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9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11 DAVINDER SINGH,
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13 Petitioner,

14 v.

15 WARDEN, et al,
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17 Respondents.
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Case No.: 26-cv-02622-DMS-SBC

**AMENDED RETURN TO
PETITION FOR A WRIT OF
HABEAS CORPUS**

1 Petitioner has filed a habeas petition under 28 U.S.C. § 2241. The government has
2 carefully reviewed this petition and determined that the legal issues presented concern the
3 statutory authority for U.S. Immigration and Customs Enforcement's (ICE) detention of
4 Petitioner under 8 U.S.C. §§ 1225(b)(2)(A) or 1226(a). While reserving all rights, including
5 the right to appeal, the government respectfully submits this abbreviated response to
6 preserve the legal issues, to conserve judicial and party resources, and to expedite the
7 Court's consideration of this matter.

8 Petitioner was previously released from immigration custody on conditional parole
9 issued under 8 U.S.C. § 1226(a). It is the government's position that Petitioner is subject
10 to mandatory detention under § 1225(b)(2). Furthermore, Petitioner asserts in his petition
11 claims and allegations concerning expedited removal proceedings.¹ Petitioner was placed
12 into expedited removal; but a Notice to Appear has since been issued and he is now in
13 removal proceedings under 8 U.S.C. § 1229a. *See* Exhibit 1 (Expedited Removal Order);
14 *see also* Exhibit 2 (Notice to Appear).

15 However, the government acknowledges that this Court, and Courts in this District,
16 have repeatedly reached the opposite conclusion under the same and/or similar facts. *See*,
17 *e.g.*, *Arias Torres v. Bondi*, No. 25-cv-2457-BAS-MSB, 2025 WL 3214773 (S.D. Cal. Nov.
18 18, 2025); *Martinez Lopez v. LaRose*, No. 25-cv-2717-JES-AHG, 2025 WL 3030457 (S.D.
19 Cal. Oct. 30, 2025); *Beltran v. Noem*, No. 25cv2650-LL-DEB, 2025 WL 3078837 (S.D.
20 Cal. Nov. 4, 2025); *Garcia v. Noem*, 803 F. Supp. 3d 1064 (S.D. Cal. 2025); *Esquivel-Ipina*
21 *v. LaRose*, No. 25-CV-2672 JLS (BLM), 2025 WL 2998361 (S.D. Cal. Oct. 24, 2025);
22 *Lucas-Miguel v. LaRose*, No. 25-cv-3022-RSH-JLB, 2025 WL 3251580 (S.D. Cal. Nov.
23 21, 2025); *Vasquez-Diaz v. LaRose*, No. 25-cv-3038-TWR-JLB, ECF No. 6 (S.D. Cal.
24 Nov. 13, 2025); *Cardoso v. LaRose*, No. 25-cv-3043-BJC-VET, ECF No. 7 (S.D. Cal. Dec.
25 12, 2025); *Maceda-Garcia v. Noem*, No. 25-cv-2968-JO-JLB, ECF No. 9 (S.D. Cal. Nov.
26 13, 2025); *A.S. v. LaRose*, No. 25-cv-2876-RBM-VET, ECF No. 9 (S.D. Cal. Nov. 19,

27 ¹ Expedited removal proceedings are conducted pursuant to 8 U.S.C. § 1225(b)(1).
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1 225); *Prieto-Cordova v. LaRose*, No. 25-cv-2824-CAB-DDL, 2025 WL 3228953 (S.D.
2 Cal. Nov. 19, 2025); *Lagarda-Vega v. Noem*, No. 25-cv-2970-GPC-DDL, 2025 WL
3 3558931 (S.D. Cal. Dec. 11, 2025); *Nayyer v. LaRose*, No. 25-cv-3111-AGS-DDL, ECF
4 No. 7 (S.D. Cal. Dec. 12, 2025); *Amaya v. Noem*, No. 25cv2892-BTM-DEB, 2025 WL
5 3182998 (S.D. Cal. Nov. 13, 2025).

6 The government acknowledges that this Court's prior decisions will control the
7 result here if the Court adheres to its prior decisions, as the facts are not materially
8 distinguishable for purposes of the Court's decision, and on that basis the government does
9 not oppose the petition and defers to the Court on the appropriate relief.²

10 DATED: May 18, 2026

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27 ² To the extent the Court issues an order directing a bond hearing under 1226(a),
28 considering heavy caseloads and staffing levels, Respondents respectfully request that
such order provide the government 14 days from issuance to hold such bond hearing.