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

NANAK SINGH

Petitioner,

v.

JEREMY CASEY, Warden of the Imperial
Regional Detention Center; TODD LYONS,
Acting Director of Immigration and Customs
Enforcement; MARKWAYNE MULLIN, Acting
Secretary of the U.S. Department of Homeland
Security; TODD BLANCHE, Attorney General of
the United States

Respondents.

Civil Action No. '26CV3659 JES MMP

**VERIFIED PETITION FOR
HABEAS CORPUS**

INTRODUCTION

1. This habeas action challenges the Government's abrupt revocation of liberty previously granted to Petitioner without providing any notice, individualized determination, or pre-deprivation hearing.
2. Petitioner Singh is a native and citizen of India who entered the United States on May 28, 2011, without inspection. Shortly after entry, immigration authorities briefly detained him pursuant to a Form I-200.
3. Following that initial detention, an Immigration Judge ordered Petitioner's release on

1 bond in the amount of \$45,000. Petitioner posted bond and was released from custody,
2 reflecting the Government's determination that he could safely remain at liberty while
3 his immigration proceedings continued.

- 4 4. DHS thereafter served Petitioner with a Notice to Appear on June 15, 2011, charging
5 him solely under INA § 212(a)(6)(A)(i). Petitioner's removal proceedings remain
6 pending.
7
- 8 5. Since his release more than fifteen years ago, Petitioner has remained fully compliant
9 with all immigration requirements. He has appeared as required, complied with all
10 reporting and court obligations, and has never violated any condition of release.
11
- 12 6. During the many years he remained at liberty, Petitioner established deep ties to the
13 United States. He obtained employment authorization based on his pending asylum
14 application, maintained steady employment as a commercial truck driver, supported
15 himself and his family, and integrated himself into the community.
16
- 17 7. On June 15, 2026, while working as a commercial truck driver, Petitioner stopped at a
18 routine commercial vehicle inspection checkpoint as required by his employment.
19 Petitioner had passed through similar inspections numerous times without incident.
20
- 21 8. After Petitioner successfully completed the vehicle inspection, officers requested his
22 identity documents. Petitioner fully cooperated and provided the requested
23 documentation, including proof of his identity and employment authorization.
24
- 25 9. Petitioner was then referred to immigration officers and immediately detained. No
26 citation was issued. No violation was identified. No warrant was presented. Petitioner
27 repeatedly asked why he was being detained but was not provided any meaningful
28 explanation.

- 1 10. Petitioner informed officers that he possessed valid employment authorization based on
2 his pending asylum application and that he had complied with all requirements
3 throughout the pendency of his immigration proceedings. Despite Petitioner's
4 cooperation and compliance history, officers detained him without providing any
5 opportunity to address the basis for detention.
6
- 7 11. Critically, the Government revoked Petitioner's liberty without notice, without any
8 individualized custody determination, and without affording him any pre-deprivation
9 hearing before a neutral decisionmaker.
- 10 12. Following Petitioner's detention, Respondents have attempted to justify custody by
11 invoking mandatory detention under 8 U.S.C. § 1225(b), relying on the Department of
12 Homeland Security's July 8, 2025 Interim Guidance and recent Board of Immigration
13 Appeals decisions, including Matter of Yajure-Hurtado, 29 I&N Dec. 216 (BIA 2025),
14 and Matter of Q. Li, 29 I&N Dec. 66 (BIA 2025).
15
- 16 13. Those authorities do not authorize the Government to revoke previously granted liberty
17 without constitutionally adequate process. Nor do they permit DHS to ignore the
18 significant liberty interest that arises when a noncitizen has lived in the community for
19 more than fifteen years pursuant to an Immigration Judge's bond determination.
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- 21 14. Once the Government grants liberty and an individual reasonably relies upon that liberty
22 for years while complying with all conditions imposed upon him, due process prohibits
23 the Government from summarily revoking that liberty without notice and an opportunity
24 to be heard.
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- 26 15. This case presents a straightforward constitutional violation. DHS granted Petitioner
27 liberty through a bond determination, allowed him to remain at liberty for more than
28

1 fifteen years, and then abruptly revoked that liberty without any pre-deprivation process.

2 16. Petitioner has demonstrated more than fifteen years of compliance, strong family and
3 community ties, stable employment, and continued participation in his immigration
4 proceedings. Although Petitioner was arrested in 2022, DHS did not revoke his bond,
5 modify the conditions of release, initiate custody proceedings, or otherwise seek to
6 detain him at that time. Instead, DHS knowingly permitted Petitioner to remain at liberty
7 for approximately four additional years while continuing to comply with all immigration
8 requirements.
9

10 17. The Government's decision to allow Petitioner to remain released for years after learning
11 of the 2022 arrest confirms that no exigent circumstance existed requiring immediate
12 detention without notice or an opportunity to be heard. If DHS believed the arrest
13 rendered Petitioner dangerous or a flight risk, it could have sought appropriate custody
14 review at any point during the ensuing years. It did not do so.
15

16 18. This case presents a straightforward constitutional violation. DHS granted Petitioner
17 liberty through an Immigration Judge's bond determination, allowed him to remain at
18 liberty for more than fifteen years, and then abruptly revoked that liberty without any
19 pre-deprivation process.
20

21 19. Because the constitutional violation was complete when DHS revoked Petitioner's
22 liberty without notice or an opportunity to be heard, a post-hoc bond hearing cannot
23 remedy the deprivation already suffered.
24

25 20. Petitioner therefore respectfully requests that this Court grant the writ of habeas corpus
26 and order his immediate release and restoration of the liberty previously granted
27 pursuant to the Immigration Judge's bond determination.
28

JURISDICTION

21. This action arises under the Constitution of the United States and the INA, 8 U.S.C. § 1101 *et seq.*

22. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

23. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

24. Venue is proper because Petitioner is detained in Imperial Regional Detention Center, which is within the jurisdiction of this District. Venue is also proper in this District because Respondents are officers, employees, or agencies of the United States. *See* 28 U.S.C. § 1391(e).

PARTIES

25. Respondent Jeremy Casey is sued in his official capacity as Warden of the Imperial Regional Detention Center. Respondent Casey is the physical custodian of Petitioner.

26. Respondent Todd Lyons is sued in his official capacity as the Acting Director of U.S. Immigration and Customs Enforcement. Respondent Lyons is a legal custodian of Petitioner and has authority to release him.

27. Respondent Markwayne Mullin is sued in his official capacity as the Secretary of the U.S. Department of Homeland Security. In this capacity, Respondent Mullin is responsible for the implementation and enforcement of the INA, and oversees ICE, the component agency responsible for Petitioner's detention and custody. Respondent Mullin is a legal custodian of Petitioner.

28. Respondent Todd Blanche is sued in his official capacity as the Attorney General of the

1 United States and the senior official of the U.S. Department of Justice. In that capacity, he has the
2 authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review
3 (“EOIR”), which administers the immigration courts and the BIA. Respondent Blanche is a legal
4 custodian of Petitioner.

5
6 **STATEMENT OF FACTS**

7 29. Petitioner Singh is a native and citizen of India.

8 30. Petitioner entered the United States on May 28, 2011, without inspection.

9 31. Shortly after entry, immigration authorities briefly detained Petitioner pursuant to Form
10 I-200.

11 32. DHS thereafter initiated removal proceedings against Petitioner.

12 33. On or about June 15, 2011, DHS served Petitioner with a Notice to Appear charging
13 him solely under INA § 212(a)(6)(A)(i).

14 34. Following his initial detention, an Immigration Judge ordered Petitioner's release on
15 bond in the amount of \$45,000.
16

17 35. Petitioner posted bond and was released from custody.

18 36. Petitioner has remained at liberty pursuant to that bond determination for more than
19 fifteen years.
20

21 37. During that period, Petitioner complied with all requirements imposed by DHS and the
22 Immigration Court.
23

24 38. Petitioner consistently appeared for required immigration proceedings and never
25 violated any condition of release.

26 39. Petitioner's removal proceedings remain pending.

27 40. Petitioner has a pending asylum application before the Immigration Court.
28

1 41. Based upon that pending asylum application, Petitioner obtained valid employment
2 authorization.

3 42. Petitioner has maintained stable employment and currently works as a commercial truck
4 driver.

5 43. Petitioner has resided in the United States for more than fifteen years and has developed
6 substantial family, employment, and community ties.

7 44. At no point during the many years following his release did DHS allege that Petitioner
8 violated any condition of release.

9 45. Although Petitioner was arrested in 2022, DHS took no action to revoke his liberty at
10 that time and permitted him to remain released for years thereafter.

11 46. Following the 2022 arrest, DHS did not revoke Petitioner's bond, did not modify the
12 conditions of his release, did not initiate custody proceedings, and did not otherwise seek to detain
13 Petitioner. Instead, DHS continued to allow Petitioner to remain at liberty while his removal
14 proceedings remained pending.

15 47. During the years following the 2022 arrest, Petitioner continued to comply with all
16 requirements imposed by DHS and the Immigration Court, maintained employment, appeared as
17 required, and remained available to immigration authorities at all times.

18 48. The Government's decision to permit Petitioner to remain released for years after the
19 2022 arrest demonstrates the absence of any exigent circumstance requiring immediate detention
20 without notice or an opportunity to be heard.

21 49. On June 15, 2026, Petitioner was working as a commercial truck driver when he stopped
22 at a routine commercial vehicle inspection checkpoint as required in the course of his employment.

23 50. Petitioner had successfully completed similar inspections many times during his
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1 employment without incident.

2 51. After completing the vehicle inspection, officers requested Petitioner's identity
3 documents.

4 52. Petitioner fully cooperated and provided the requested documentation, including proof
5 of identity and valid employment authorization.
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7 53. Petitioner informed officers that he had a pending asylum application and had complied
8 with all immigration requirements since his release from custody.

9 54. Following the inspection, Petitioner was referred to immigration officers.

10 55. Immigration officers immediately detained Petitioner.

11 56. Petitioner was not issued any citation and was not informed that he had committed any
12 criminal, traffic, or immigration-related violation.
13

14 57. Upon information and belief, officers did not possess a warrant authorizing Petitioner's
15 arrest.
16

17 58. Petitioner repeatedly asked why he was being detained.

18 59. Officers failed to provide any meaningful explanation for the detention.

19 60. Petitioner again informed officers that he possessed valid employment authorization and
20 had remained compliant with all requirements in his immigration case.
21

22 61. Despite Petitioner's cooperation and compliance history, officers detained him and
23 transported him into ICE custody.

24 62. Prior to detention, Petitioner was not provided notice that DHS intended to revoke his
25 previously granted liberty.
26

27 63. Petitioner was not provided any opportunity to respond to the allegations or basis for
28 detention.

1 64. Petitioner was not afforded any individualized custody determination.

2 65. Petitioner was not provided any pre-deprivation hearing before a neutral decisionmaker.

3 66. Following detention, Respondents asserted that Petitioner is subject to mandatory
4 detention under 8 U.S.C. § 1225(b), relying in part upon DHS's July 8, 2025 Interim Guidance and the
5 Board's decisions in Matter of Yajure-Hurtado and Matter of Q. Li.
6

7 67. Petitioner disputes that detention authority and contends that any current detention is
8 governed by 8 U.S.C. § 1226(a) because DHS previously exercised discretionary custody authority,
9 secured Petitioner's release through a bond determination, and allowed him to remain at liberty for
10 more than fifteen years.
11

12 68. Regardless of the statutory source of detention authority, Respondents revoked
13 Petitioner's previously granted liberty without notice, without an individualized determination, and
14 without constitutionally adequate pre-deprivation process.

15 69. Prior to June 15, 2026, Petitioner's liberty had already been adjudicated through an
16 Immigration Judge's bond determination, and Petitioner had remained compliant with that
17 determination for more than fifteen years.
18

19 70. Respondents nevertheless revoked that previously granted liberty without first
20 providing Petitioner notice, an opportunity to respond, or any individualized custody review.

21 71. Petitioner remains unlawfully detained as a result of that unconstitutional revocation of
22 liberty.
23

24 72. Petitioner therefore seeks habeas relief restoring the status quo ante and ordering his
25 immediate release from custody.
26

27 STATUTORY FRAMEWORK

28 73. The INA prescribes three primary statutory authorities that govern detention of

1 noncitizens in removal proceedings. First, 8 U.S.C. § 1226(a) authorizes the detention of noncitizens
2 in standard non-expedited removal proceedings before an IJ. *See* 8 U.S.C. § 1226(a); 8 U.S.C. § 1229a.
3 Individuals in section 1226(a) detention are entitled to a bond hearing at the outset of their detention,
4 *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or
5 convicted of certain crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).
6

7 74. Second, the INA provides for mandatory detention of noncitizens subject to expedited
8 removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under
9 8 U.S.C. § 1225(b)(2).
10

11 75. Finally, the INA also provides for detention of noncitizens who are subject to final
12 orders of removal, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).
13 The detention provisions at section 1226(a) and 1225(b)(2) were enacted as part of the Illegal
14 Immigration Reform and Immigrant Responsibility Act (“IIRIRA”) of 1996, Pub. L. No. 104-208, Div.
15 C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Section 1226(c) was most
16 recently amended earlier this year by the Laken Riley Act (“LRA”), Pub. L. No. 119-1, 139 Stat. 3
17 (2025).
18

19 76. Following enactment of the IIRIRA, the EOIR drafted new regulations explaining that,
20 in general, people who entered the country without inspection were not considered detained under
21 section 1225 and that they were instead detained under section 1226(a). *See* Inspection and Expedited
22 Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum
23 Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997). In the decades that followed, most noncitizens
24 who entered without inspection—unless they were subject to some other detention authority—received
25 bond hearings. This practice was also consistent with the practice prior to the enactment of the IIRIRA,
26 in which noncitizens who were not deemed “arriving” were entitled to a custody hearing before an IJ
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1 or other hearing officer. See 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229
2 (1996) (noting that section 1226(a) simply “restates” the detention authority previously found at section
3 1252(a)).

4 77. On July 8, 2025, DHS issued a memo to all employees of ICE stating that “[t]his
5 message serves as notice that DHS, in coordination with the Department of Justice (DOJ), has revisited
6 its legal position on detention and release authorities. DHS has determined that section 235 of the
7 Immigration and Nationality Act (INA) [8 U.S.C. § 1225], rather than section 236 [8 U.S.C. § 1226],
8 is the applicable immigration detention authority for all applicants for admission. The following interim
9 guidance is intended to ensure immediate and consistent application of the Department’s legal
10 interpretation while additional operational guidance is developed.” The memo further stated DHS’ new
11 position with regard to custody determinations as follows:
12
13

14 An “applicant for admission” is an alien present in the United States who has not been admitted
15 or who arrives in the United States, whether or not at a designated port of arrival. INA §
16 235(a)(1) [8 U.S.C. § 1225(a)(1)]. **Effective immediately, it is the position of DHS that such**
17 **aliens are subject to detention under INA § 235(b) [8 U.S.C. § 1225(b)] and may not be**
18 **released from ICE custody except by INA § 212(d)(5) parole.** These aliens are also ineligible
19 for a custody redetermination hearing (“bond hearing”) before an immigration judge and may
20 not be released for the duration of their removal proceedings absent a parole by DHS. For
21 custody purposes, these aliens are now treated in the same manner that “arriving aliens” have
22 historically been treated. **The only aliens eligible for a custody determination and release**
23 **on recognizance, bond, or other conditions under INA § 236(a) [8 U.S.C. § 1226(a)] during**
24 **removal proceedings are aliens admitted to the United States and chargeable with**
25 **deportability under INA § 237, with the exception of those subject to mandatory detention**
26 **under INA § 236(c) [8 U.S.C. § 1226(c)].**

27 Moving forward, ICE will not issue Form I-286, Notice of Custody Determination, to applicants
28 for admission because Form I-286 applies by its terms only to custody determinations under
INA § 236 and part 236 of Title 8 of the Code of Federal Regulations. With a limited exception
for certain habeas petitioners, on which the Office of the Principal Legal Advisor (OPLA) will
individually advise, if Enforcement and Removal Operations (ERO) previously conducted a
custody determination for an applicant for admission still detained in ICE custody, ERO will
affirmatively cancel the Form I-286.

See <https://www.aila.org/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission> (last accessed October 18, 2025) (emphasis original).

1 78. As a result, DHS now considers all noncitizens who have entered the United States
2 without inspection and are subject to the grounds of inadmissibility, including long-time U.S. residents,
3 to be subject to mandatory detention under section 1225(b) and ineligible for release on bond.
4 Conversely, according to DHS “[t]he only aliens eligible for a custody determination and release on
5 recognizance, bond, or other conditions under INA § 236(a) [8 U.S.C. § 1226(a)] during removal
6 proceedings are aliens admitted to the United States and chargeable with deportability under INA §
7 237, with the exception of those subject to mandatory detention under INA § 236(c) [8 U.S.C. §
8 1226(c)].” *Id.*

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10
11 79. Shortly thereafter, the Board of Immigration Appeals (“BIA”) issued decisions
12 reflecting the same interpretation. In *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025) and *Matter of Yajure*
13 *Hurtado*, 29 I&N Dec. 216 (BIA 2025), the Board concluded that Immigration Judges lack bond
14 authority over certain noncitizens present in the United States without admission because, in the
15 Board’s view, § 1225(b)(2)(A) mandates detention of such “applicants for admission” during removal
16 proceedings.

17
18 80. Federal courts, however, have rejected DHS’s attempt to reclassify noncitizens already
19 placed in removal proceedings as subject to mandatory detention under § 1225(b). Courts have
20 recognized that such individuals remain properly detained, if at all, under § 1226(a) and therefore retain
21 the statutory right to seek release on bond. See, e.g., *Bautista–Maldonado v. DHS*, holding that DHS
22 may not retroactively convert individuals already in removal proceedings into § 1225(b) detainees in
23 order to deny them access to bond.

24
25 81. Petitioner falls squarely within this framework. Petitioner entered the United States on
26 May 28, 2011, and was subsequently placed in removal proceedings under 8 U.S.C. § 1229a. Shortly
27 after entry, DHS briefly detained Petitioner pursuant to Form I-200. Following an individualized
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1 custody determination, an Immigration Judge ordered Petitioner's release on bond in the amount of
2 \$45,000, which Petitioner posted. Petitioner thereafter remained at liberty pursuant to that bond
3 determination for more than fifteen years while his removal proceedings remained pending. Because
4 Petitioner was placed in removal proceedings and released pursuant to an Immigration Judge's bond
5 determination, any subsequent detention is governed by 8 U.S.C. § 1226(a), which authorizes
6 discretionary detention and permits release on bond.
7

8 82. Respondents nevertheless rely upon DHS's July 8, 2025 Interim Guidance and the
9 Board's decisions in *Matter of Q. Li* and *Matter of Yajure-Hurtado* to contend that Petitioner is
10 categorically subject to mandatory detention under 8 U.S.C. § 1225(b). That interpretation conflicts
11 with the statutory structure of the INA and improperly attempts to retroactively reclassify Petitioner
12 after DHS previously exercised discretionary custody authority, secured his release through a bond
13 determination, and permitted him to remain at liberty for more than fifteen years.
14

15 83. The Government's re-detention of Petitioner conflicts not only with the statutory
16 framework of the INA but also with fundamental constitutional protections governing the revocation
17 of previously granted liberty.
18

19 84. Independent of the statutory violation, Petitioner's re-detention violates the Due Process
20 Clause of the Fifth Amendment because Respondents revoked liberty previously granted through an
21 Immigration Judge's bond determination without notice, without an opportunity to be heard, and
22 without any individualized pre-deprivation process.
23

24 85. An Immigration Judge previously determined that detention was unnecessary and
25 ordered Petitioner's release on bond. Petitioner posted that bond and relied upon that judicial custody
26 determination for more than fifteen years. During that period, Petitioner complied with all immigration
27 requirements, maintained employment authorization, pursued relief before the Immigration Court,
28

1 appeared as required, and never violated any condition of release. Despite Petitioner's longstanding
2 compliance—and despite DHS's awareness of Petitioner's 2022 arrest for approximately four years
3 before re-detention—Respondents revoked Petitioner's liberty without any pre-deprivation process
4 whatsoever.

5 86. Once the government grants liberty—particularly through a formal bond determination
6 by an Immigration Judge and where that liberty has been relied upon for years—that liberty interest
7 cannot be revoked arbitrarily or without constitutionally adequate procedures.
8

9 87. The Supreme Court has long recognized that once the government grants conditional
10 liberty, that liberty interest cannot be revoked without constitutionally adequate procedures. See
11 *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972) (recognizing that conditional liberty “includes many of
12 the core values of unqualified liberty”). That principle applies with equal force here, where Petitioner’s
13 liberty was granted through a formal custody determination and maintained for years without incident.
14

15 88. Courts have consistently held that when the government seeks to revoke previously
16 granted liberty, due process requires notice and an opportunity to be heard before a neutral
17 decisionmaker prior to the deprivation. See *Mathews v. Eldridge*, 424 U.S. 319 (1976); *Fuentes v.*
18 *Shevin*, 407 U.S. 67 (1972). These protections are at their apex where, as here, the government seeks
19 to withdraw liberty that has already been conferred and relied upon over an extended period.
20

21 89. Here, DHS provided no such process. On June 15, 2026, while working as a commercial
22 truck driver, Petitioner stopped at an inspection point in California. During the inspection, an officer
23 inquired about his immigration status.
24

25 90. Petitioner cooperated fully and presented valid identification, including his driver’s
26 license and employment authorization based on his pending asylum application.

27 91. DHS did not allege any violation of Petitioner’s bond conditions, any criminal conduct,
28

1 or any changed factual circumstances that would justify revocation of his liberty.

2 92. Instead, Petitioner's liberty was revoked solely based on a legal reinterpretation of
3 detention authority under DHS's July 8, 2025 Interim Guidance and the Board's decisions in *Matter of*
4 *Yajure-Hurtado* and *Matter of Q. Li*.

5 93. Petitioner was provided no advance notice that his release status would be reconsidered,
6 no opportunity to contest the asserted legal basis for detention, and no hearing before a neutral
7 decisionmaker prior to being taken into custody.

8 94. Revoking liberty that was previously granted through a bond determination—after years
9 of full compliance and without any alleged violation—based solely on a retroactive policy
10 interpretation violates the core protections of the Fifth Amendment's Due Process Clause.

11 95. The constitutional violation is particularly stark here, where Petitioner demonstrated
12 more than fifteen years of compliance, maintained lawful employment, and posed no danger or flight
13 risk. The government's decision to detain him summarily—without process and without individualized
14 justification—cannot satisfy due process.

15 96. Because the Government failed to provide any pre-deprivation process, the detention is
16 unlawful at its inception. Under these circumstances, a post hoc bond hearing cannot cure the
17 constitutional violation. Immediate release is therefore the appropriate remedy.

18 **CLAIMS FOR RELIEF**

19 **COUNT ONE**

20 **Violation of Petitioner's Fifth Amendment Right to Procedural Due Process**

21 97. Petitioner realleges and incorporates by reference all preceding paragraphs as though
22 fully set forth herein.

23 98. The Fifth Amendment provides that no person shall be deprived of liberty without due
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1 process of law. U.S. Const. amend. V.

2 99. Freedom from physical restraint lies at the core of the liberty protected by the Due
3 Process Clause. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

4 100. Shortly after Petitioner's entry into the United States in 2011, an Immigration Judge
5 conducted a custody determination and ordered Petitioner's release on bond in the amount of \$45,000.
6

7 101. Petitioner posted the bond and was released from custody.

8 102. For more than fifteen years thereafter, Petitioner remained at liberty pursuant to that
9 bond determination while participating in ongoing removal proceedings.

10 103. During that period, Petitioner complied with all immigration requirements, appeared as
11 required, maintained lawful employment pursuant to valid employment authorization, pursued asylum
12 relief, and established substantial family, employment, and community ties.
13

14 104. Petitioner therefore possessed a substantial liberty interest in remaining free from
15 physical detention.

16 105. On June 15, 2026, Respondents revoked Petitioner's previously granted liberty and
17 detained him without notice, without explanation, and without any pre-deprivation process.
18

19 106. Prior to detention, Respondents did not provide notice that they intended to revoke the
20 liberty previously granted through the Immigration Judge's bond order.

21 107. Respondents did not provide Petitioner with any meaningful opportunity to contest
22 detention before revoking his liberty.
23

24 108. Respondents did not provide Petitioner with an individualized custody determination.

25 109. Respondents did not provide Petitioner with a hearing before a neutral decisionmaker.

26 110. Respondents did not provide Petitioner any meaningful opportunity to present evidence
27 regarding his extensive compliance history, employment, family ties, community ties, pending asylum
28

1 application, valid employment authorization, or the circumstances surrounding his 2022 arrest.

2 111. DHS was aware of Petitioner's 2022 arrest and nevertheless permitted Petitioner to
3 remain at liberty for approximately four additional years without seeking to revoke his bond, modify
4 his release conditions, or initiate custody proceedings.

5 112. DHS's decision to permit Petitioner to remain released for approximately four years after
6 learning of the 2022 arrest demonstrates that no exigent circumstance existed requiring immediate
7 detention without notice or a pre-deprivation hearing. Had DHS believed detention was necessary, it
8 could have sought revocation of Petitioner's bond at any point during the ensuing years. It did not do
9 so.
10

11 113. Under *Mathews v. Eldridge*, 424 U.S. 319 (1976), Petitioner's private interest in
12 maintaining his physical liberty is extraordinarily significant.
13

14 114. The risk of erroneous deprivation is substantial where DHS revoked more than fifteen
15 years of liberty without any individualized process and without affording Petitioner an opportunity to
16 be heard.
17

18 115. The probable value of additional safeguards, including notice and an opportunity to
19 contest detention before liberty is revoked, is substantial.

20 116. Respondents therefore deprived Petitioner of liberty without constitutionally adequate
21 process.
22

23 117. The constitutional violation was complete the moment Respondents revoked Petitioner's
24 previously granted liberty without notice and an opportunity to be heard.

25 118. A post-hoc bond hearing cannot cure the completed constitutional violation.

26 119. Immediate release is necessary to restore the status quo ante and remedy the
27 unconstitutional deprivation of liberty.
28

COUNT TWO

Violation of Petitioner's Fifth Amendment Right to Substantive Due Process

120. Petitioner realleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

121. The Fifth Amendment prohibits executive detention that is arbitrary, irrational, or not reasonably related to a legitimate governmental purpose.

122. An Immigration Judge previously determined that Petitioner could safely remain at liberty and ordered his release on bond.

123. Petitioner remained at liberty pursuant to that bond order for more than fifteen years.

124. During those fifteen years, Petitioner complied with all immigration requirements, maintained employment, pursued relief before the Immigration Court, and remained continuously available to immigration authorities.

125. DHS never alleged that Petitioner violated any condition of release.

126. DHS was aware of Petitioner's 2022 arrest and nevertheless allowed him to remain released for approximately four additional years.

127. DHS did not seek revocation of bond, modification of release conditions, or any other custody review based upon that arrest.

128. Respondents nevertheless abruptly detained Petitioner on June 15, 2026, without any individualized determination that detention was necessary.

129. The Government's decision to permit Petitioner to remain at liberty for years after learning of the 2022 arrest demonstrates the absence of any exigent circumstance requiring immediate detention.

130. Revoking previously granted liberty after more than fifteen years of compliance, based

1 in part upon information known to DHS for years, without any individualized assessment of necessity,
2 is arbitrary and not reasonably related to a legitimate governmental purpose.

3 131. Petitioner's continued detention therefore violates substantive due process.

4 132. Immediate release is necessary to remedy the ongoing constitutional violation.

5 **COUNT THREE**

6 **Violation of the Immigration and Nationality Act**

7
8 133. Petitioner realleges and incorporates by reference all preceding paragraphs as though
9 fully set forth herein.

10 134. Shortly after Petitioner's entry into the United States, DHS initiated removal
11 proceedings under 8 U.S.C. § 1229a. Following an individualized custody determination, an
12 Immigration Judge ordered Petitioner's release on bond in the amount of \$45,000, which Petitioner
13 posted.
14

15 135. Petitioner thereafter remained at liberty pursuant to that bond determination for more
16 than fifteen years while his removal proceedings remained pending.

17 136. Under the statutory structure of the Immigration and Nationality Act, detention of
18 individuals in pending removal proceedings is governed by 8 U.S.C. § 1226(a), absent a separate
19 mandatory detention provision not applicable here.
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21 137. Section 1226(a) authorizes discretionary detention and expressly permits release on
22 bond.
23

24 138. Respondents nevertheless contend that Petitioner is subject to mandatory detention
25 pursuant to 8 U.S.C. § 1225(b) and categorically ineligible for release.

26 139. Neither Matter of Q. Li, 29 I&N Dec. 66 (BIA 2025), nor Matter of Yajure-Hurtado, 29
27 I&N Dec. 216 (BIA 2025), authorizes DHS to retroactively reclassify a noncitizen who was placed in
28

1 § 1229a proceedings, released pursuant to an Immigration Judge's bond determination, and permitted
2 to remain at liberty for more than fifteen years.

3 140. Respondents' interpretation improperly collapses the distinction between inspection-
4 stage detention under § 1225(b) and custody determinations governed by § 1226(a).

5 141. Respondents' detention of Petitioner therefore exceeds their statutory authority under
6 the Immigration and Nationality Act.

7 142. Because Petitioner's detention is unauthorized by statute, habeas relief under 28 U.S.C.
8 § 2241 is warranted.

9 143. Petitioner respectfully requests immediate release and restoration of the liberty
10 previously granted pursuant to the Immigration Judge's bond determination.

11 12 13 **COUNT FOUR**

14 **Violation of the Administrative Procedure Act**

15 144. Petitioner realleges and incorporates by reference all preceding paragraphs as though
16 fully set forth herein.

17 145. This Court has jurisdiction under 28 U.S.C. § 1331 and 5 U.S.C. §§ 702 and 706 to
18 review final agency action for which there is no other adequate remedy in a court.

19 146. DHS's determination that Petitioner is subject to mandatory detention under 8 U.S.C. §
20 1225(b), and its decision to re-detain Petitioner on June 15, 2026, based upon that interpretation,
21 constitute final agency action within the meaning of 5 U.S.C. § 704.

22 147. The custody determination is definitive, determines Petitioner's rights and obligations,
23 and has immediate legal consequences, including physical detention and the revocation of liberty
24 previously granted through an Immigration Judge's bond order.

25 148. The Administrative Procedure Act directs courts to hold unlawful and set aside agency
26
27
28

1 action that is contrary to law, in excess of statutory jurisdiction, authority, or limitations, or arbitrary
2 and capricious. 5 U.S.C. § 706(2).

3 149. DHS's application of § 1225(b) to Petitioner is contrary to the structure and plain
4 language of the Immigration and Nationality Act. Petitioner was placed in removal proceedings under
5 8 U.S.C. § 1229a, released pursuant to an Immigration Judge's bond determination, and permitted to
6 remain at liberty for more than fifteen years.
7

8 150. DHS's action is contrary to law because neither the INA, Matter of Q. Li, nor Matter of
9 Yajure-Hurtado authorizes DHS to revoke previously granted liberty and retroactively reclassify
10 Petitioner as subject to mandatory detention under § 1225(b).
11

12 151. DHS's action is also arbitrary and capricious because the agency:

- 13 a. provided no individualized custody determination;
14 b. provided no notice before revoking Petitioner's liberty;
15 c. relied principally upon a revised legal interpretation rather than any newly discovered conduct
16 or changed factual circumstance;
17 d. disregarded Petitioner's more than fifteen years of compliance with all immigration
18 obligations;
19 e. disregarded the fact that DHS was aware of Petitioner's 2022 arrest and nevertheless
20 permitted him to remain at liberty for approximately four additional years; and
21 f. failed to account for the substantial reliance interests created by the Immigration Judge's bond
22 determination and DHS's decision to permit Petitioner to remain at liberty for more than fifteen
23 years.
24
25

26 152. An agency changing course must provide a reasoned explanation for its action,
27 particularly where its prior decisions have created significant reliance interests.
28

153. DHS offered no individualized or reasoned explanation for reversing its prior custody determination and revoking Petitioner's liberty.

154. DHS failed to identify any changed factual circumstance occurring between Petitioner's continued release after the 2022 arrest and his June 15, 2026 detention that justified reversal of its longstanding custody position.

155. Because Respondents' custody determination is contrary to law, in excess of statutory authority, and arbitrary and capricious, it must be set aside pursuant to 5 U.S.C. § 706(2).

156. Petitioner respectfully requests declaratory and injunctive relief vacating the unlawful custody determination, restoring the status quo ante, and ordering Petitioner's immediate release from custody.

PRAYER FOR RELIEF

Wherefore, Petitioner requests this Court to grant the following:

1. Assume jurisdiction over this matter;
2. Grant the Petition for Writ of Habeas Corpus;
3. Declare that Respondents' detention of Petitioner without constitutionally adequate pre-deprivation process violates the Fifth Amendment;
4. Declare that Petitioner's detention, if authorized at all, is governed by 8 U.S.C. § 1226(a), not § 1225(b);
5. Order Respondents to immediately release Petitioner from custody and restore the status quo ante existing before the June 15, 2026 detention;
6. Enjoin Respondents from re-detaining Petitioner absent constitutionally adequate pre-deprivation process;
7. Grant Equal Access to Justice Act ("EAJA") fees and costs; and

1 8. Grant any other further relief this Court deems just and proper.

2 Respectfully,

3 /s/ Gurpreet Kaur

4 Gurpreet Kaur, Esq.

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6
7 **VERIFICATION PURSUANT TO 28 U.S.C. § 2242**

8 I represent Petitioner, and I submit this verification on his behalf. Because Petitioner is detained
9 at the Imperial Regional Detention Center and immediate relief is sought, counsel verifies this petition
10 on his behalf pursuant to 28 U.S.C. § 2242. I hereby verify that the factual statements made in the
11 foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.
12

13
14 Dated this 23rd day of June, 2026.

15
16 /s/ Gurpreet Kaur

17 Gurpreet Kaur, Esq.