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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,
Secretary of the U.S. Department of Homeland
Security; TODD BLANCHE, Attorney General of
the United States

Respondents.

Case No. 3:26-cv-3659-JES-MMP

PETITIONER'S REPLY TO RESPONDENTS' RESPONSE

1 Respondents' response leaves only one issue for this Court: the appropriate remedy.

2 Respondents expressly acknowledge that this Court has repeatedly rejected DHS's position that
3 Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b), concede that Petitioner's facts are
4 not materially distinguishable from those prior cases, and state that they do not oppose the Petition, instead
5 deferring to the Court regarding the appropriate relief.
6

7 Accordingly, there is no remaining dispute regarding the legal issue presented. The only remaining
8 question is whether the proper remedy is Petitioner's immediate release or a delayed bond hearing.

9 It should be immediate release.

10 **I. THIS CASE DOES NOT PRESENT A TYPICAL INITIAL DETENTION**

11 Respondents attempt to frame this case as another dispute over whether Petitioner is detained
12 pursuant to 8 U.S.C. § 1225(b) or § 1226(a). That framing ignores the factual posture that distinguishes
13 this case from the ordinary detention cases upon which Respondents rely.
14

15 This is not a case in which DHS apprehended an individual shortly after entry into the United
16 States and maintained continuous immigration detention while removal proceedings remained pending.
17 Nor is this a case involving an individual who violated conditions of release, absconded from immigration
18 authorities, failed to appear for immigration proceedings, or committed a criminal offense prompting
19 renewed detention.
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21 Instead, DHS exercised its discretion to release Petitioner in 2011 after placing him into removal
22 proceedings. Shortly thereafter, Petitioner posted an immigration bond, which DHS later cancelled after
23 determining that the bond conditions had been fully satisfied. Thereafter, the Immigration Court
24 administratively closed Petitioner's removal proceedings in July 2016, leaving the case dormant for nearly
25 a decade while Petitioner continued living and working openly in the United States.
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1 During this entire period, Petitioner remained fully compliant with every expectation placed upon
2 him. Respondents do not allege that Petitioner ever absconded, failed to appear before any immigration
3 tribunal, violated any condition of release, or attempted to evade immigration authorities. Equally
4 significant, Respondents identify no criminal conviction or other misconduct that would justify abruptly
5 revoking the liberty that DHS itself had permitted Petitioner to enjoy for approximately fifteen years.
6

7 Indeed, Respondents' own evidence demonstrates the opposite. Petitioner was encountered while
8 operating a commercial tractor-trailer during the course of his employment after stopping at a routine
9 Border Patrol checkpoint. He did not attempt to flee. He did not conceal his identity. He presented his
10 California commercial driver's license, answered Border Patrol's questions, and fully cooperated with
11 officers throughout the encounter. Respondents do not contend that the stop arose from criminal activity
12 or any violation of Petitioner's release conditions. Rather, Petitioner's detention occurred solely because
13 DHS elected to revisit an immigration case that had remained administratively closed for years.
14

15 These undisputed facts fundamentally distinguish this case from the ordinary detention cases cited
16 by Respondents. Petitioner's liberty was not temporary or fleeting; it was the product of DHS's own
17 discretionary custody determination and remained undisturbed for approximately fifteen years. During
18 that extended period, Petitioner demonstrated through his conduct exactly what immigration custody
19 determinations are intended to assess—that he was neither a danger to the community nor a flight risk.
20 Every day that Petitioner remained at liberty without incident reinforced the reasonableness of DHS's
21 original decision to permit his release.
22

23 Consequently, this case concerns far more than the statutory source of DHS's detention authority.
24 It concerns the Government's decision to revoke a longstanding grant of liberty after fifteen years of
25 complete compliance without identifying any intervening misconduct, changed circumstance, or newly
26 emerging public safety concern that would justify such an extraordinary deprivation of freedom.
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1 Respondents' response offers no explanation for why detention suddenly became necessary after years of
2 successful community supervision because no such explanation exists.

3 That distinction is critical to the appropriate remedy. Unlike an individual who has never been
4 released, Petitioner seeks restoration of the liberty he already possessed for approximately fifteen years.
5 Ordering a future bond hearing would not restore that status quo; it would merely prolong the deprivation
6 while requiring Petitioner to re-establish what his years of exemplary compliance have already
7 demonstrated—that he can safely and reliably remain at liberty while his immigration proceedings
8 continue. Immediate release, rather than a delayed bond hearing, is therefore the only remedy that fully
9 restores the status quo ante and meaningfully remedies Petitioner's unlawful detention.
10

11 **II. PETITIONER'S LONG HISTORY OF COMPLIANCE CONFIRMS THAT**
12 **CONTINUED DETENTION SERVES NO LEGITIMATE PURPOSE**
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14 Petitioner's nearly fifteen-year history of compliance demonstrates that his continued detention
15 serves no legitimate governmental interest. Respondents never identify any intervening event between
16 Petitioner's release and his re-detention that altered his risk profile or justified revoking the liberty DHS
17 had previously determined he could safely retain
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19 After DHS released Petitioner from custody in 2011, he remained at liberty for approximately
20 fifteen years without incident. During that time, DHS cancelled his immigration bond after determining
21 that its conditions had been satisfied, Petitioner's removal proceedings remained administratively closed,
22 and Petitioner continued living and working openly in the United States. Respondents do not dispute any
23 of these facts.
24

25 Equally significant is what Respondents do not allege. They do not contend that Petitioner failed
26 to appear for immigration proceedings, violated any condition of release, absconded from immigration
27 authorities, attempted to evade supervision, or committed any criminal offense during the many years he
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1 remained in the community. Nor do Respondents identify any material change in circumstances that
2 suddenly rendered detention necessary after years of successful release.

3 To the contrary, Respondents acknowledge that Petitioner was encountered while working as a
4 commercial truck driver after stopping at a routine Border Patrol checkpoint. Petitioner cooperated with
5 officers, identified himself, and remained compliant throughout the encounter. His detention was not
6 precipitated by criminal conduct, a violation of supervision, or any newly discovered risk to the public or
7 to the integrity of the immigration process. It resulted solely from DHS's decision to re-calendar previously
8 dormant removal proceedings.
9

10 These undisputed facts confirm that continued detention advances no legitimate governmental
11 objective. Petitioner's fifteen-year record of compliance is the strongest evidence available that he is
12 neither a danger to the community nor a flight risk. Having allowed Petitioner to remain at liberty for
13 nearly fifteen years without incident, Respondents cannot justify his continued incarceration by pointing
14 to the same immigration case that existed when they originally chose to release him. In the absence of any
15 intervening misconduct or changed circumstance, continued detention is arbitrary and unnecessary,
16 making immediate release—not a delayed bond hearing—the appropriate remedy.
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19 **III. IMMEDIATE RELEASE IS THE ONLY REMEDY THAT RESTORES THE STATUS**
20 **QUO ANTE**

21 Because Respondents do not oppose habeas relief, the only remaining question is the appropriate
22 remedy. Under the unique facts of this case, immediate release—not a future bond hearing—is the only
23 remedy that restores the status quo ante.
24

25 Before DHS abruptly re-detained Petitioner, he had lived at liberty for approximately fifteen years
26 pursuant to DHS's own discretionary custody determination. During that time, he fully complied with
27 every expectation placed upon him, maintained steady employment, remained available to immigration
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1 authorities, and never engaged in conduct that justified revocation of his liberty. That longstanding state
2 of affairs—not incarceration—is the status quo this Court should restore.

3 A delayed bond hearing would not remedy the constitutional injury. Instead, it would prolong
4 Petitioner's detention while requiring him to prove that he deserves the very liberty DHS had already
5 recognized for nearly fifteen years. Such relief would effectively ratify the deprivation of liberty that gave
6 rise to this habeas action and shift the burden to Petitioner to reestablish what his years of compliance
7 have already demonstrated—that he can safely remain at liberty while his removal proceedings continue.

9 Nor is there any equitable basis for prolonging Petitioner's detention. Respondents identify no
10 flight risk, no danger to the community, no violation of any release condition, and no changed
11 circumstance that justifies continued incarceration. Indeed, Respondents expressly acknowledge that this
12 Court's prior decisions control and decline to oppose the Petition, leaving only the appropriate form of
13 relief.
14

15 Habeas corpus is, at its core, an equitable remedy that authorizes courts to fashion relief sufficient
16 to cure the unlawful restraint on liberty. See *Boumediene v. Bush*, 553 U.S. 723, 779 (2008) (the habeas
17 court must possess the power to order the prisoner's conditional release as an effective remedy); *Preiser*
18 *v. Rodriguez*, 411 U.S. 475, 484 (1973) (the traditional function of the writ is to secure immediate release
19 from unlawful physical custody). Because Petitioner's injury is his present unlawful detention, the remedy
20 should restore the liberty he possessed immediately before DHS re-detained him.
21

22 Under these circumstances, immediate release is not extraordinary relief; it is the remedy that most
23 closely restores the parties to the positions they occupied before DHS unlawfully deprived Petitioner of
24 his liberty. Because Petitioner seeks restoration of the freedom he successfully maintained for nearly
25 fifteen years—not the creation of a new liberty interest—immediate release is the only remedy that fully
26 vindicates the writ and returns the parties to the status quo ante.
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IV. THE EQUITIES STRONGLY FAVOR IMMEDIATE RELEASE

The equitable considerations overwhelmingly favor Petitioner's immediate release.

For approximately fifteen years, Petitioner demonstrated that he could safely remain at liberty while his immigration proceedings were pending. During that time, he fully complied with DHS's custody determination, remained available to immigration authorities, maintained steady employment, and became a productive member of his community. Respondents do not dispute that Petitioner never violated the terms of his release, never absconded, and never committed any criminal offense that would justify revoking the liberty DHS previously afforded him.

Equally significant, Respondents concede that Petitioner was encountered while working as a commercial truck driver after stopping at a routine Border Patrol checkpoint. He did not flee, conceal his identity, or resist law enforcement. Rather, he cooperated fully with officers during an encounter that arose solely because he was performing his employment.

Respondents identify no legitimate governmental interest that outweighs Petitioner's substantial liberty interest. They do not allege that Petitioner presents a danger to the community, poses a flight risk, or engaged in any intervening misconduct warranting detention after nearly fifteen years of successful release. Nor do they oppose the Petition itself, acknowledging instead that this Court's prior decisions control.

By contrast, each additional day of detention inflicts an ongoing and irreparable deprivation of Petitioner's physical liberty, disrupts his employment, and separates him from the life he lawfully maintained for nearly fifteen years. Because Respondents have identified no countervailing equitable consideration justifying continued incarceration, the balance of equities overwhelmingly favors restoring Petitioner's liberty immediately rather than prolonging his detention through a post-deprivation bond hearing.

1 **CONCLUSION**

2 Respondents have effectively conceded that this Court's prior decisions govern this case, that
3 Petitioner's facts are materially indistinguishable from those prior decisions, and that they do not oppose
4 habeas relief.

5 Because Petitioner lived at liberty for approximately fifteen years, never violated the terms of his
6 release, maintained lawful employment, has no criminal history, and was re-detained only after stopping
7 at a routine checkpoint during the course of his employment, the appropriate remedy is not a delayed bond
8 hearing. It is the immediate restoration of the liberty that DHS itself allowed Petitioner to enjoy for over
9 a decade.
10

11 Accordingly, Petitioner respectfully requests that the Court grant the Petition and order Petitioner's
12 immediate release from custody, subject to whatever reasonable conditions of supervision DHS
13 maintained prior to his re-detention, rather than requiring Petitioner to prove his entitlement to the very
14 liberty that DHS itself recognized and honored for nearly fifteen years.
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16
17 Respectfully,

18 /s/ Gurpreet Kaur
19 Gurpreet Kaur, Esq.
20 Attorney for Petitioner

21 Dated this 30th day of June, 2026.
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