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5 **UNITED STATES DISTRICT COURT**
6 **SOUTHERN DISTRICT OF CALIFORNIA**

8 DAVINDER SINGH,

9 Petitioner,

10 v.

11 WARDEN, Facility Administrator of Imperial
12 Regional Adult Detention Facility;

13 SERGIO ALBARRAN, Acting Field Office
14 Director of the San Francisco Immigration and
Customs Enforcement Office;

15 TODD LYONS, Acting Director of United
16 States Immigration and Customs Enforcement;

17 MARKWAYNE MULLIN, Secretary of the
18 United States Department of Homeland
Security,

19 TODD BLANCHE, Attorney General of the
20 United States, acting in their official capacities,

21 Respondents.

CASE NO. '26CV2622 DMS SBC

**PETITION FOR WRIT OF HABEAS
CORPUS**

INTRODUCTION

1
2 1. Petitioner, Davinder Singh, is a 32-year-old citizen of India who follows the Sikh
3 faith. He was born on [REDACTED] in Village Sabhra, District Tarn Taran, Punjab, India.
4 He entered the United States on or about March 23, 2024, seeking safety and lawful protection
5 after fleeing political and religious persecution in India. Before his detention, Petitioner lived at
6 [REDACTED] Petitioner has fully complied with ICE
7 supervision and immigration court procedures, including attending his Master Hearing on July
8 21, 2025 before the Santa Ana Immigration Court. His Form I-589 asylum application was filed
9 within one year of his entry, and his amended Form I-589 was filed on July 18, 2025. Petitioner
10 has no criminal history.
11

12
13 2. After entering the United States, Petitioner settled in San Bernardino County,
14 California. He consistently reported to ICE as instructed, attended scheduled check-ins, and
15 complied with all supervision requirements, including regular photograph uploads through an
16 ICE-issued location-monitoring application installed on his personal phone, scheduled in-person
17 office visits, home visits, and video call check-ins. Petitioner maintained strong ties to the Sikh
18 community through Gurdwara attendance and daily religious practice, and supported himself in
19 the United States while continuing to send what support he could to his wife and two young
20 children in India.
21

22
23 3. Petitioner has always intended to comply fully with ICE and immigration court
24 requirements. For approximately sixteen months following his release from initial border custody
25 on March 28, 2024, Petitioner complied with every instruction ICE gave him. He never missed a
26 required immigration court hearing. He never attempted to evade supervision. He maintained a
27 stable address known to ICE and the Immigration Court at all times.
28

1 4. On July 21, 2025, Petitioner appeared as required for his Master Hearing at the
2 Santa Ana Immigration Court, 1241 E. Dyer Road, Suite 200, Santa Ana, California 92705,
3 before the Honorable Karen Hope. At that hearing, the Immigration Judge ordered dismissal of
4 his removal proceedings.

5
6 5. Immediately after Petitioner exited the courtroom, ICE officers arrested him in the
7 hallway. Petitioner was given no advance notice of the arrest. He was shown no warrant. He was
8 given no written explanation of the legal or factual basis for the arrest. The officers did not
9 accuse him of any new crime and did not tell him he had violated any condition of his
10 supervision. ICE did not make any individualized finding that Petitioner posed a danger to the
11 community or a risk of flight.

12
13 6. Following the arrest, Petitioner was taken to a nearby ICE facility to sign
14 documents and was then transported to the California City Correctional Center in California
15 City, California, where he was held in civil immigration detention. On or about November 21,
16 2025, Petitioner was transferred to the Imperial Regional Adult Detention Facility in Calexico,
17 California, where he is currently being held.

18
19 7. Petitioner has no criminal history, has never missed a court hearing, and has
20 consistently complied with all ICE supervision requirements to the best of his ability. His
21 detention is based solely on an unspecified alleged "violation." Petitioner's detention serves no
22 legitimate government purpose and is an arbitrary and unjustified deprivation of liberty.

23
24 8. Petitioner's summary arrest and detention violate substantive and procedural due
25 process because they lack any individualized finding of danger or flight risk and were imposed
26 without notice or an opportunity to be heard. His arrest reflects the broader pattern of ICE's
27 quota-driven enforcement practices, which prioritize arrest numbers over individualized
28

1 determinations. Petitioner respectfully seeks immediate relief from this Court to halt the ongoing
2 harm and unlawful deprivation of his liberty.

3 9. This arrest is part of a new, nationwide initiative by ICE to arbitrarily arrest
4 individuals. Since mid-May, DHS has implemented a coordinated practice of leveraging
5 immigration detention to strip people like Petitioner of their substantive and procedural rights
6 and pressure them into deportation. Immigration detention is civil, and thus is permissible for
7 only two reasons: to ensure a noncitizen's appearance at immigration hearings and to prevent
8 danger to the community. But ICE did not arrest and detain Petitioner--who demonstrably poses
9 no risk of absconding from immigration proceedings or danger to the community--for either of
10 these reasons. Instead, as part of its broader enforcement campaign, DHS detained Petitioner to
11 strip him of his procedural rights, force him to forfeit his applications for relief, and pressure him
12 into fast-track removal.
13
14

15 10. In immigration court, noncitizens have the right to pursue claims for relief from
16 removal (including asylum), be represented by counsel, gather and present evidence, and pursue
17 appeals. 8 U.S.C. Section 1229(a). By dismissing an ongoing case, DHS--in its view--can
18 transfer a noncitizen's case from removal proceedings in immigration court, governed by 8
19 U.S.C. Section 1229a, to cursory proceedings under 8 U.S.C. Section 1225(b)(1) called
20 "expedited removal," where the procedural protections and opportunities to pursue relief from
21 removal built into regular immigration-court proceedings do not apply.
22

23 11. Petitioner's arrest and detention have caused him tremendous and ongoing harm.
24 Every additional day Petitioner spends in unlawful detention subjects him to further irreparable
25 harm.
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1 12. Since being detained, Petitioner has struggled with anxiety, sleeplessness, and
2 emotional distress. The environment in custody is isolating, noisy, and mentally exhausting. He
3 is unable to practice his faith and cannot attend Gurdwara or perform volunteer service (seva).

4 13. Petitioner’s summary arrest and detention violate substantive and procedural due
5 process because they lack any individualized finding of danger or flight risk and were imposed
6 without notice or an opportunity to be heard. His arrest reflects the broader pattern of ICE’s
7 quota-driven enforcement practices, which prioritize arrest numbers over individualized
8 determinations. Petitioner respectfully seeks immediate relief from this Court to halt the ongoing
9 harm and unlawful deprivation of his liberty.
10

11 14. This arrest is part of a new, nationwide initiative by ICE to arbitrarily arrest
12 individuals. Since mid-May, DHS has implemented a coordinated practice of leveraging
13 immigration detention to strip people like Petitioner of their substantive and procedural rights and
14 pressure them into deportation. Immigration detention is civil, and thus is permissible for only two
15 reasons: to ensure a noncitizen’s appearance at immigration hearings and to prevent danger to the
16 community. But ICE did not arrest and detain Petitioner—who demonstrably poses no risk of
17 absconding from immigration proceedings or danger to the community—for either of these
18 reasons. Instead, as part of its broader enforcement campaign, DHS detained Petitioner to strip him
19 of his procedural rights, force him to forfeit his applications for relief, and pressure him into fast-
20 track removal.
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22 15. In immigration court, noncitizens have the right to pursue claims for relief from
23 removal (including asylum), be represented by counsel, gather and present evidence, and pursue
24 appeals. 8 U.S.C. § 1229(a). By dismissing an ongoing case, DHS—in its view—can transfer a
25 noncitizen’s case from removal proceedings in immigration court, governed by 8 U.S.C. § 1229a,
26 to cursory proceedings under 8 U.S.C. § 1225(b)(1) called “expedited removal,” where the
27 procedural protections and opportunities to pursue relief from removal built into regular
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1 immigration-court proceedings do not apply. DHS in concert with ICE is detaining people with
2 the goal of accelerating removals (detained dockets move faster than non-detained dockets, though
3 they're still slow when you're detained). DHS is also definitely doing this to demoralize people
4 and get them to give up their immigration cases

5 16. Petitioner's arrest and detention have caused him tremendous and ongoing harm.
6 Every additional day Petitioner spends in unlawful detention subjects him to further irreparable
7 harm.

8 17. Since being detained, Petitioner has struggled with anxiety, sleeplessness, and
9 emotional distress. The environment in custody is isolating, noisy, and mentally exhausting. The
10 Constitution protects Petitioner and every other person present in this country from arbitrary
11 deprivations of his liberty and guarantees him due process of law. The government's power over
12 immigration is broad, but as the Supreme Court has declared, it "is subject to important
13 constitutional limitations." *Zadvydas v. Davis*, 533 U.S. 678, 695 (2001). "Freedom from bodily
14 restraint has always been at the core of the liberty protected by the Due Process Clause from
15 arbitrary governmental action." *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992).

16 18. Petitioner respectfully seeks a writ of habeas corpus ordering the government to
17 immediately release him from his ongoing, unlawful detention, and prohibiting his re-arrest
18 without a hearing to contest that re-arrest before a neutral decisionmaker. In addition, to preserve
19 this Court's jurisdiction, Petitioner also requests that this Court order the government not to
20 transfer him outside of the district or deport him for the duration of this proceeding.
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24 JURISDICTION AND VENUE

25 The Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 (federal question), 28
26 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§ 2201–02 (Declaratory Judgment Act), 28 U.S.C.
27 § 2241 (habeas corpus), Article I, § 9, cl. 2 of the U.S. Constitution (the Suspension Clause),
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1 the Fourth and Fifth Amendments to the U.S. Constitution, and 5 U.S.C. §§ 701-706
2 (Administrative Procedure Act).

3 Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(a) and 28 U.S.C. §
4 1391(b)(2) and (e)(1) because Petitioner is physically detained within this district.

5 **PARTIES**

6 1) Petitioner, Davinder Singh, is a 32-year-old citizen of India who follows the Sikh
7 faith. He was born on [REDACTED] in Village Sabhra, District Tarn Taran, Punjab, India.
8 He entered the United States on or about March 23, 2024, seeking safety and freedom while
9 fleeing political and religious persecution in India. His Form I-589 asylum application was filed
10 within one year of his entry, and an amended Form I-589 was filed on July 18, 2025. Before his
11 detention, Petitioner lived at [REDACTED] and is
12 presently in civil immigration detention at the Imperial Regional Adult Detention Facility in
13 Calexico, California. Petitioner has no criminal history.

14 2) Respondent Warden is the Facility Administrator of Imperial Regional Adult
15 Detention Facility, a facility that contracts with ICE to detain individuals suspected of civil
16 immigration violations. Respondent Warden is Petitioner's immediate physical custodian and is
17 sued in their official capacity.

18 3) Respondent Sergio Albarran is the Acting Field Office Director of the San
19 Francisco ICE Field Office. In this capacity, he is responsible for the administration and
20 enforcement of immigration laws within ICE's San Francisco Area of Responsibility, including
21 decisions relating to Petitioner's arrest, detention, and custody. Respondent Albarran maintains
22 an office and regularly conducts business in this District and is sued in his official capacity.

23 4) Respondent Todd M. Lyons is the Acting Director of ICE. As the Senior Official
24 Performing the Duties of the Director of ICE, he is responsible for the administration and
25 enforcement of the immigration laws of the United States; routinely transacts business in this
26 District; and is legally responsible for pursuing any effort to detain and remove the Petitioner.
27
28

1 Respondent Lyons is sued in his official capacity.

2 5) Respondent Markwayne Mullin is the Secretary of Homeland Security and has
3 ultimate authority over DHS. In that capacity and through his agents, Respondent Mullin has broad
4 authority over and responsibility for the operation and enforcement of the immigration laws;
5 routinely transacts business in this District; and is legally responsible for pursuing any effort to
6 detain and remove the Petitioner. Respondent Mullin is sued in his official capacity.

7 6) Respondent Todd Blanche is the Attorney General of the United States and the most
8 senior official at the Department of Justice. In that capacity and through his agents, he is
9 responsible for overseeing the implementation and enforcement of the federal immigration laws.
10 The Attorney General delegates this responsibility to the Executive Office for Immigration
11 Review, which administers the immigration courts and the BIA. Respondent Blanche is sued in
12 his official capacity.

13
14 **EXHAUSTION**

15 7) There is no requirement to exhaust because no other forum exists in which
16 Petitioner can raise the claims herein. There is no statutory exhaustion requirement prior to
17 challenging the constitutionality of an arrest or detention or challenging a policy under the
18 Administrative Procedure Act. Prudential exhaustion is not required here because it would be
19 futile, and Petitioner will “suffer irreparable harm if unable to secure immediate judicial
20 consideration of [their] claim.” *McCarthy v. Madigan*, 503 U.S. 140, 147 (1992). Any further
21 exhaustion requirements would be unreasonable.

22 **LEGAL BACKGROUND**

23 ***A. The Constitution Protects Noncitizens Like Petitioner from Arbitrary Arrest and***
24 ***Detention.***

25 8) The Constitution establishes due process rights for “all ‘persons’ within the United
26 States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or
27 permanent.” *Hernandez v. Sessions*, 872 F.3d 976, 990 (9th Cir. 2017) (quoting *Zadvydas*, 533
28 U.S. at 693). These due process rights are both substantive and procedural.

1 9) First, “[t]he touchstone of due process is protection of the individual against
2 arbitrary action of government,” *Wolff v. McDonnell*, 418 U.S. 539, 558 (1974), including “the
3 exercise of power without any reasonable justification in the service of a legitimate government
4 objective,” *Cnty. of Sacramento v. Lewis*, 523 U.S. 833, 846 (1998).

5 10) These protections extend to noncitizens facing detention, as “[i]n our society
6 liberty is the norm, and detention prior to trial or without trial is the carefully limited exception.”
7 *United States v. Salerno*, 481 U.S. 739, 755 (1987). Accordingly, “[f]reedom from
8 imprisonment—from government custody, detention, or other forms of physical restraint—lies
9 at the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas*, 533 U.S. at 690.

10 11) Substantive due process thus requires that all forms of civil detention—including
11 immigration detention—bear a “reasonable relation” to a non-punitive purpose. *See Jackson v.*
12 *Indiana*, 406 U.S. 715, 738 (1972). The Supreme Court has recognized only two permissible
13 non-punitive purposes for immigration detention: ensuring a noncitizen’s appearance at
14 immigration proceedings and preventing danger to the community. *Zadvydas*, 533 U.S. at 690–
15 92; *see also Demore v. Kim*, 538 U.S. 510 at 519–20, 527–28, 31 (2003).

16 12) Second, the procedural component of the Due Process Clause prohibits the
17 government from imposing even permissible physical restraints without adequate procedural
18 safeguards.

19 13) Generally, “the Constitution requires some kind of a hearing *before* the State
20 deprives a person of liberty or property.” *Zinerman v. Burch*, 494 U.S. 113, 127 (1990). This is so
21 even in cases where that freedom is lawfully revocable. *See Hurd v. D.C., Gov’t*, 864 F.3d at 683
22 (citing *Young v. Harper*, 520 U.S. 143, 152 (1997) (re-detention after pre-parole conditional
23 supervision requires pre-deprivation hearing)); *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973)
24 (same, in probation context); *Morrissey v. Brewer*, 408 U.S. 471 (1972) (same, in parole context).

25 14) After an initial release from custody on conditions, even a person paroled following
26 a conviction for a criminal offense for which they may lawfully have remained incarcerated has a
27 protected liberty interest in that conditional release. *Morrissey* at 408 U.S. at 482. As the Supreme
28 Court recognized, “[t]he parolee has relied on at least an implicit promise that parole will be

1 revoked only if he fails to live up to the parole conditions.” *Id.* “By whatever name, the liberty is
2 valuable and must be seen within the protection of the [Constitution].” *Id.*

3 15) This reasoning applies with equal if not greater force to people released from civil
4 immigration detention at the border, like Petitioner. After all, noncitizens living in the United
5 States like Petitioner have a protected liberty interest in their ongoing freedom from confinement.
6 *See Zadvydas*, 533 U.S. at 690. And, “[g]iven the civil context [of immigration detention], [the]
7 liberty interest [of noncitizens released from custody] is arguably greater than the interest of
8 parolees.” *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 970 (N.D. Cal. 2019).

9
10 **FACTUAL ALLEGATIONS**

11 ***A. DHS Dramatically Expands the Scope of Expedited Removal.***

12 16) For decades, DHS applied expedited removal exclusively in the border enforcement
13 context, with only narrow exceptions to that general rule. From 1997 until 2002, expedited removal
14 applied only to inadmissible noncitizens arriving at ports of entry. *See* Inspection and Expedited
15 Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum
16 Procedures; Final Rule, 62 Fed. Reg. 10312 (Mar. 6, 1997).

17 17) In 2002, the government for the first time invoked its authority to apply expedited
18 removal to persons already inside the country, but only for a narrow group of people who arrived
19 by sea, were not admitted or paroled, and were apprehended within two years of entry. *See* Notice
20 Designating Aliens Subject to Expedited Removal Under Section 235(b)(1)(A)(iii) of the
21 Immigration and Nationality Act, 67 Fed. Reg. 68924 (Nov. 13, 2002).

22 18) In 2004, the government authorized the application of expedited removal to
23 individuals who entered by means other than sea, but only if they were apprehended within 100
24 miles of a land border and were unable to demonstrate that they had been continuously physically
25 present in the United States for 14 days. *See* Designating Aliens for Expedited Removal, 69 Fed.
26 Reg. 48877 (Aug. 11, 2004).

27 19) In 2019, at the direction of President Trump, DHS published a Federal Register
28 Notice authorizing the application of expedited removal to certain noncitizens arrested anywhere

1 in the country who could not affirmatively show that they had been continuously present for two
2 years. *See* Designating Aliens for Expedited Removal, 84 Fed. Reg. 35409 (July 23, 2019). The
3 District Court for the District of Columbia entered a preliminary injunction preventing the rule
4 from taking effect, which the D.C. Circuit later vacated. *Make the Rd. New York v. McAleenan*,
5 405 F. Supp. 3d 1, 11 (D.D.C. 2019), *vacated sub nom. Make the Rd. New York v. Wolf*, 962 F.3d
6 612, 618 (D.C. Cir. 2020).

7 20) In 2021, President Biden directed the DHS Secretary to review the rule expanding
8 expedited removal and consider whether it comported with legal and constitutional requirements,
9 including due process. In 2022, DHS rescinded the rule. *See* Rescission of the Notice of July 23,
10 2019, Designating Aliens for Expedited Removal, 87 Fed. Reg. 16022 (Mar. 21, 2022).

11 21) While the 2019 expansion was in effect, the government applied expedited removal
12 to persons inside the country in an exceedingly small number of cases. Thus, from 1997 to 2025,
13 with limited exceptions, immigration authorities generally did not apply expedited removal to
14 noncitizens apprehended far from the border, or individuals anywhere in the United States
15 (including near the border) who had been residing in the country for more than fourteen days.

16 22) This state of affairs changed drastically on January 20, 2025, the day that President
17 Trump took office for his second term. That day, President Trump signed Executive Order 14159,
18 “Protecting the American People Against Invasion,” the purpose of which was “to faithfully
19 execute the immigration laws against all inadmissible and removable aliens, particularly those
20 aliens who threaten the safety or security of the American people.” Exec. Order No. 14,159, 90
21 C.F.R. § 8443 (Jan. 20, 2025). The order directed the Secretary of Homeland Security to take
22 various actions “to ensure the efficient and expedited removal of aliens from the United States.”
23 *Id.*

24 23) To implement this Executive Order, DHS issued a notice immediately authorizing
25 application of expedited removal to certain noncitizens arrested anywhere in the country who
26 cannot show “to the satisfaction of an immigration officer” that they have been continuously
27 present in the United States for at least two years. 90 Fed. Reg. 8139 (published Jan. 24, 2025).

28 24) On January 23, 2025, the Acting Secretary of Homeland Security issued a

1 memorandum providing guidance regarding how to exercise enforcement discretion in
2 implementing” the new expedited-removal rule. The guidance directed federal immigration
3 officers to “consider . . . whether to apply expedited removal” to “any alien DHS is aware of who
4 is amenable to expedited removal but to whom expedited removal has not been applied.” As part
5 of that process, the guidance encourages officers to “take steps to terminate any ongoing removal
6 proceeding and/or any active parole status.”¹

7 25) Under the administration’s expanded approach to expedited removal, hundreds of
8 thousands of noncitizens who have lived in the country for less than two years are at imminent risk
9 of summary removal without any hearing, meaningful process, access to counsel, or judicial
10 review—regardless of the strength of their ties to the United States.

11 ***B. To Place More People in Expedited Removal, DHS Undertakes New Campaign of Arrests***
12 ***and Detention.***

13 26) Since mid-May 2025, DHS has initiated an aggressive new enforcement campaign
14 targeting people who are in regular removal proceedings in immigration court, many of whom
15 have pending applications for asylum or other relief. This “coordinated operation” is “aimed at
16 dramatically accelerating deportations” by arresting people at the courthouse or other places and
17 placing them into expedited removal.²

18 27) The first step of this enforcement operation typically takes place inside the
19 immigration court or with ICE agents due to baseless ISAP violations. When people arrive in court
20 for their master calendar hearings, DHS attorneys orally file a motion to dismiss the proceedings—
21 without any notice to the affected individual. Although DHS regulations do not permit such
22 motions to dismiss absent a showing that the “[c]ircumstances of the case have changed,” 8 C.F.R.

23
24 ¹ Benjamine C. Huffman, *Guidance Regarding How to Exercise Enforcement Discretion*, Dep’t
25 of Homeland Sec. (Jan. 23, 2025), [https://www.dhs.gov/sites/default/files/2025-01/25_0123_er-](https://www.dhs.gov/sites/default/files/2025-01/25_0123_er-and-parole-guidance.pdf)
[and-parole-guidance.pdf](https://www.dhs.gov/sites/default/files/2025-01/25_0123_er-and-parole-guidance.pdf).

26 ² Arelis R. Hernández & Maria Sacchetti, *Immigrant Arrests at Courthouses Signal New Tactic*
27 *in Trump’s Deportation Push*, Wash. Post, May 23, 2025,
28 <https://www.washingtonpost.com/immigration/2025/05/23/immigration-court-arrests-ice-trump/>;
see also Hamed Aleaziz, Luis Ferré-Sadurní, & Miriam Jordan, *How ICE is Seeking to Ramp Up*
Deportations Through Courthouse Arrests, N.Y. Times, May 30, 2025,
<https://www.nytimes.com/2025/05/30/us/politics/ice-courthouse-arrests.html>.

1 § 239.2(a)(7), (c), DHS attorneys do not conduct any case-specific analysis of changed
2 circumstances before filing these motions to dismiss. Or in circumstances, as with the petitioner,
3 where they are being called by ICE for check-ins and being arrested there.

4 28) Even though individuals are supposed to have ten days to respond to a motion to
5 dismiss, some IJs have granted the government's oral motion on the spot and immediately
6 dismissed the case. This is consistent with recent instructions from the Department of Justice to
7 immigration judges stating that they may allow the government to move to dismiss cases orally,
8 in court, without a written motion, and to decide that motion without allowing the noncitizen an
9 opportunity to file a response.

10 29) Despite these instructions, some IJs have still asked DHS to re-file the motion as a
11 written motion and continued proceedings to allow individuals to file their response. A smaller
12 group of IJs have expressly denied the motion to dismiss on the record or in a written order.

13 30) The next step of DHS's new campaign takes place outside the courtroom. ICE
14 officers, in consultation with DHS attorneys and officials, station themselves in courthouse waiting
15 rooms, hallways, and elevator banks. When an individual exits their immigration hearings, ICE
16 officers—typically masked and in plainclothes—immediately arrest the person and detain them.
17 ICE officers execute these arrests regardless of how the IJ rules on the government's motion to
18 dismiss. On information and belief, they typically do not have an arrest warrant.

19 31) Once the person has been transferred to a detention facility, the government places
20 the individual in expedited removal. In cases in which the IJ did not dismiss the person's removal
21 proceedings, DHS attorneys unilaterally transfer venue of the case to a "detained" immigration
22 court, where they renew their motions to dismiss—again with the goal of putting the person in
23 expedited removal.

24 32) DHS is aggressively pursuing this arrest and detention campaign at courthouses
25 throughout the country and with the help of ICE agents at check ins. In New York City, for
26 example, "ICE agents have apprehended so many people showing up for routine appointments this
27 month that the facilities" are "overcrowded," with "[h]undreds of migrants . . . sle[eping] on the
28

1 floor or sitting upright, sometimes for days.”³

2 33) DHS’s and ICE’s aggressive tactics appear to be motivated by the Administration’s
3 imposition of a new daily quota of 3,000 ICE arrests.⁴ In part as a result of this campaign, ICE’s
4 arrests of noncitizens with no criminal record have increased more than 800% since before
5 January.⁵

6 34) The government’s new campaign is also a significant shift from previous DHS
7 practice of re-detaining noncitizens only after a material change in circumstances. *See Saravia v.*
8 *Sessions*, 280 F. Supp. 3d 1168, 1197 (N.D. Cal. 2017), *aff’d sub nom. Saravia for A.H. v.*
9 *Sessions*, 905 F.3d 1137 (9th Cir. 2018) (describing prior practice).

10 **C. Petitioner is Unlawfully Arrested and Detained Pursuant.**

11 35) Petitioner, Davinder Singh, is a follower of the Sikh faith who fled India due to
12 political and religious persecution. He was born on [REDACTED] in Village Sabhra, District
13 Tarn Taran, Punjab, India, and is a citizen of India. Before his detention, he lived a peaceful and
14 stable life in San Bernardino, California, after fleeing persecution arising from his political
15 activism on behalf of [REDACTED] and his visible
16 participation in the Sikh community, including as a supporter of Sikh rights in Punjab.

17
18 36) Petitioner entered the United States on or about March 23, 2024, near San Ysidro,
19 California. He was apprehended by U.S. Customs and Border Protection the same day and issued
20
21

22
23 ³ Luis Ferré-Sadurní, *Inside a Courthouse, Chaos and Tears as Trump Accelerates Deportations*,
N.Y. Times, June 12, 2025, <https://www.nytimes.com/2025/06/12/nyregion/immigration-courthouse-arrests-trump-deportation.html>.

24 ⁴ Ted Hesson & Kristina Cooke, *ICE’s Tactics Draw Criticism as it Triples Daily Arrest Targets*,
25 Reuters, June 10, 2025, <https://www.reuters.com/world/us/ices-tactics-draw-criticism-it-triples-daily-arrest-targets-2025-06-10/>; Alayna Alvarez & Brittany Gibson, *ICE Ramps Up*
26 *Immigration Arrests in Courthouses Across the U.S.*, Axios, June 12, 2025,
<https://www.axios.com/2025/06/12/ice-courthouse-arrests-trump>.

27 ⁵ José Olivares & Will Craft, *ICE Arrests of Migrants with No Criminal History Surging under*
28 *Trump*, The Guardian, June 14, 2025, <https://www.theguardian.com/us-news/2025/jun/14/ice-arrests-migrants-trump-figures>.

1 a Notice to Appear dated March 23, 2024, charging him under INA § 212(a)(6)(A)(i). He was
2 released from initial border custody on or about March 28, 2024.

3 37) Following his release, DHS instructed Petitioner to report to the ICE office in San
4 Bernardino, California, within 60 days. Petitioner complied. In April 2024, he appeared at the
5 San Bernardino ICE office as directed. During that initial office visit, ICE officers installed a
6 location-monitoring application on Petitioner's personal phone and instructed him to upload a
7 photograph from his home address on a regular schedule. ICE also established a recurring
8 schedule of in-person office visits, home visits, and video call check-ins.
9

10 38) Petitioner complied with all ICE instructions. After approximately two to three
11 months, ICE adjusted Petitioner's photograph requirement from a weekly to a monthly schedule.
12 Petitioner continued to attend every office visit, home visit, and video check-in as ICE required.
13 He never intentionally missed any scheduled ICE appointment and never attempted to evade
14 supervision.
15

16 39) Petitioner likewise complied with his immigration court obligations. His removal
17 proceedings were pending before the Santa Ana Immigration Court, 1241 E. Dyer Road, Suite
18 200, Santa Ana, California 92705. Petitioner timely filed a Form I-589 asylum application within
19 one year of his entry, and an amended Form I-589 was filed on July 18, 2025. Petitioner
20 appeared for every hearing as required. At all times, Petitioner kept his address updated with
21 both ICE and the Immigration Court.
22

23 40) On July 21, 2025, Petitioner appeared as required for his Master Hearing at the
24 Santa Ana Immigration Court before the Honorable Karen Hope. The Immigration Judge ordered
25 dismissal of Petitioner's removal proceedings at that hearing.

26 41) Immediately after Petitioner exited the courtroom, ICE officers arrested him in the
27 hallway of the immigration court. Petitioner was given no advance notice of the arrest. He was
28 shown no warrant. He was given no written explanation of the basis for the arrest. The officers

1 did not accuse him of any new crime and did not tell him he had violated any condition of his
2 supervision.

3 42) During the arrest, Petitioner was never informed of his rights or given any
4 explanation for his detention. He was frightened, confused, and unable to understand why he was
5 being taken into custody after sixteen months of consistent compliance with every ICE and
6 immigration court requirement imposed on him.

7 43) Following the arrest, Petitioner was taken to a nearby ICE facility to sign
8 documents and was then transported to the California City Correctional Center in California
9 City, California, where he was held in civil immigration detention. On or about November 21,
10 2025, Petitioner was transferred to the Imperial Regional Adult Detention Facility in Calexico,
11 California, where he remains detained. Petitioner's personal phone and the paperwork that ICE
12 provided at the time of arrest were taken from him and remain in ICE custody.

13 14 44) Petitioner has never intentionally violated any ICE directive, supervision
15 requirement, or court order. His detention serves no legitimate government purpose and
16 represents an unlawful deprivation of liberty inconsistent with the Fifth Amendment. Petitioner's
17 arrest reflects not any evidence of dangerousness or risk of flight, but rather Respondents'
18 coordinated strategy of arresting immigration court respondents immediately upon dismissal of
19 their cases to place them in expedited removal.
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22 ***D. As a Result of His Arrest and Detention, Petitioner is Suffering Ongoing and Irreparable
23 Harm.***

24 45) Petitioner is being deprived of his liberty without any permissible justification. The
25 government previously released him on his own recognizance because he did not pose sufficient
26 risk of flight or danger to the community to warrant detention.

27 46) None of that has changed. Petitioner has no criminal record, and there is no basis
28 to believe that he poses any public-safety risk. Nor is Petitioner, who was arrested *while appearing*

1 to ICE, conceivably a flight risk. To the contrary, Petitioner appeared for every immigration court
2 hearing and supervision check-in, and he has consistently informed the court about any change in
3 his address or other circumstances.

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6 **CLAIMS FOR RELIEF**

7 **FIRST CLAIM FOR RELIEF**

8 **Violation of the Fifth Amendment to the United States Constitution**

9 **(Substantive Due Process—Detention)**

10 47) Petitioner repeats and re-alleges the allegations contained in the preceding
11 paragraphs of this Petition as if fully set forth herein.

12 48) The Due Process Clause of the Fifth Amendment protects all “person[s]” from
13 deprivation of liberty “without due process of law.” U.S. Const. amend. V. “Freedom from
14 imprisonment—from government custody, detention, or other forms of physical restraint—lies at
15 the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas*, 533 U.S. at 690.

16 49) Immigration detention is constitutionally permissible only when it furthers the
17 government’s legitimate goals of ensuring the noncitizen’s appearance during removal
18 proceedings and preventing danger to the community. *See id.*

19 50) Petitioner is not a flight risk or danger to the community. Respondents’ detention
20 of Petitioner is therefore unjustified and unlawful. Accordingly, Petitioner is being detained in
21 violation of the Due Process Clause of the Fifth Amendment.

22 51) Moreover, Petitioner’s detention is punitive as it bears no “reasonable relation” to
23 any legitimate government purpose. *Id.* (finding immigration detention is civil and thus ostensibly
24 “nonpunitive in purpose and effect”). Here, the purpose of Petitioner’s detention appears to be “not
25 to facilitate deportation, or to protect against risk of flight or dangerousness, but to incarcerate for
26 other reasons”—namely, to meet newly-imposed DHS quotas and transfer immigration court
27 venue away from an IJ who refused to facilitate DHS’s new expedited removal scheme. *Demore*,
28 538 U.S. at 532–33 (Kennedy, J., concurring).

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SECOND CLAIM FOR RELIEF

**Violation of the Fifth Amendment to the United States Constitution
(Procedural Due Process—Detention)**

52) Petitioner repeats and re-alleges the allegations contained in the preceding paragraphs of this Petition as if fully set forth herein.

53) As part of the liberty protected by the Due Process Clause, Petitioner has a weighty liberty interest in avoiding re-incarceration after his release. *See Young v. Harper*, 520 U.S. 143, 146–47 (1997); *Gagnon v. Scarpelli*, 411 U.S. 778, 781–82 (1973); *Morrissey v. Brewer*, 408 U.S. 471, 482–83 (1972); *see also Ortega*, 415 F. Supp. 3d at 969–70 (holding that a noncitizen has a protected liberty interest in remaining out of custody following an IJ’s bond determination).

54) Accordingly, “[i]n the context of immigration detention, it is well-settled that due process requires adequate procedural protections to ensure that the government’s asserted justification for physical confinement outweighs the individual’s constitutionally protected interest in avoiding physical restraint.” *Hernandez*, 872 F.3d at 990 (cleaned up); *Zinermon*, 494 U.S. at 127 (Generally, “the Constitution requires some kind of a hearing *before* the State deprives a person of liberty or property.”). In the immigration context, for such hearings to comply with due process, the government must bear the burden to demonstrate, by clear and convincing evidence, that the noncitizen poses a flight risk or danger to the community. *See Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011); *see also Martinez v. Clark*, 124 F.4th 775, 785, 786 (9th Cir. 2024).

55) Petitioner’s re-detention without a pre-deprivation hearing violated due process. Approximately 17 months after Petitioner was first released from custody on his own recognizance, Respondents re-detained him with no advance notice, no explanation of the

1 justification for re-detention, and no opportunity to contest his re-detention before a neutral
2 adjudicator. He was arrested on November 22, 2025, during a routine check-in at the Bakersfield
3 ICE Office.

4 56) These facts are materially indistinguishable from *Y.S.G. v. Andrews*, No. 2:25-cv-
5 01884-SCR (E.D. Cal. Oct. 22, 2025), where the Court granted a writ of habeas corpus after
6 finding that ICE violated due process by re-detaining a previously released individual without
7 advance notice or a pre-deprivation hearing. In *Y.S.G.*, as here, DHS claimed a technical violation
8 of supervision conditions but offered no proof that the individual posed a danger or flight risk.
9 The court held that any re-detention requires a pre-deprivation hearing before a neutral
10 adjudicator, at which the government bears the burden to establish danger or flight risk by clear
11 and convincing evidence. Petitioner, who has fully complied with ICE and court requirements
12 and poses no danger, was similarly re-detained in violation of his constitutional rights.

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PRAYER FOR RELIEF

Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this matter;
2. Issue a writ of habeas corpus ordering Respondents to immediately release Petitioner from custody;
3. Declare that Petitioner’s arrest and detention violate the Due Process Clause of the Fifth Amendment.
4. Enjoin Respondents from transferring Petitioner outside this District or deporting Petitioner pending these proceedings;
5. Enjoin Respondents from re-detaining Petitioner unless his re-detention is ordered at a custody hearing before a neutral arbiter in which the government bears the burden of proving, by clear and convincing evidence, that Petitioner is a flight risk or danger to the community;
6. Award Petitioner his costs and reasonable attorneys’ fees in this action as provided for by the Equal Access to Justice Act and 28 U.S.C. § 2412; and
7. Grant such further relief as the Court deems just and proper.

Date: April 24, 2026

Respectfully Submitted,

/s/ Simranjit Kaur
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Attorneys for Petitioner

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VERIFICATION PURSUANT TO 28 U.S.C. 2242

I am submitting this verification on behalf of the Petitioner because I am one of Petitioner's attorneys. I have discussed with Petitioner, Davinder Singh, the events described in the Petition.

Based on those discussions, I hereby verify that the factual statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Executed on this April 24, 2026, in Tracy, CA.

/s/ Simranjit Kaur
(attorney)
Attorney for Petitioner