

1 Gurpreet Kaur, Esq.
2 Kaur Legal Group, PC
3 674 County Square Dr, Suite 305
4 Ventura, CA 93003
5 Ph. 805-300-9003; Cell 909-997-4570
6 Fax: 805-716-6100
7 E-mail: gurpreetkauresq@gmail.com
8 *Attorney for Petitioner*

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**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.

Case No. 3:26-cv-03659-JES-MMP

**MOTION FOR TEMPORARY
RESTRAINING ORDER AND
ORDER TO SHOW CAUSE RE
PRELIMINARY INJUNCTION**

**MOTION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE
PRELIMINARY INJUNCTION**

I. INTRODUCTION

Petitioner seeks emergency relief to halt an ongoing and unconstitutional deprivation of liberty. More than fifteen years ago, an Immigration Judge determined that detention was unnecessary and ordered Petitioner's release on bond. Petitioner posted that bond and thereafter remained at liberty while his removal proceedings continued. During the ensuing fifteen years, Petitioner complied with all immigration requirements, appeared as required, maintained lawful employment, pursued relief before the Immigration Court, and established substantial family and community ties in the United States.

On June 15, 2026, Respondents abruptly revoked that previously granted liberty. While working as a commercial truck driver, Petitioner stopped at a routine commercial vehicle inspection checkpoint as required by his employment. After Petitioner fully cooperated and provided valid identification and employment authorization, he was referred to immigration officers and immediately detained.

This is not a case involving a violation of release conditions, a failure to appear, or any newly discovered conduct requiring immediate detention. To the contrary, DHS was aware of Petitioner's 2022 arrest and nevertheless allowed him to remain at liberty for approximately four additional years without seeking to revoke his bond, modify his release conditions, or initiate custody proceedings. Petitioner continued to comply with all requirements during that period.

Instead, Respondents seek to revoke liberty that had been granted and relied upon for more than fifteen years based principally on a revised legal interpretation of detention authority reflected in DHS's July 8, 2025 Interim Guidance and the Board's decisions in *Matter of Q. Li* and *Matter of Yajure-Hurtado*. Respondents now contend that Petitioner is categorically subject to mandatory detention under 8 U.S.C. § 1225(b), notwithstanding the prior bond determination and Petitioner's longstanding compliance.

That position is both legally incorrect and constitutionally impermissible. Once the Government grants liberty and an individual relies upon that liberty for years, due process prohibits its revocation

1 without notice and an opportunity to be heard before a neutral decisionmaker. Respondents provided no
2 such process here. Petitioner was afforded no notice, no individualized custody determination, and no pre-
3 deprivation hearing before his liberty was revoked.

4 Because the constitutional violation was complete at the moment Respondents revoked Petitioner's
5 previously granted liberty without due process, a post-hoc custody review cannot cure the deprivation
6 already suffered. Immediate release and restoration of the status quo ante are therefore the appropriate
7 remedies.
8

9 II. FACTS

10 Petitioner is a native and citizen of India who entered the United States on May 28, 2011, and was
11 subsequently placed in removal proceedings under 8 U.S.C. § 1229a. Shortly after entry, DHS briefly
12 detained Petitioner pursuant to Form I-200. Following an individualized custody determination, an
13 Immigration Judge ordered Petitioner's release on bond in the amount of \$45,000, which Petitioner posted.
14

15 Petitioner thereafter remained at liberty pursuant to that bond determination for more than fifteen
16 years while his removal proceedings remained pending. During that period, Petitioner complied with all
17 requirements imposed by DHS and the Immigration Court, appeared as required, maintained valid
18 employment authorization based upon his pending asylum application, maintained steady employment as
19 a commercial truck driver, and developed substantial family, employment, and community ties in the
20 United States.
21

22 Although Petitioner was arrested in 2022, DHS took no action to revoke his bond, modify his
23 release conditions, or otherwise detain him. Instead, DHS knowingly permitted Petitioner to remain at
24 liberty for approximately four additional years. Petitioner continued to comply with all immigration
25 requirements and remained available to immigration authorities at all times.
26
27
28

1 On June 15, 2026, while working as a commercial truck driver, Petitioner stopped at a routine
2 commercial vehicle inspection checkpoint as required in the course of his employment. Petitioner had
3 successfully completed similar inspections numerous times without incident.

4 After completing the vehicle inspection, officers requested Petitioner's identity documents.
5 Petitioner fully cooperated and provided proof of identity and valid employment authorization. Petitioner
6 also informed officers that he had a pending asylum application and had remained compliant with all
7 immigration requirements since his release on bond.
8

9 Following the inspection, Petitioner was referred to immigration officers and immediately
10 detained. Petitioner was not issued a citation, was not informed that he had committed any criminal, traffic,
11 or immigration-related violation, and was not provided any meaningful explanation for the detention
12 despite repeatedly asking why he was being detained.
13

14 Prior to detention, Respondents provided no notice that they intended to revoke Petitioner's
15 previously granted liberty. Respondents provided no individualized custody determination, no opportunity
16 to respond, and no pre-deprivation hearing before a neutral decisionmaker.
17

18 Respondents have since asserted that Petitioner is subject to mandatory detention under 8 U.S.C.
19 § 1225(b) pursuant to DHS's July 8, 2025 Interim Guidance and the Board's decisions in Matter of Q. Li
20 and Matter of Yajure-Hurtado. Petitioner disputes that interpretation and contends that any current
21 detention is governed by 8 U.S.C. § 1226(a). Regardless of the asserted statutory basis, Respondents
22 revoked liberty that had been granted through an Immigration Judge's bond determination and relied upon
23 for more than fifteen years without affording Petitioner any constitutionally adequate pre-deprivation
24 process.
25

26 Petitioner remains detained as a result of that unlawful revocation of liberty and continues to suffer
27 irreparable harm from his ongoing detention.
28

III. LEGAL STANDARD

The standards governing a TRO and a preliminary injunction are “substantially identical.” *Stuhlbarg Int’l Sales Co. v. John D. Bush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001).

A TRO may issue where the movant demonstrates: A likelihood of success on the merits, a likelihood of irreparable harm absent relief, that the balance of equities tips in his favor, and that an injunction is in the public interest. *Winter v. NRDC*, 555 U.S. 7, 20 (2008).

Alternatively, a TRO may issue where serious questions go to the merits and the balance of hardships tips sharply in the movant’s favor. *Friends of the Wild Swan v. Weber*, 767 F.3d 936, 942 (9th Cir. 2014).

IV. ARGUMENT

A. Petitioner Is Likely to Succeed on the Merits

1. Petitioner Is Detained Under § 1226(a), Not § 1225(b)

Petitioner is likely to succeed on the merits because Respondents' detention determination is unauthorized by the Immigration and Nationality Act and inconsistent with the statutory framework governing pre-final order detention. At a minimum, Respondents have identified no statutory provision authorizing the revocation of liberty previously granted through an Immigration Judge's bond determination without any individualized process.

Petitioner entered the United States on May 28, 2011, without inspection. Shortly thereafter, DHS briefly detained him pursuant to a Form I-200, served him with a Notice to Appear charging only INA § 212(a)(6)(A)(i), and placed him in removal proceedings under 8 U.S.C. § 1229a. Following an individualized custody determination, an Immigration Judge ordered Petitioner's release on bond in the amount of \$45,000, which Petitioner posted.

1 For more than fifteen years, Petitioner complied fully with every condition imposed by DHS and
2 the Immigration Court. He appeared as required, maintained valid employment authorization, pursued
3 relief before the Immigration Court, and never violated any condition of release.

4 Although Petitioner was arrested in 2022, DHS did not revoke his bond, modify his release
5 conditions, initiate custody proceedings, or otherwise seek to detain him. Instead, DHS knowingly
6 permitted Petitioner to remain at liberty for approximately four additional years while continuing to
7 comply with all immigration requirements.

9 On June 15, 2026, while working as a commercial truck driver, Petitioner stopped at a routine
10 commercial vehicle inspection checkpoint as required by his employment. After completing the inspection
11 and providing valid identification and employment authorization, Petitioner was referred to immigration
12 officers and immediately detained.

14 Respondents identified no violation of release conditions, no failure to appear, and no newly
15 discovered conduct warranting detention. Rather, Respondents rely principally upon DHS's July 8, 2025
16 Interim Guidance and the Board's decisions in Matter of Q. Li and Matter of Yajure-Hurtado to contend
17 that Petitioner is categorically subject to mandatory detention under 8 U.S.C. § 1225(b).

19 That position is contrary to the statutory structure of the INA. Section 1225(b) governs inspection-
20 stage detention of applicants for admission. It does not govern individuals who were arrested pursuant to
21 Form I-200, placed into § 1229a proceedings, released pursuant to an Immigration Judge's bond
22 determination, and permitted to remain at liberty in the United States for more than fifteen years.

24 DHS may not retroactively reclassify a long-released § 1226(a) detainee as subject to § 1225(b)
25 solely to eliminate the protections associated with discretionary detention. Because Respondents are
26 detaining Petitioner pursuant to an inapplicable mandatory detention provision, Petitioner is likely to
27 succeed on the merits of his statutory and constitutional claims.
28

2. Re-Detention Without Pre-Deprivation Process Violates the Fifth Amendment

Even if Respondents could establish statutory authority to detain Petitioner, the manner in which they revoked Petitioner's liberty independently violates the Due Process Clause of the Fifth Amendment.

Shortly after Petitioner's entry into the United States in 2011, an Immigration Judge conducted an individualized custody determination and ordered Petitioner's release on bond in the amount of \$45,000. Petitioner posted that bond and remained at liberty while his removal proceedings continued.

For more than fifteen years, Petitioner complied with all immigration requirements, appeared as required before immigration authorities, maintained valid employment authorization based upon his pending asylum application, maintained steady employment as a commercial truck driver, and established substantial family and community ties in the United States.

Although Petitioner was arrested in 2022, DHS did not revoke his bond, modify the conditions of his release, initiate custody proceedings, or otherwise seek to detain him. Instead, DHS knowingly permitted Petitioner to remain at liberty for approximately four additional years while continuing to comply with all immigration requirements.

On June 15, 2026, while working as a commercial truck driver, Petitioner stopped at a routine commercial vehicle inspection checkpoint as required by his employment. After completing the inspection and providing valid identification and employment authorization, Petitioner was referred to immigration officers and immediately detained.

Petitioner informed officers that he possessed valid employment authorization and had remained compliant with all requirements throughout the pendency of his immigration proceedings. Despite Petitioner's cooperation and longstanding compliance history, officers detained him and transported him into ICE custody.

1 Prior to detention, Respondents provided no notice that they intended to revoke Petitioner's
2 previously granted liberty. Respondents provided no individualized custody determination, no opportunity
3 to present evidence, no opportunity to contest the asserted basis for detention, and no pre-deprivation
4 hearing before a neutral decisionmaker.

5 Once the Government grants liberty and permits an individual to remain at liberty for more than
6 fifteen years, due process requires meaningful procedural safeguards before that liberty may be revoked.
7 See *Morrissey v. Brewer*, 408 U.S. 471 (1972); *Mathews v. Eldridge*, 424 U.S. 319 (1976).

9 Respondents provided none of those safeguards here. Instead, they revoked liberty that had been
10 granted through an Immigration Judge's bond determination and relied upon for more than fifteen years.

11 The constitutional violation is particularly acute because DHS was aware of Petitioner's 2022 arrest
12 and nevertheless allowed him to remain released for approximately four additional years. Respondents
13 therefore cannot plausibly contend that an emergency, exigent circumstance, or urgent public-safety
14 concern justified dispensing with due process altogether. If DHS believed detention was necessary based
15 upon the 2022 arrest, it could have sought revocation of Petitioner's bond years earlier while affording
16 Petitioner constitutionally adequate process. It did not do so.

18 Because Respondents revoked Petitioner's previously granted liberty without notice, without an
19 opportunity to be heard, and without any individualized pre-deprivation process, Petitioner is likely to
20 succeed on his procedural and substantive due process claims.

22 **B. Petitioner Is Suffering Irreparable Harm**

23 Loss of physical liberty constitutes irreparable harm as a matter of law. *Melendres v. Arpaio*, 695
24 F.3d 990, 1002 (9th Cir. 2012).

26 For more than fifteen years, DHS determined that Petitioner could safely remain at liberty pursuant
27 to an Immigration Judge's bond determination. Petitioner relied upon that determination by building a life
28

1 in the United States, maintaining lawful employment, supporting himself and his family, and complying
2 with all immigration requirements.

3 Respondents' abrupt revocation of that liberty—without notice, without any individualized
4 determination, and without any pre-deprivation process—has caused immediate and ongoing
5 constitutional injury.
6

7 Each additional day of detention inflicts irreparable harm that cannot be remedied through
8 monetary damages or post-hoc review. Petitioner remains separated from his employment, community,
9 and family while being forced to litigate from detention.

10 The constitutional injury is particularly acute because DHS knowingly permitted Petitioner to
11 remain at liberty for approximately four years after learning of his 2022 arrest. The Government's delay
12 confirms that no exigent circumstance justified immediate detention without process.
13

14 Immediate injunctive relief is therefore necessary to prevent continuing irreparable harm.

15 **C. The Balance of Equities and Public Interest Favor Relief**

16 The balance of equities sharply favors Petitioner. DHS itself previously determined—through a
17 bond decision—that Petitioner posed no danger and no flight risk. Respondents cannot credibly claim
18 harm from restoring that status quo or providing constitutionally required process.
19

20 By contrast, Petitioner is subjected to the most severe deprivation recognized in law—loss of
21 physical liberty—based solely on an unlawful policy interpretation.
22

23 The public interest is likewise served by ensuring that executive action complies with the
24 Constitution and the INA. The relief sought does not grant new rights—it restores the lawful status quo.

25 Because Respondents face no cognizable harm from compliance with federal law, the Court may
26 grant relief without requiring a bond under Rule 65(c).
27

28 **D. Immediate Release—Not a Post-Hoc Custody Hearing—Is the Proper Remedy**

1 Petitioner seeks restoration of the liberty that was previously granted through an Immigration
2 Judge's bond determination and unlawfully revoked without due process. Under these circumstances,
3 immediate release—not a post-hoc custody hearing—is the only remedy capable of restoring the status
4 quo ante and remedying the ongoing constitutional violation.

5 Federal courts possess broad authority in habeas proceedings to order release where detention is
6 unlawful. See *Boumediene v. Bush*, 553 U.S. 723, 779 (2008). That authority is particularly appropriate
7 where the Government has deprived an individual of liberty without statutory authority or in violation of
8 the Constitution.
9

10 This case does not involve an initial custody determination. More than fifteen years ago, an
11 Immigration Judge conducted an individualized custody determination and ordered Petitioner's release on
12 bond in the amount of \$45,000. Petitioner posted that bond and remained at liberty while his removal
13 proceedings continued.
14

15 For more than fifteen years, Petitioner complied with all immigration requirements, appeared as
16 required, maintained valid employment authorization, pursued relief before the Immigration Court,
17 maintained steady employment as a commercial truck driver, and established substantial family and
18 community ties in the United States. During that entire period, DHS never alleged that Petitioner violated
19 any condition of release.
20

21 Although Petitioner was arrested in 2022, DHS did not revoke his bond, modify the conditions of
22 his release, initiate custody proceedings, or otherwise seek to detain him. Instead, DHS knowingly
23 permitted Petitioner to remain at liberty for approximately four additional years. Petitioner continued to
24 comply with all immigration requirements and remained available to immigration authorities throughout
25 that period.
26
27
28

1 Respondents nevertheless revoked Petitioner's liberty on June 15, 2026 without notice, without an
2 individualized custody determination, without an opportunity to respond, and without any pre-deprivation
3 hearing before a neutral decisionmaker.

4 The constitutional violation was complete the moment Respondents revoked Petitioner's
5 previously granted liberty without constitutionally adequate procedural safeguards. Due process generally
6 requires notice and an opportunity to be heard before the Government deprives an individual of a protected
7 liberty interest. See *Mathews v. Eldridge*, 424 U.S. 319 (1976); *Fuentes v. Shevin*, 407 U.S. 67 (1972).
8

9 Respondents provided none of those safeguards here. Instead, they detained Petitioner first and
10 seek to justify that detention later. That sequence is precisely what the Due Process Clause prohibits.
11

12 The injury in this case is not merely the denial of a custody hearing. Nor is the injury merely
13 continued detention. The injury is the Government's revocation of liberty that had already been granted
14 through an Immigration Judge's bond determination and relied upon for more than fifteen years. Once that
15 liberty was revoked without notice, without an opportunity to be heard, and without any individualized
16 determination, the constitutional violation was complete.
17

18 A post-hoc custody hearing cannot retroactively legitimize an unlawful deprivation of liberty. By
19 the time such a hearing occurs, the constitutional injury has already been inflicted. Courts have repeatedly
20 recognized that where a deprivation occurs without the process constitutionally required before the
21 deprivation, subsequent procedural opportunities do not erase the completed violation.
22

23 Moreover, Respondents' anticipated position would invert due process entirely. Under
24 Respondents' theory, the Government could revoke liberty first, provide process later, and avoid
25 meaningful judicial review so long as some eventual hearing were offered. Such a rule would render pre-
26 deprivation process meaningless and would permit precisely the type of arbitrary governmental action the
27 Due Process Clause was designed to prevent.
28

1 The absence of any exigent circumstance further confirms that immediate detention without
2 process was unjustified. DHS was aware of Petitioner's 2022 arrest for approximately four years before
3 revoking his liberty. If Respondents believed detention was necessary, they could have sought appropriate
4 custody review years earlier while affording Petitioner constitutionally adequate process. They did not do
5 so. Having allowed Petitioner to remain at liberty for more than fifteen years—and for approximately four
6 years after learning of the 2022 arrest—Respondents cannot now claim urgency as a basis for dispensing
7 with due process altogether. Their decision to wait approximately four years after learning of the 2022
8 arrest before revoking Petitioner's liberty is fundamentally inconsistent with any claim that immediate
9 detention without process was necessary.
10

11 Nor would a future custody hearing restore the liberty interest that has already been taken. The
12 purpose of habeas corpus is to remedy unlawful restraints on liberty. Where the restraint itself resulted
13 from an unconstitutional revocation of previously granted liberty, restoration of that liberty is the remedy
14 most consistent with both habeas principles and the Due Process Clause.
15

16 Accordingly, Petitioner respectfully requests that the Court order his immediate release from
17 custody and restore the status quo ante that existed before June 15, 2026, when Respondents unlawfully
18 revoked the liberty previously granted through the Immigration Judge's bond determination.
19

20 **V. REQUESTED RELIEF**

21 Petitioner respectfully requests that the Court:

- 22 1. Issue a Temporary Restraining Order Prohibiting Respondents from transferring Petitioner outside
23 the Southern District of California during the pendency of this action;
24
- 25 2. Order Respondents to immediately release Petitioner from custody and restore the status quo ante
26 existing before June 15, 2026, when Respondents revoked the liberty previously granted through
27 the Immigration Judge's bond determination;
28

3. Enjoin Respondents from revoking Petitioner's restored liberty interest absent constitutionally adequate notice, an opportunity to be heard, and an individualized custody determination; and
4. Issue an Order to Show Cause why a preliminary injunction should not issue and set the matter for further proceedings at the Court's earliest convenience.

VI. CONCLUSION

Petitioner is likely to succeed on the merits because Respondents are detaining him pursuant to an unlawful interpretation of the Immigration and Nationality Act and because Respondents revoked liberty that had been granted through an Immigration Judge's bond determination without constitutionally adequate pre-deprivation process.

For more than fifteen years, Petitioner remained at liberty while complying with all immigration requirements. Although DHS was aware of Petitioner's 2022 arrest, it permitted him to remain released for approximately four additional years and never sought to revoke his bond or initiate custody proceedings. Respondents nevertheless revoked Petitioner's liberty on June 15, 2026 without notice, without an individualized determination, and without any opportunity to be heard.

Petitioner continues to suffer irreparable harm from his unlawful detention. Because the constitutional violation was complete when Respondents revoked Petitioner's liberty without due process, a post-hoc custody hearing cannot remedy the deprivation already suffered. Immediate injunctive relief is therefore necessary to restore the status quo ante, prevent further irreparable harm, and preserve this Court's jurisdiction.

Accordingly, Petitioner respectfully requests that the Court grant the requested Temporary Restraining Order and order Petitioner's immediate release from custody.

Respectfully,

/s/ Gurpreet Kaur
Gurpreet Kaur, Esq.

Dated this 23rd day of June, 2026.