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

BALIHAR SINGH,

Petitioner,

v.

MARKWAYNE MULLIN, Secretary of
the Department of Homeland Security,
TODD BLANCHE, Acting Attorney
General, TODD M. LYONS, Acting
Director, Immigration and Customs
Enforcement, JESUS ROCHA, Acting
Field Office Director, San Diego Field
Office, JEREMY CASEY, Warden at
Imperial Regional Detention Facility,

Respondents.

Civil Case No.: 26-cv-2967-TWR-DDL

**Second Amended Petition
for a
Writ of Habeas Corpus**

1 INTRODUCTION

2 Balihar Singh is a citizen of India who was paroled into the United States
3 subject to the condition of a \$12,000 bond. But despite paying this bond,
4 complying with all his court dates, and timely submitting an application for relief,
5 Mr. Singh was arrested while driving through an immigration checkpoint.
6 Immigration officials revoked his parole and have detained him ever since. But at
7 the time of his arrest, he was not given notice or an opportunity to respond to the
8 revocation of his parole. Because this violated the Due Process Clause of the Fifth
9 Amendment of the Constitution, this Court should order his immediate release.

10 STATEMENT OF FACTS

11 Mr. Singh was born in India and left in 2017 due to persecution. Exhibit A,
12 Declaration of Balihar Singh, at ¶ 1. He crossed into the United States on
13 December 18, 2017, to seek asylum and was immediately arrested. *Id.* at ¶ 2. He
14 was in custody for about one month. *Id.* at ¶ 2. After a month, immigration
15 officials paroled him into the U.S. on the condition that he pay a \$12,000 bond.
16 *Id.* at ¶ 2. He paid the bond and was released on February 5, 2018. *Id.* at ¶ 2.

17 Mr. Singh briefly lived in Indiana and then moved to Fresno, California. *Id.*
18 at ¶ 3. He was placed in removal proceedings, applied for asylum, and attended all
19 his court hearings. *Id.* at ¶ 3. He received a work permit and a Social Security
20 number. *Id.* at ¶ 3. He has no criminal history. *Id.* at ¶ 3.

21 On November 28, 2025, Mr. Singh was driving from Calexico to Fresno
22 and went through an immigration checkpoint. *Id.* at ¶ 4. When he stopped at the
23 checkpoint, the agents took him into custody. *Id.* at ¶ 4. They did not tell
24 Mr. Singh why they were revoking his parole, nor did they give him written
25 notice or an informal interview at which he could contest his detention. *Id.* at ¶ 4.
26 All they said is that he “ha[s] a hearing coming up.” *Id.* at ¶ 4.

1 The agents transferred Mr. Singh to Imperial Regional Detention Facility,
2 where his removal proceedings continued. *Id.* at ¶ 5. He was ordered removed on
3 May 22, 2026, and timely filed an appeal to the BIA that is currently pending.

4 **CLAIM FOR RELIEF**

5 **The Due Process Clause required notice and a chance to be heard before**
6 **parole was revoked.**

7 The Fifth Amendment guarantees that “[n]o person shall be ... deprived of
8 life, liberty, or property, without due process of law.” U.S. Const. amend. V.
9 “[T]he Due Process Clause applies to all ‘persons’ within the United States,
10 including aliens, whether their presence here is lawful, unlawful, temporary, or
11 permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (9th Cir. 2001).

12 When an individual has a “protected liberty interest,” the Due Process
13 Clause requires procedural protections before they can be deprived of that
14 interest. *Salazar v. Casey*, No. 25-CV-2784 JLS (VET), 2025 WL 3063629, at *4
15 (S.D. Cal. Nov. 3, 2025). “To determine which procedures are constitutionally
16 sufficient to satisfy the Due Process Clause,” courts apply the factors set forth in
17 *Matthews v. Eldridge*, 424 U.S. 319, 335 (1976). *Id.* Specifically, courts must
18 consider:

19 (1) the private interest that will be affected by the official action; (2) the
20 risk of an erroneous deprivation of such interest through the procedures
21 used, and the probable value, if any, of additional or substitute procedural
22 safeguards; and (3) the Government's interest including the function
23 involved and the fiscal and administrative burdens that the additional or
substitute procedural requirement would entail.

24 *Id.* (quoting *Matthews*, 424 U.S. at 335).

25 Applying these factors to similar cases involving immigration parole
26 revocations, courts in this district have repeatedly held that revoking parole with
27 no notice or hearing violates due process. For instance, in *Fanfan v. Noem*, No.
28 25CV3291 DMS (BJW), 2025 WL 3563739, at *4 (S.D. Cal. Dec. 12, 2025),

1 Judge Sabraw applied the *Matthews* factors to a class of individuals whose parole
2 or decision to release had been revoked and concluded that all three factors
3 weighed in favor of the petitioners. First, Judge Sabraw held that noncitizens
4 released from custody have a “protected liberty interest in remaining out of
5 immigration custody” and that release “creates an implicit promise that she will
6 be re-detained only if she violates the conditions of her release.” *Id.* at *3
7 (quotations omitted). Second, Judge Sabraw found a “high risk of erroneous
8 deprivation of this liberty interest when noncitizens are re-detained without a
9 custody or bond hearing” and that “requiring the Government to conduct a
10 hearing before subjecting noncitizens to re-detention would guard significantly
11 against that risk.” *Id.* Third, Judge Sabraw held that “when the Government has
12 previously decided to release a noncitizen and there is no evidence in the record
13 of any changed circumstance that might have caused the Government to
14 reconsider its initial decision to release the noncitizen, courts have found the
15 Government's interest in re-detention is low.” *Id.* Judge Sabraw thus concluded
16 that petitioners’ redetention likely violated due process and granted a temporary
17 restraining order. *Id.* at *5.

18 In a similar case, Chief Judge Bashant held that “[i]ndividuals released
19 from custody, even where such release is conditional, have a liberty interest in
20 continued liberty.” *Ramirez Caro v. Casey*, No. 26-CV-02002-BAS-BLM, 2026
21 WL 1027732, at *1 (S.D. Cal. Apr. 15, 2026). In that case, the petitioner was
22 paroled into the United States and afterwards “remained law abiding and followed
23 all directions from the Department of Homeland Security.” *Id.* But when
24 Respondents “re-detained Petitioner without notice or an opportunity to be heard
25 and without any changed circumstances with respect to his flight risk or danger to
26 the community,” Chief Judge Bashant held that he was “entitled to remain
27 released on the same conditions as he was initially released.” *Id.* at *2.

Judge Sammartino has also explained that “the government’s decision to release an individual from custody creates ‘an implicit promise,’ upon which that individual may rely, that their liberty ‘will be revoked only if they fail to live up to the conditions of release.’” *Lazard v. Divver*, No. 26-CV-1778 JLS (JLB), 2026 WL 948400, at *3 (S.D. Cal. Apr. 8, 2026) (quoting *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972) (alterations omitted)). “Thus, even when ICE has the initial discretion to detain or release a noncitizen pending removal proceedings, after that individual is released from custody, she has a protected liberty interest in remaining out of custody.” *Id.* (quotations and alterations omitted). So where the petitioner had been arbitrarily detained on a naval base and “never received notice or an individualized determination of his circumstances before his re-detention,” Judge Sammartino held that his redetention violated procedural due process under *Mathews v. Eldridge*. *Id.* at *1, *4–5.

Judge Bencivengo has similarly concluded that “[c]ourts have previously found that individuals released from immigration custody on bond have a protectable liberty interest in remaining out of custody.” *Campos v. Casey*, No. 3:26-CV-1818-CAB-AHG, 2026 WL 915027, at *1 (S.D. Cal. Apr. 3, 2026) (quoting *Valencia Zapata v. Kaiser*, No. 25-CV-07492-RFL, 2025 WL 2578207, at *3 (N.D. Cal. Sept. 5, 2025) (listing cases)). Indeed, “the government’s decision to release an individual from custody creates an implicit promise, upon which that individual may rely, that their liberty will be revoked only if they fail to live up to the conditions of release.” Thus, when “Petitioner received no notification or individualized reason as to why he was being re-detained at a routine ICE check-in appointment,” and Respondents have never explained, “even after the fact, what circumstances have changed to warrant Petitioner’s re-detention,” his redetention violated due process. *Id.* at *2.

Additionally, Judge Lopez considered a case where ICE “contacted Petitioner to come to its downtown San Diego office” and arrested him without

“provid[ing] any paperwork explaining why his parole had been revoked or an opportunity to explain why he should not be arrested.” *Aras v. Blanche*, No. 26CV2821-LL-DDL, 2026 WL 1454140, at *1 (S.D. Cal. May 22, 2026). Judge Lopez explained that “having been previously released on parole, Petitioner has a protected liberty interest in remaining free from detention.” *Id.* at *2. Applying the *Mathews v. Eldridge* factors, Judge Lopez then found that “all three factors support a finding that the revocation of Petitioner’s release without notification, reasoning, or an opportunity to be heard denied Petitioner of his due process rights.” *Id.* See also *Gutierrez v. Warden of Imperial Reg’l Det. Facility*, No. 26-CV-2812 JAO (SBC), 2026 WL 1327945, at *2 (S.D. Cal. May 12, 2026) (where petitioner was “released on conditional parole” and had a “protected liberty interest in continuing to remain out of custody,” revocation of that parole without notice and an opportunity to respond violated the *Mathews v. Eldridge* factors); *Osaretin v. Warden, Otay Mesa Det. Ctr.*, No. 25-CV-3612-JES-MSB, 2026 WL 280077, at *2 (S.D. Cal. Feb. 3, 2026) (“Once established, Petitioner’s interest in liberty is a constitutional right which may only be revoked through methods that comport with due process.”) (quotations omitted); *Semere v. Casey*, No. 3:26-CV-03073-LEK-DDL, 2026 WL 1480805, at *2 (S.D. Cal. May 27, 2026) (“Courts have previously found that individuals released from immigration custody on bond have a protectable liberty interest in remaining out of custody on bond.”).

In sum, numerous judges in this district have held that an individual released on parole or bond has a “liberty interest” that is violated when he is detained “without notice or an opportunity to be heard and without any changed circumstances with respect to his flight risk or danger to the community.” *Ramirez Caro*, 2026 WL 1027732, at *1, *2.

That is precisely what happened here. On November 28, 2025, Mr. Singh was stopped at an immigration checkpoint. ECF No. 10, Exh. A at ¶ 4. The agents arrested him with no explanation as why his parole was being revoked, apart from

1 telling him that he “ha[s] a hearing coming up.” *Id.* Thus, Mr. Singh was deprived
2 of his liberty “without notice or an opportunity to be heard and without any
3 changed circumstances with respect to his flight risk or danger to the
4 community.” *Ramirez Caro*, No. 26-CV-02002-BAS-BLM, 2026 WL 1027732, at
5 *1, *2. Accordingly, this Court should grant the petition, find that Mr. Singh’s re-
6 detention violated procedural due process, and order him immediately released.

7 **Prayer for relief**

8 For the foregoing reasons, Petitioner respectfully requests that this Court:

- 9 1. Order Respondents to immediately release Petitioner from custody,
10 subject to the conditions of his preexisting parole;
11 2. Order any other relief that the Court deems just and proper.

12 Respectfully submitted,

13
14 Dated: June 25, 2026

s/ Kara Hartzler

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