. Singh’s detention without a hearing likely violates *substantive* due process because it is not reasonably related to any legitimate governmental purpose. Civil detention is permissible only to further goals such as preventing flight or protecting the community, and then only with adequate procedures to ensure those goals actually apply. Here, detaining Mr. Singh without any individualized determination does not reasonably serve the purposes of the immigration laws. There has been no finding that he is dangerous or a flight risk; indeed, all indications are to the contrary. Detention under these circumstances is unmoored from the Government’s legitimate interests and thus arbitrary and excessive, in violation of substantive due process. *See Foucha*, 504 U.S. at 79-80 (civil detention must bear a reasonable relation to its purposes). For this additional reason, Mr. Singh is likely to prevail on the merits of his Fifth Amendment claim.

B. The Government’s Bond Policy Violates the INA and the APA.

Mr. Singh is also likely to succeed on his statutory and administrative law claims. The Government’s new position: that noncitizens like Mr. Singh who entered without inspection are ineligible for bond and subject to mandatory detention under 8 U.S.C. § 1225(b) is contrary to

the INA's text, structure, and history. It also conflicts with longstanding regulations and is an arbitrary and capricious change in agency position, in violation of the APA.

INA Violation

The INA, properly construed, guarantees Mr. Singh the right to seek release on bond under 8 U.S.C. § 1226(a) while his removal proceedings are pending. Section 1226(a) broadly applies to “any” noncitizen “in” the United States pending completion of removal proceedings, and expressly authorizes release on bond pending the outcome of those proceedings. By contrast, § 1225(b) governs the treatment of applicants for admission who are stopped immediately at the border or a port of entry; it requires detention of certain arriving aliens at the time of their initial entry who are placed in expedited removal proceedings. Nothing in the statute permits DHS to later reclassify someone like Mr. Singh, who was already physically present in the country and placed in regular removal proceedings, as an “arriving” alien subject to § 1225(b)’s mandatory detention years after his entry. Yet DHS has done exactly that.

Relying on *Matter of Yajure-Hurtado*’s novel interpretation, Respondents claim that Mr. Singh, who entered in 2013, is somehow *retroactively* subject to the mandatory detention provisions of § 1225(b) because he initially entered without inspection. This theory finds no support in the INA. As the Supreme Court has recognized, §§ 1225 and 1226 address distinct contexts: Section 1225(b) applies primarily to noncitizens arriving at the border “seeking admission into the country,” whereas § 1226 authorizes the Government “to detain certain aliens already in the country pending the outcome of removal proceedings[.]” *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018); *id.* at 303 (“As noted, § 1226 applies to aliens already present in the United States.”).

DHS’s belated invocation of § 1225(b) is thus inconsistent with the statute. Section 1225(b)(2)(A) by its terms applies to a noncitizen “who is an applicant for admission” and who

is “seeking admission,” phrasing that ordinarily refers to someone coming to a port of entry or just apprehended crossing the border. Mr. Singh, however, has lived in the United States for several years; he is not presently “seeking admission” at a port, nor was he apprehended immediately crossing the border. Treating him as if he were an arriving applicant for admission ignores the INA’s textual limitation of § 1225 to border entrants.

In short, Congress did not mandate detention for someone in Mr. Singh’s posture. Nothing in the INA authorized DHS to unilaterally detain Mr. Singh years later absent misconduct or re-entry, neither of which occurred. For these reasons, Mr. Singh is likely to prevail on his claim that Respondents’ actions are not in accordance with law and exceed statutory authority, in violation of 5 U.S.C. § 706(2)(A)-(C).

Regulatory Violation

The unlawful nature of DHS’s policy is underscored by the governing regulations, which have the force of law. Department of Justice regulations unambiguously entitle Mr. Singh to a custody redetermination by an IJ. Specifically, 8 C.F.R. §§ 1003.19(c) and 1236.1(d) vest IJs with jurisdiction to review the custody of “[a]ny alien detained in [removal] proceedings,” except certain narrow categories not applicable to Mr. Singh (such as § 1226(c) detainees and those designated as “arriving aliens”). Mr. Singh plainly falls within the broad class of noncitizens detained in removal proceedings over whom IJs have bond jurisdiction. DHS’s newfound assertion that Mr. Singh is tantamount to an “arriving” alien finds no support in the regulations, which have not been amended to strip bond eligibility from people in Mr. Singh’s situation. By instructing IJs that they lack jurisdiction, Respondents have acted *ultra vires* to the regulatory scheme. Mr. Singh is therefore likely to succeed on the merits of his claim that his detention without a bond hearing violates both the INA and binding regulations, and thus must be set aside under the APA.

Arbitrary and Capricious Policy Shift

Finally, to the extent Respondents rely on the BIA's *Matter of Yajure-Hurtado* decision or a new internal ICE policy to justify categorically denying bond hearings to noncitizens like Mr. Singh, that policy is arbitrary, capricious, and unconstitutional. The BIA's interpretation cannot trump the unambiguous text of the INA or decades of practice. Moreover, such a sweeping change in detention policy, affecting potentially thousands of individuals, raises serious questions under the APA's substantive and procedural requirements. An agency cannot abruptly reverse its position and deprive individuals of liberty without at least considering the reliance interests and factual circumstances at stake. Here, DHS effectively adopted a new blanket rule (no bond for anyone who entered unlawfully) without any individualized consideration of Mr. Singh's circumstances, and without any notice-and-comment process to change the rules in 8 C.F.R. §§ 1003.19 and 1236.1. This kind of unreasoned and procedurally improper action is the epitome of arbitrary and capricious agency conduct.

Indeed, a federal court recently rejected the Government's new no-bond policy and enjoined the application of *Matter of Yajure-Hurtado*. In *Maldonado-Bautista v. Santacruz*, No. 5:25-cv-01873, 2025 WL 3713987 (C.D. Cal. Dec. 18, 2025), the U.S. District Court for the Central District of California issued a thorough summary judgment ruling and final judgment on a class-action challenge to DHS's July 2025 "Interim Guidance" (the very policy being applied to Petitioner). The plaintiff class consisted of noncitizens who, like Mr. Singh, entered without inspection, were placed in removal proceedings under 8 U.S.C. § 1229a, and were not subject to other mandatory detention provisions, such as § 1225(b)(1) expedited removal or § 1226(c). The Court initially granted partial summary judgment for the class, holding that DHS cannot treat individuals already in the United States as applicants for admission simply because they are charged with inadmissibility. *Maldonado-Bautista*, 2025 U.S. Dist. LEXIS 262265 at * 30. The

Court finally determined that Respondents' interpretation of § 1225(b)(2)(A) "runs counter to the plain language of the INA, foundational principles of statutory interpretation, and the INA's statutory scheme." *Id.* at * 60. Accordingly, the Court concluded that class members are not subject to mandatory detention under § 1225(b); rather, they are detained pursuant to § 1226(a) and entitled to bond hearings. *See id.* at *88. It declared, as a matter of law, that individuals in Petitioner's situation are held under § 1226(a) and must be given bond hearings.

The Court should likewise find that Respondents' detention of Mr. Singh without affording him a bond hearing violates the INA and the APA. At the very least, the *Maldonado Bautista* decision underscores that Mr. Singh has, at minimum, serious questions going to the merits of his statutory and APA claims, more than satisfying the standard for interim relief.

III. Mr. Singh Will Suffer Irreparable Harm Absent Injunctive Relief.

Mr. Singh must also show that he is "likely to suffer irreparable harm in the absence of preliminary relief." *Winter*, 555 U.S. at 20. Irreparable harm is the type of harm for which there is "no adequate legal remedy, such as an award of damages." *Ariz. Dream Act Coal. v. Brewer*, 757 F.3d 1053, 1068 (9th Cir. 2014). "Freedom from bodily restraint has always been at the core of the liberty protected by the Due Process Clause." *Foucha*, 504 U.S. at 80. It follows that every day that Mr. Singh is confined without lawful justification inflicts irreparable harm. *See Baird v. Bonta*, 81 F.4th 1036, 1048 (9th Cir. 2023) (declaring that "in cases involving a constitutional claim, a likelihood of success on the merits usually establishes irreparable harm"); *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (internal quotation omitted) ("It is well established that the deprivation of constitutional rights unquestionably constitutes irreparable injury."). Indeed, preventing the unconstitutional deprivation of a person's physical liberty is the exact type of irreparable harm that injunctive relief is designed to prevent. *See Hernandez v. Sessions*, 872 F.3d 976, 994-95 (9th Cir. 2017). Beyond the inherent harm of confinement, Mr. Singh's

detention is causing compounding injuries that cannot be undone. The emotional and psychological toll of indefinite detention is profound. Such injuries cannot be adequately remedied after the fact.

Respondents may argue that any harm to Mr. Singh is not irreparable because it hinges on the assumption that his detention is unlawful. That argument is misplaced. On a motion for a TRO, the merits question “is a threshold inquiry and is the most important factor” when assessing a TRO motion. *Baird*, 81 F.4th at 1040. Accordingly, the Court must address the merits question; that is to address the likelihood that the detention is unlawful, an inquiry that weighs strongly in Mr. Singh’s favor. Given that showing, the ongoing violation of Mr. Singh’s rights is *itself* irreparable harm.

In short, Mr. Singh meets the irreparable harm requirement. The unlawful deprivation of liberty causes Mr. Singh direct and immediate irreparable harms warranting a TRO.

IV. The Balance of Equities and Public Interest Tip Decisively in Petitioner’s Favor.

The final two factors for a preliminary injunction, the balance of hardships and public interest, “merge when the Government is the opposing party.” *Nken*, 556 U.S. at 435. Both factors heavily favor Mr. Singh’s release. On Mr. Singh’s side of the scales is the most fundamental of interests, freedom from wrongful detention, as well as the array of personal and legal harms described above. On the Government’s side, by contrast, it is difficult to identify any tangible injury that would result from the requested TRO. Releasing Mr. Singh (or granting him a bond hearing) simply requires the Government to restore the *status quo ante*, a status it previously determined was safe and appropriate when Mr. Singh was free for over ten years after his entry. The Government faces no serious hardship in temporarily forgoing Mr. Singh’s detention. Indeed, Mr. Singh’s continued detention appears to serve no purpose other than coercive leverage or adherence to a now-discredited policy. Avoiding such “preventable human

suffering” is a paramount equitable consideration that strongly tips the balance in Mr. Singh’s favor. *Hernandez*, 872 F.3d at 996 (quoting *Lopez v. Heckler*, 713 F.2d 1432, 1437 (9th Cir. 1983)).

The public interest also supports granting relief. The public has no interest in the unlawful or unnecessary detention of community members who pose no danger. To the contrary, “[t]he public interest benefits from an injunction that ensures that individuals are not deprived of their liberty and held in immigration detention because of ... a likely [illegal] process.” *Hernandez*, 872 F.3d at 996; *Melendres*, 695 F.3d at 1002 (internal quotation omitted) (“[I]t is always in the public interest to prevent the violation of a party’s constitutional rights”).

Accordingly, the balance of hardship and the public interest favor a temporary restraining order to ensure that Respondents release Mr. Singh and to require a hearing before a neutral decisionmaker where the government is required to demonstrate that he poses a flight risk or danger before any re-detention.

V. Immediate Release is Warranted to Preserve the Status Quo Ante (Alternatively, an Immediate Bond Hearing Should Be Ordered).

Given the foregoing, the appropriate interim relief is Mr. Singh’s immediate release from custody. Only an order of release will restore the last lawful, *uncontested* status of the parties and prevent ongoing irreparable harm while this case is adjudicated. Reinstating that status quo ante litem is essential to avoid rewarding the Government’s potentially unlawful action and to maintain the court’s ability to grant meaningful final relief.

Where DHS has allegedly violated due process by detaining someone without a hearing, “[r]estoring [the petitioner] to his prior supervised release status maintains the status quo ante litem and prevents irreparable harm while allowing full adjudication of his claims on the merits.” *Phetsadakone v. Scott*, No. 2:25-cv-01241, 2025 WL 2579569, 2025 U.S. Dist. LEXIS 173785 at *14-15 (W.D. Wash. Sept. 5, 2025). In other words, Mr. Singh’s release is necessary to stop the

ongoing injury, each additional day of unlawful detention is irreparable, and it simply returns the situation to what it was before the alleged due process violation occurred. This TRO would not be a mandatory injunction granting extraordinary new relief, but rather a prohibitory one preventing the continuation of an unlawful status quo that ICE imposed unilaterally in July 2025.

Respondents may protest that releasing Mr. Singh now effectively gives him the ultimate relief he seeks in this habeas action. Not so. The TRO would be by its nature temporary and maintainable only pending a prompt resolution of the merits (or a further order of the Court). It would not dismiss Mr. Singh's removal case or terminate these habeas proceedings; it would merely ensure that Mr. Singh remains free unless and until due process is afforded. In any event, the law is clear that preliminary relief may indeed overlap with final relief when necessary to preserve the court's ability to render a meaningful judgment. The Supreme Court rejected the notion that interim relief must be of a different character than final relief: "a preliminary injunction is *always* appropriate to grant intermediate relief of the same character as that which may be granted finally." *De Beers Consol. Mines v. United States*, 325 U.S. 212, 220 (1945) (emphasis added). This principle remains the law. *See Pac. Radiation Oncology, LLC v. Queen's Med. Ctr.*, 810 F.3d 631, 636 (9th Cir. 2015) ("A preliminary injunction is appropriate when it grants relief of the same nature as that to be finally granted."). Accordingly, Mr. Singh respectfully seeks a TRO requiring his immediate release.

Alternative Relief – Bond Hearing

If, *arguendo*, the Court is disinclined to order outright release, Petitioner requests in the alternative an order requiring Respondents to provide him with an individualized bond hearing forthwith (within 7 days, for example). At such a hearing, a neutral adjudicator (*e.g.*, an Immigration Judge) should evaluate whether Mr. Singh's continued detention is justified. To satisfy constitutional standards, the hearing must (1) place the burden on the government to

demonstrate by clear and convincing evidence that Mr. Singh's detention is necessary to prevent flight or danger, and (2) provide Mr. Singh the basic procedural protections of an orderly court proceeding (advance notice of the factual basis for re-detention, an opportunity to present evidence and argument, and a reasoned decision on the record).

These requirements align with decisions of multiple courts that have, at a minimum, mandated bond hearings for re-detained immigrants when no hearing was initially provided. Notably, as mentioned, a federal court has already issued a nationwide order confirming that individuals in Mr. Singh's situation are entitled to bond hearings and restoring their right to seek release. *Maldonado-Bautista*, 2025 U.S. Dist. LEXIS 262265 at * 30.

Thus, even the alternative relief here is not novel; it is simply enforcing what due process and now a nationwide injunction have made clear: Mr. Singh *must* be afforded a chance to prove he can safely remain free. If the Government meets its burden at such a hearing, then detention may continue; but if (as in all likelihood) the Government cannot prove that Mr. Singh is a flight risk or danger, he would be entitled to release on appropriate conditions. An order for a prompt bond hearing would therefore substantially protect Mr. Singh's rights. However, given the weight of authority that Mr. Singh's detention is already unlawful and the ongoing violation cannot be cured retroactively, Petitioner maintains that immediate release is the more appropriate form of interim relief in this case.

VI. Additional Considerations.

Undersigned Counsel for Petitioner has undertaken to contact Counsel for the Department of Homeland Security by emailing the Office of Principal Legal Advisor as well as the Assistant U.S. Attorney in a good faith effort to notify Respondents of Petitioner's intent to obtain a hearing on this TRO request as soon as practicable. Counsel for Mr. Singh attempted to

confer via email today with the Assistant U.S. Attorney for the Southern District of California, who represents federal governmental respondents in habeas petitions.

As of the filing of this motion, government counsel has not indicated whether the government opposes the request for an expedited hearing. Given the exigent circumstances, Mr. Singh respectfully requests that the Court waive any further conference requirement. Mr. Singh is prepared to present argument and evidence by in-person appearance or, if the Court prefers, by videoconference. Should the Court require live testimony, Petitioner requests to be produced at the hearing.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the Court grant this motion and issue a Temporary Restraining Order directing Respondents to immediately release Mr. Singh from custody. In the alternative, Petitioner asks that the Court order Respondents to provide Mr. Singh with an individualized bond hearing before a neutral decision maker within 7 days, with appropriate due process protections as outlined above. Pursuant to Federal Rule of Civil Procedure 65(c), Petitioner also requests that the Court waive any security bond requirement as this action seeks to vindicate important constitutional rights and Petitioner's detention demonstrates he has limited financial resources. He further requests that the Court schedule a preliminary injunction hearing as needed to maintain the relief granted.

WHEREFORE, Petitioner respectfully prays that the Court enter an order setting the Motion for a hearing at the earliest practicable time, that upon such hearing the Court grant the requested TRO and/or Preliminary Injunction, and that the Court grant any other such relief as the Court deems just and proper.

DATE: April 24, 2026.

Respectfully submitted,

Deepak Ahluwalia, Esq., CSB# 341879
Singh Ahluwalia Attorneys at Law
7075 N. Chestnut Ave., Ste. 103
Fresno, CA 93720
Tel. (559) 878-4958
E: deepak@singhahluwalia.com
Attorney for Petitioner

By: /s/ Deepak Ahluwalia
Deepak Ahluwalia, Esq., CSB# 341879
COUNSEL FOR PETITIONER