

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 **IN THE UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**

12 GURWINDER SINGH

13 Petitioner,

14 v.

Civil Action No.

15 TONYA ANDREWS, Administrator of Golden
16 State Annex; DAVID J. VENTURELLA, Acting
17 Director of Immigration and Customs
18 Enforcement; MARKWAYNE MULLIN,
19 Secretary of the U.S. Department of Homeland
20 Security; TODD BLANCHE, Attorney General of
21 the United States

**VERIFIED PETITION FOR
HABEAS CORPUS**

22 Respondents.

23 **INTRODUCTION**

24 1. Petitioner Singh respectfully petitions this Court for a writ of habeas corpus pursuant to 28
25 U.S.C. § 2241 challenging his unlawful detention and seeking immediate release from custody. This case
26 arises from Respondents' abrupt and unconstitutional revocation of Petitioner's liberty after more than
27 three years of complete compliance with every condition imposed by the Department of Homeland
28 Security ("DHS").

29 2. Petitioner is a native and citizen of India who entered the United States without inspection
on or about November 14, 2022. Shortly after entry, DHS briefly detained him pursuant to a Form I-200.

1 DHS thereafter exercised its discretion to release Petitioner on his own recognizance, enrolled him in the
2 Alternatives to Detention ("ATD") program, required periodic reporting to Immigration and Customs
3 Enforcement ("ICE"), and permitted him to remain at liberty while his removal proceedings remained
4 pending.

5 3. On November 19, 2022, DHS served Petitioner with a Notice to Appear charging him
6 solely under INA § 212(a)(6)(A)(i). Petitioner thereafter appeared in removal proceedings pursuant to 8
7 U.S.C. § 1229a. Petitioner has a timely filed application for asylum that remains pending before the
8 Immigration Court and has maintained valid employment authorization throughout these proceedings.
9

10 4. Following his release, Petitioner fully complied with every condition imposed by DHS. He
11 appeared for every required ICE appointment, complied with every ATD requirement, remained at his
12 known residence, maintained communication with immigration authorities, and never violated any
13 condition of his release. Throughout this period, DHS always knew where Petitioner lived, where he
14 worked, and how to contact him.
15

16 5. On July 8, 2025, DHS issued Interim Guidance asserting that certain noncitizens who
17 entered without inspection remain subject to mandatory detention under 8 U.S.C. § 1225(b). DHS has
18 since relied upon that guidance, together with *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), and *Matter of*
19 *Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), to justify the re-detention of previously released
20 noncitizens. Whether Petitioner's detention is governed by § 1225(b) or § 1226(a) remains a disputed legal
21 issue presently being litigated in federal courts throughout this Circuit.
22

23 6. On June 27, 2026, while Petitioner was walking on a public street toward his vehicle, ICE
24 officers stopped him and questioned him regarding his identity. Petitioner cooperated fully and informed
25 the officers that he had a pending asylum application, possessed valid employment authorization, and had
26 faithfully complied with every ICE reporting requirement since his release. The officers nevertheless
27
28

1 transported Petitioner to an ICE facility where DHS revoked his previously granted liberty.

2 7. Prior to taking Petitioner into custody, Respondents provided no advance notice that his
3 release was under review, no individualized custody determination, no opportunity to respond to the
4 reasons for his detention, and no pre-deprivation hearing before a neutral decisionmaker. Petitioner was
5 never afforded an opportunity to address whether continued detention was warranted before his liberty
6 was revoked.

7
8 8. At the time of his detention, Petitioner remained gainfully employed pursuant to valid
9 employment authorization, maintained significant family and community ties, had a pending asylum
10 application before the Immigration Court, and had demonstrated years of complete compliance with every
11 condition imposed by DHS supervision.

12
13 9. Freedom from physical restraint lies at the core of the liberty protected by the Due Process
14 Clause. After permitting Petitioner to remain at liberty for more than three years while fully complying
15 with every condition imposed upon him, Respondents revoked that liberty without notice, without any
16 meaningful opportunity to be heard, and without providing the individualized pre-deprivation process
17 required by the Fifth Amendment.

18
19 10. Immediate habeas relief is necessary to restore the status quo ante and remedy Respondents'
20 ongoing constitutional violation.

21 **JURISDICTION**

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

24
25 12. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28
26 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension
27 Clause).

1 21. Shortly after entry, DHS briefly detained Petitioner pursuant to a Form I-200, Warrant for
2 Arrest of Alien.

3 22. DHS thereafter exercised its discretion to release Petitioner on his own recognizance and
4 permitted him to remain at liberty while removal proceedings were pending.

5 23. As a condition of release, DHS enrolled Petitioner in the Alternatives to Detention ("ATD")
6 program and required periodic reporting to ICE.

7 24. On November 19, 2022, DHS served Petitioner with a Notice to Appear charging him
8 solely under INA § 212(a)(6)(A)(i).

9 25. Petitioner timely filed an application for asylum, which remains pending before the
10 Immigration Court.

11 26. Based upon his pending asylum application, Petitioner obtained valid employment
12 authorization and remained lawfully employed throughout the period of his release.

13 27. For more than three years following his release, Petitioner fully complied with every
14 condition imposed by DHS. He appeared for every ICE reporting appointment, complied with all ATD
15 requirements, maintained communication with immigration authorities, and remained at his known
16 residence. DHS never alleged that Petitioner violated any condition of release or failed to comply with
17 any reporting obligation.

18 28. Throughout Petitioner's release, DHS knew where he resided, where he worked, and how
19 to contact him.

20 29. On July 8, 2025, DHS issued Interim Guidance asserting that certain noncitizens previously
21 released into the interior of the United States remain subject to detention under 8 U.S.C. § 1225(b). DHS
22 subsequently relied upon that guidance, together with *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), and
23 *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), to justify the re-detention of previously released
24
25
26
27
28

1 noncitizens.

2 30. On June 27, 2026, while Petitioner was walking on a public street toward his vehicle, ICE
3 officers stopped him and questioned him regarding his identity.

4 31. Petitioner fully cooperated with the officers. He advised them that he had a pending asylum
5 application, possessed valid employment authorization, and had faithfully complied with all ICE reporting
6 requirements since his release.
7

8 32. ICE officers nevertheless transported Petitioner to an ICE facility and placed him into
9 immigration custody.

10 33. Before revoking Petitioner's liberty, Respondents did not provide advance notice that his
11 release was under review, did not provide an individualized custody determination, did not permit
12 Petitioner to respond to the asserted basis for detention, and did not afford him any pre-deprivation hearing
13 before a neutral decisionmaker.
14

15 34. Petitioner repeatedly requested an explanation for his detention. He was not afforded any
16 meaningful opportunity to contest the revocation of his release before being taken into custody.
17

18 35. At the time of his detention, Petitioner remained employed pursuant to valid employment
19 authorization, maintained significant family and community ties, and had fully complied with every
20 condition of DHS supervision for more than three years.

21 STATUTORY FRAMEWORK

22 36. The INA prescribes three basic forms of detention for noncitizens in removal proceedings.
23 First, 8 U.S.C. § 1226(a) authorizes the detention of noncitizens in standard non-expedited removal
24 proceedings before an IJ. *See* 8 U.S.C. § 1226(a); 8 U.S.C. § 1229a. Individuals in section 1226(a)
25 detention are entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a),
26 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are
27
28

1 subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

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

5 38. Finally, the INA also provides for detention of noncitizens who are subject to final orders
6 of removal, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b). The
7 detention provisions at section 1226(a) and 1225(b)(2) were enacted as part of the Illegal Immigration
8 Reform and Immigrant Responsibility Act (“IIRIRA”) of 1996, Pub. L. No. 104-208, Div. C, §§ 302–03,
9 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Section 1226(c) was most recently amended
10 earlier this year by the Laken Riley Act (“LRA”), Pub. L. No. 119-1, 139 Stat. 3 (2025).

11 39. Following enactment of the IIRIRA, the EOIR drafted new regulations explaining that, in
12 general, people who entered the country without inspection were not considered detained under section
13 1225 and that they were instead detained under section 1226(a). *See* Inspection and Expedited Removal
14 of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62
15 Fed. Reg. 10312, 10323 (Mar. 6, 1997). In the decades that followed, most noncitizens who entered
16 without inspection—unless they were subject to some other detention authority—received bond hearings.
17 This practice was also consistent with the practice prior to the enactment of the IIRIRA, in which
18 noncitizens who were not deemed “arriving” were entitled to a custody hearing before an IJ or other
19 hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996)
20 (noting that section 1226(a) simply “restates” the detention authority previously found at section 1252(a)).

21 40. On July 8, 2025, DHS issued a memo to all employees of ICE stating that “[t]his message
22 serves as notice that DHS, in coordination with the Department of Justice (DOJ), has revisited its legal
23 position on detention and release authorities. DHS has determined that section 235 of the Immigration and
24
25
26
27
28

1 Nationality Act (INA) [8 U.S.C. § 1225], rather than section 236 [8 U.S.C. § 1226], is the applicable
2 immigration detention authority for all applicants for admission. The following interim guidance is
3 intended to ensure immediate and consistent application of the Department's legal interpretation while
4 additional operational guidance is developed." The memo further stated DHS' new position with regard
5 to custody determinations as follows:
6

7 An "applicant for admission" is an alien present in the United States who has not been admitted
8 or who arrives in the United States, whether or not at a designated port of arrival. INA §
9 235(a)(1) [8 U.S.C. § 1225(a)(1)]. **Effective immediately, it is the position of DHS that such**
10 **aliens are subject to detention under INA § 235(b) [8 U.S.C. § 1225(b)] and may not be**
11 **released from ICE custody except by INA § 212(d)(5) parole.** These aliens are also ineligible
12 for a custody redetermination hearing ("bond hearing") before an immigration judge and may
13 not be released for the duration of their removal proceedings absent a parole by DHS. For
14 custody purposes, these aliens are now treated in the same manner that "arriving aliens" have
15 historically been treated. **The only aliens eligible for a custody determination and release**
16 **on recognizance, bond, or other conditions under INA § 236(a) [8 U.S.C. § 1226(a)] during**
17 **removal proceedings are aliens admitted to the United States and chargeable with**
18 **deportability under INA § 237, with the exception of those subject to mandatory detention**
19 **under INA § 236(c) [8 U.S.C. § 1226(c)].**

20 Moving forward, ICE will not issue Form I-286, Notice of Custody Determination, to applicants
21 for admission because Form I-286 applies by its terms only to custody determinations under
22 INA § 236 and part 236 of Title 8 of the Code of Federal Regulations. With a limited exception
23 for certain habeas petitioners, on which the Office of the Principal Legal Advisor (OPLA) will
24 individually advise, if Enforcement and Removal Operations (ERO) previously conducted a
25 custody determination for an applicant for admission still detained in ICE custody, ERO will
26 affirmatively cancel the Form I-286. *See* [https://www.aila.org/ice-memo-interim-guidance-](https://www.aila.org/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission)
27 [regarding-detention-authority-for-applications-for-admission](https://www.aila.org/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission) (last accessed October 18, 2025)
28 (emphasis original).

41. As a result, DHS now considers all noncitizens who have entered the United
States without inspection and are subject to the grounds of inadmissibility, including long-time
U.S. residents, to be subject to mandatory detention under section 1225(b) and ineligible for
release on bond. Conversely, according to DHS "[t]he only aliens eligible for a custody
determination and release on recognizance, bond, or other conditions under INA § 236(a) [8
U.S.C. § 1226(a)] during removal proceedings are aliens admitted to the United States and

chargeable with deportability under INA § 237, with the exception of those subject to mandatory detention under INA § 236(c) [8 U.S.C. § 1226(c)].” *Id.*

42. Shortly thereafter, the Board of Immigration Appeals (“BIA”) issued decisions reflecting a similar interpretation. In *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), and *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), the Board concluded that Immigration Judges lack bond authority over certain noncitizens present in the United States without admission because, in the Board’s view, 8 U.S.C. § 1225(b)(2)(A) mandates detention of such “applicants for admission” during removal proceedings.

43. Federal courts, however, have rejected DHS’s attempt to reclassify noncitizens already placed in removal proceedings as subject to mandatory detention under § 1225(b). Courts have recognized that such individuals remain properly detained, if at all, under 8 U.S.C. § 1226(a) and therefore retain the statutory right to seek release on bond. See, e.g., *Bautista-Maldonado v. DHS* (holding that DHS may not retroactively convert individuals already in removal proceedings into § 1225(b) detainees in order to deny them access to bond). Courts in this District have repeatedly rejected materially identical re-detention practices. (*Labrador-Prato v. Noem*, 1:25-cv-01598-DC-SCR, 2025 WL 3458802 (E.D. Cal. Dec. 2, 2025), *Selis Tinoco v. Noem*, 1:25-cv-01762-DC-JDP, 2025 WL 3567862 (E.D. Cal. Dec. 14, 2025)).

44. Petitioner Shubham entered the United States on or about November 14, 2022, without inspection, and was thereafter placed in removal proceedings under 8 U.S.C. § 1229a. Shortly after entry, DHS briefly detained Petitioner pursuant to a Form I-200 but then exercised its discretion to release him on an Order of Release on Recognizance (“ROR”), subject to Alternatives to Detention (“ATD”) supervision and periodic ICE reporting requirements. DHS thereafter permitted Petitioner to remain at liberty while his removal proceedings were pending.

1 Although Respondents now contend that Petitioner's detention is governed by 8 U.S.C. §
2 1225(b), Petitioner maintains that his custody is governed by 8 U.S.C. § 1226(a). Regardless of
3 which statutory provision ultimately applies, Respondents cannot constitutionally revoke
4 previously granted liberty without affording the procedural protections guaranteed by the Fifth
5 Amendment.

6
7 45. On information and belief, Respondents rely upon DHS's July 8, 2025 Interim
8 Guidance, together with *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), and *Matter of Yajure-*
9 *Hurtado*, 29 I&N Dec. 216 (BIA 2025), to assert that Petitioner is subject to mandatory
10 detention under § 1225(b) and therefore ineligible for bond. That interpretation conflicts with
11 the statutory structure of the INA and improperly attempts to convert a discretionary custody
12 determination into mandatory detention after DHS previously granted Petitioner liberty and
13 permitted him to remain free for years.

14
15 46. Neither *Matter of Yajure-Hurtado* nor *Matter of Q. Li* authorizes DHS to
16 summarily re-detain an individual who was previously released on an Order of Release on
17 Recognizance and who has remained fully compliant with every condition of supervision for
18 years. Those decisions address the scope of Immigration Judge bond jurisdiction, not whether
19 DHS may revoke an established liberty interest without constitutionally adequate process.
20

21 47. Respondents' position improperly collapses the distinction between initial
22 inspection-stage custody and post-release detention, rendering DHS's own discretionary release
23 determination meaningless. More fundamentally, regardless of the statutory detention authority
24 ultimately applicable, nothing in the INA authorizes Respondents to revoke Petitioner's
25 previously granted liberty without providing the process required by the Fifth Amendment.
26

27 48. Independent of the statutory dispute, Petitioner's re-detention violates the Due
28

1 Process Clause because Respondents revoked his previously granted liberty without providing
2 any notice, individualized custody determination, opportunity to be heard, or pre-deprivation
3 hearing.

4 49. DHS initially determined that detention was unnecessary and released Petitioner
5 on an Order of Release on Recognizance subject to ATD supervision and periodic ICE reporting
6 requirements.
7

8 50. Petitioner reasonably relied upon that custody determination and built his life
9 around the liberty granted by DHS. He obtained valid employment authorization based upon
10 his pending asylum application, maintained lawful employment, established significant family
11 and community ties, complied with every reporting requirement, and remained actively engaged
12 in his immigration proceedings.
13

14 51. Petitioner never violated any condition of his release. Throughout the period of
15 supervision, DHS never alleged that Petitioner failed to report, absconded, violated any ATD
16 requirement, or otherwise failed to comply with any condition imposed by DHS.
17

18 52. Throughout Petitioner's release, DHS knew Petitioner's residential address,
19 employment information, and contact information. DHS also knew Petitioner possessed valid
20 employment authorization based upon his pending asylum application and remained in ongoing
21 removal proceedings.
22

23 53. On June 27, 2026, while Petitioner was walking on a public street toward his
24 vehicle, ICE officers approached him and questioned him regarding his identity. Petitioner fully
25 cooperated with the officers and answered their questions.

26 54. Petitioner informed the officers that he had a pending asylum application,
27 possessed valid employment authorization, and had faithfully complied with every ICE
28

1 reporting requirement since his release. He also advised the officers that he remained in removal
2 proceedings before the Immigration Court.

3 55. ICE officers nevertheless detained Petitioner and transported him to an ICE
4 facility without providing any explanation for the detention or identifying any violation of
5 Petitioner's release conditions.

6 56. Petitioner repeatedly requested an explanation for his detention. He was not
7 provided any meaningful reason before being taken into immigration custody.

8 57. Prior to revoking Petitioner's release, Respondents provided no advance notice
9 that his liberty was under review, no opportunity to contest detention, no individualized custody
10 determination, and no pre-deprivation hearing before a neutral decisionmaker.

11 58. Respondents likewise failed to identify any violation of Petitioner's release
12 conditions, any material change in circumstances, or any individualized basis demonstrating
13 that Petitioner posed a danger to the community or a flight risk before depriving him of his
14 liberty.

15 59. At the time of his detention, Petitioner had successfully lived in the community
16 for more than three years while fully complying with every condition imposed by DHS. He had
17 appeared for every ICE appointment, complied with all ATD requirements, maintained valid
18 employment authorization, remained gainfully employed, and continued pursuing his pending
19 asylum application before the Immigration Court.

20 60. Petitioner was afforded no meaningful opportunity to consult with counsel,
21 present information on his behalf, respond to any asserted basis for detention, or otherwise
22 challenge the revocation of his previously granted liberty before being taken into immigration
23 custody.

61. Once the Government grants liberty through a formal custody determination and permits an individual to remain free for years while fully complying with supervision requirements, that liberty constitutes a protected interest that cannot be revoked without constitutionally adequate procedures. See *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972).

62. Respondents revoked Petitioner's liberty without advance notice, without a hearing, without any individualized process, and without any determination, made after providing constitutionally adequate procedures, that continued detention was necessary.

63. On information and belief, Respondents' actions were undertaken pursuant to DHS's July 8, 2025 Interim Guidance and the legal interpretations reflected in *Matter of Q. Li* and *Matter of Yajure-Hurtado*, rather than any individualized assessment of Petitioner's compliance history, reliance interests, or present circumstances.

64. The Due Process Clause does not permit the Government to grant liberty, permit an individual to rely upon that liberty for years through successful compliance with DHS supervision, and then summarily revoke that liberty without first providing notice and a meaningful opportunity to be heard.

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Substantive Due Process

65. The allegations in the above paragraphs are realleged and incorporated herein.

66. Petitioner challenges DHS's unlawful custody determination that he is subject to detention under 8 U.S.C. § 1225(b) and categorically ineligible for bond, as well as his continued detention based on that determination.

67. The Fifth Amendment provides: “No person shall be ... deprived of life, liberty, or

1 property, without due process of law.” U.S. Const. amend. V. “Freedom from imprisonment—from
2 government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that
3 Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

4 68. Shortly after Petitioner entered the United States on November 14, 2022, DHS exercised
5 its discretionary custody authority and released him on his own recognizance subject to supervision
6 requirements.
7

8 69. DHS thereafter permitted Petitioner to remain at liberty in the United States for more than
9 three years while he participated in removal proceedings under 8 U.S.C. § 1229a and pursued asylum
10 relief.
11

12 70. During that entire period, Petitioner fully complied with every condition imposed by DHS.
13 He appeared for all ICE appointments, complied with all reporting requirements, maintained valid
14 employment authorization based upon his pending asylum application, and never violated any condition
15 of release.
16

17 71. Respondents never alleged that Petitioner absconded, failed to report, violated any
18 condition of release, posed a danger to the community, or presented a flight risk.

19 72. On June 27, 2026, ICE officers detained Petitioner and transported him into immigration
20 custody, thereby revoking the liberty previously granted by DHS.

21 73. Prior to revoking Petitioner's release, Respondents did not provide advance notice that his
22 liberty was under review, did not afford him an individualized custody determination, and did not provide
23 any meaningful opportunity to be heard before depriving him of his liberty.
24

25 74. Respondents did not identify, before revoking Petitioner's release, any violation of his
26 release conditions, any material change in circumstances, or any individualized determination
27 demonstrating that continued detention was necessary.
28

Violation of Petitioner's Procedural Due Process Rights

82. The allegations in the above paragraphs are realleged and incorporated herein.

83. In *Mathews v. Eldridge*, the U.S. Supreme Court set forth the factors to consider in determining if government action deprives an individual's Fifth Amendment right to procedural due process or whether the government process is constitutionally adequate. 424 U.S. 319 (1976) The *Mathews* factors are as follows: First, the private interest that will be affected by the official action; [S]econd, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; Third, the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail. *Id.* at 335.

84. The risk of erroneous deprivation is substantial. DHS re-detained Petitioner without any individualized custody review, without alleging any violation or changed circumstance, and without affording him access to a bond hearing. The probable value of additional safeguards—namely, an individualized bond hearing before a neutral adjudicator—is immense.

85. Procedural due process requires notice and a meaningful opportunity to be heard before the government deprives an individual of a protected liberty interest, except in extraordinary circumstances not present here.

86. Petitioner possessed a recognized liberty interest in remaining free from physical detention. That liberty interest was reinforced by DHS's prior decision to release him and permit him to remain at liberty under supervision for an extended period.

87. Prior to detaining Petitioner, Respondents failed to provide:

a. notice that DHS intended to revoke his release;

b. notice that DHS considered him subject to mandatory detention;

1 c. notice of any alleged violation or changed circumstance;

2 d. an individualized custody review;

3 e. an opportunity to present evidence;

4 f. an opportunity to contest detention; or

5 g. a hearing before a neutral decisionmaker

6
7 88. Instead, on June 27, 2026, ICE officers detained Petitioner, transported him into
8 immigration custody, and summarily revoked the liberty DHS had previously granted him.

9 89. At no time before being taken into custody was Petitioner afforded a meaningful
10 opportunity to contest the revocation of his release or demonstrate why continued detention was
11 unwarranted.

12 90. Respondents did not provide Petitioner any meaningful explanation before revoking his
13 liberty, did not identify any violation of his release conditions, and did not conduct any individualized
14 determination, prior to detention, that Petitioner posed a danger to the community or a flight risk.

15 91. The risk of an erroneous deprivation resulting from Respondents' procedures was
16 substantial. By dispensing entirely with any pre-deprivation process, Respondents eliminated any
17 opportunity to consider Petitioner's years of successful compliance, significant community ties, ongoing
18 employment, pending asylum proceedings, or other individualized circumstances before depriving him of
19 his liberty.

20 92. The value of additional procedural safeguards was considerable. Providing notice and a
21 meaningful opportunity to be heard before revoking Petitioner's previously granted liberty would have
22 substantially reduced the risk of an erroneous deprivation while imposing only minimal administrative
23 burdens upon the Government.

24 93. No exigent circumstances justified dispensing with pre-deprivation procedures. Petitioner
25
26
27
28

1 had remained continuously compliant with DHS supervision for more than three years, maintained a
2 known residence, remained gainfully employed, possessed valid employment authorization, and
3 consistently appeared for every required ICE appointment.

4 94. Respondents therefore deprived Petitioner of his liberty without providing the
5 constitutionally required pre-deprivation process guaranteed by the Fifth Amendment.

6
7 95. The constitutional violation was complete the moment Respondents revoked Petitioner's
8 previously granted liberty without notice and without a meaningful opportunity to be heard.

9 96. Any subsequent custody review, custody redetermination, or bond proceeding cannot
10 retroactively cure the completed constitutional violation because due process required constitutionally
11 adequate procedures **before** Petitioner's liberty was revoked.

12
13 97. Respondents' actions violate Petitioner's procedural due process rights under the Fifth
14 Amendment.

15 98. Immediate release is the appropriate remedy to restore the status quo ante and remedy
16 Respondents' ongoing unconstitutional deprivation of Petitioner's liberty

17 **COUNT THREE**

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

19
20 99. The allegations in the above paragraphs are realleged and incorporated herein.

21 100. Petitioner was placed in removal proceedings under 8 U.S.C. § 1229a and released on an
22 Order of Release on Recognizance. Under the statutory structure of the INA, detention in such proceedings
23 is governed by 8 U.S.C. § 1226(a), absent a separate mandatory detention provision not applicable here.

24
25 101. Section 1226(a) authorizes discretionary detention and expressly permits release on bond.
26 Nothing in the statute authorizes DHS to retroactively reclassify a noncitizen already placed in § 1229a
27 proceedings and previously released under § 1226(a) as subject to mandatory detention under § 1225(b).
28

1 102. Neither Matter of Q. Li nor Matter of Yajure-Hurtado authorizes DHS to revoke long-
2 standing liberty interests previously granted through discretionary release where the noncitizen remained
3 fully compliant and committed no violation of release conditions.

4 103. Respondents' categorical denial of bond eligibility and reliance on § 1225(b) exceed
5 statutory authority and are contrary to law.
6

7 104. Because Petitioner's detention is not authorized by the INA, habeas relief under 28 U.S.C.
8 § 2241 is warranted.

9 **COUNT FOUR**

10 **Violation of the Administrative Procedure Act**

11 105. The allegations above are incorporated herein. This Court has jurisdiction under 28 U.S.C.
12 § 1331 and 5 U.S.C. §§ 702 and 706 to review final agency action for which there is no other adequate
13 remedy in a court.
14

15 106. DHS's determination that Petitioner is subject to mandatory detention under 8 U.S.C. §
16 1225(b), and its re-detention of him on June 28, 2026 based solely on that interpretation, constitute final
17 agency action within the meaning of 5 U.S.C. § 704. The custody determination is definitive, determines
18 Petitioner's rights and obligations, and has immediate legal consequences—namely, his continued
19 physical detention and categorical ineligibility for bond.
20

21 107. The Administrative Procedure Act directs courts to “hold unlawful and set aside agency
22 action” that is contrary to law; in excess of statutory jurisdiction, authority, or limitations; or arbitrary,
23 capricious, or otherwise not in accordance with law. 5 U.S.C. § 706(2).
24

25 108. DHS's application of § 1225(b) to Petitioner—who was arrested pursuant to a Form I-200,
26 released on an Order of Release on Recognizance, and placed in removal proceedings under 8 U.S.C. §
27 1229a—is contrary to the structure and plain language of the Immigration and Nationality Act. Petitioner
28

1 is subject, if at all, to detention under 8 U.S.C. § 1226(a), which authorizes discretionary detention and
2 eligibility for release on bond.

3 109. By reclassifying Petitioner as subject to mandatory detention under § 1225(b), DHS has
4 acted in excess of its statutory authority and effectively nullified the bond eligibility expressly provided
5 under § 1226(a).
6

7 110. DHS's action is also arbitrary and capricious. The agency:

8
9 a. provided no individualized custody determination;

10 b. relied solely on a revised legal interpretation rather than any new conduct or changed factual
11 circumstance;

12 c. disregarded Petitioner's more than three years of full compliance with supervision;

13 d. failed to account for Petitioner's reliance interests created through years of government-authorized
14 liberty; and
15

16 e. failed to meaningfully consider Petitioner's lawful employment authorization, family ties, and
17 pending asylum proceedings.
18

19 111. An agency must provide a reasoned explanation when it changes course, particularly where
20 prior action has created reliance interests. DHS offered no individualized or reasoned explanation for
21 reversing its earlier custody determination that detention was unnecessary.

22 112. Because Respondents' custody determination is contrary to law, in excess of statutory
23 authority, arbitrary and capricious, and retroactively applies a new legal interpretation to extinguish an
24 existing liberty interest, it must be set aside pursuant to 5 U.S.C. § 706(2).
25

26 113. Petitioner respectfully requests declaratory and injunctive relief vacating the unlawful
27 custody determination and restoring his eligibility for release under 8 U.S.C. § 1226(a), including access
28

1 to a bond hearing before an Immigration Judge.

2 **COUNT FIVE**

3 **Violation of the Fourth Amendment**

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

6 115. The Fourth Amendment protects individuals against unreasonable searches and seizures.

7 116. For more than three years before his detention, Petitioner remained at liberty pursuant to
8 DHS's discretionary release decision and fully complied with every condition imposed by immigration
9 authorities.
10

11 117. During that period, Petitioner appeared for every required ICE appointment, complied with
12 all ATD and reporting requirements, maintained valid employment authorization based upon his pending
13 asylum application, remained gainfully employed, and continued pursuing relief from removal before the
14 Immigration Court.
15

16 118. Throughout Petitioner's release, DHS knew Petitioner's identity, residence, employment
17 information, immigration history, and compliance history.
18

19 119. DHS likewise knew that Petitioner had never absconded, never failed to report, and had
20 never violated any condition of his immigration release.

21 120. On June 27, 2026, while Petitioner was walking on a public street toward his vehicle, ICE
22 officers approached him, questioned him regarding his identity, and ultimately seized and detained him.
23

24 121. Petitioner fully cooperated with the officers, identified himself, and informed them that he
25 had a pending asylum application, valid employment authorization, and had complied with every
26 condition of DHS supervision since his release.

27 122. ICE officers nevertheless seized Petitioner, transported him into immigration custody, and
28

1 revoked the liberty previously granted by DHS.

2 123. At the time of the seizure, ICE officers did not identify any violation of Petitioner's release
3 conditions, any failure to comply with DHS supervision, or any other individualized factual basis
4 demonstrating that immediate detention was necessary.

5 124. On information and belief, Petitioner's arrest resulted from DHS's revised interpretation of
6 immigration detention authority reflected in the July 8, 2025 Interim Guidance and the agency's reliance
7 upon *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), and *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA
8 2025), rather than any individualized assessment of Petitioner's conduct, compliance history, or present
9 circumstances.
10

11 125. At the time of the seizure, Petitioner maintained a fixed residence known to DHS,
12 possessed valid employment authorization, remained gainfully employed, maintained substantial family
13 and community ties, and had fully complied with every condition imposed by DHS for more than three
14 years.
15

16 126. Under the totality of these circumstances, Respondents' seizure of Petitioner was
17 unreasonable because it abruptly revoked previously granted liberty without any individualized
18 justification demonstrating that immediate detention was necessary.

19 127. The absence of any individualized assessment, coupled with Petitioner's lengthy history of
20 compliance with DHS supervision, rendered Respondents' seizure unreasonable under the Fourth
21 Amendment.
22

23 128. Nothing prevented Respondents from employing less restrictive means before seizing
24 Petitioner, including providing advance notice, conducting an individualized custody review, or directing
25 Petitioner to appear for a noncustodial interview. Instead, Respondents immediately deprived Petitioner
26 of his liberty despite his years of successful compliance with DHS supervision.
27
28

129. Petitioner's continued detention is the direct result of that unreasonable seizure.

130. Because Petitioner's seizure and continued detention violate the Fourth Amendment, habeas relief is warranted.

131. Petitioner respectfully requests immediate release from custody.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Grant the Petition for Writ of Habeas Corpus;
2. Declare that Respondents' re-detention of Petitioner on June 27, 2026, without pre-deprivation process, violates the Fifth Amendment, the INA, the APA, and the Fourth Amendment;
3. Declare that Petitioner's detention, if authorized at all, is governed by 8 U.S.C. § 1226(a), not § 1225(b);
4. Order Respondents to immediately release Petitioner from custody and restore the status quo ante by reinstating the conditions of release previously granted by DHS;
5. Enjoin Respondents from re-detaining Petitioner absent constitutionally adequate pre-deprivation process;
6. Vacate Respondents' unlawful custody determination pursuant to 5 U.S.C. § 706(2);
7. Award attorneys' fees and costs pursuant to the Equal Access to Justice Act;
8. Grant such other relief as the Court deems just and proper.

Respectfully,

/s/Gurpreet Kaur

Gurpreet Kaur, Esq.

Attorney for Petitioner

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, and I submit this verification on his behalf. Because Petitioner is detained at the Golden State Annex Facility and immediate relief is sought, counsel verifies this petition on his behalf pursuant to 28 U.S.C. § 2242. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 30th day of June, 2026.

/s/ Gurpreet Kaur
Gurpreet Kaur, Esq.