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10 **IN THE UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**
12

13 GURWINDER SINGH

14 Petitioner,

15 v.

Civil No-- 1:26-cv-05073-JLT-FJS

16 TONYA ANDREWS, Administrator of Golden
17 State Annex; TODD LYONS, Acting Director of
18 Immigration and Customs Enforcement; KRISTI
19 NOEM, Secretary of the U.S. Department of
20 Homeland Security; PAMELA BONDI, Attorney
21 General of the United States

22 Respondents.
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PETITIONER'S SUPPLEMENTAL RESPONSE TO RESPONDENTS' NOTICE TO CLARIFY
THE RECORD

I. RESPONDENTS CONCEDE THEIR PRIOR CHARACTERIZATION OF PETITIONER'S CRIMINAL HISTORY WAS INCORRECT.

Respondents now acknowledge that their prior assertion that Petitioner had "repeated convictions for driving under the influence" was incorrect and apologize for the error. That concession is significant.

Petitioner has no convictions for driving under the influence. Respondents now concede that the record reflects arrests—not convictions. Respondents' original dangerousness argument therefore rested upon a materially inaccurate description of Petitioner's criminal history.

The clarification, however, does not fully correct the record.

Petitioner has a single DUI arrest occurring on June 27, 2026. At the time ICE assumed custody, no criminal complaint had been filed. Likewise, although Petitioner's RAP sheet reflects an earlier arrest for assault with a deadly weapon, the Fresno County District Attorney never filed a criminal complaint. As reflected in Exhibit A to Petitioner's Reply (ECF No. 8), the Fresno County Superior Court exonerated Petitioner's bond because no complaint had been filed and the criminal matter was terminated. Respondents nevertheless continue to characterize that matter as "pending." That characterization is contradicted by the state-court record already before this Court and materially overstates Petitioner's criminal history.

Accordingly, Respondents continue to rely upon two unadjudicated arrests—one of which never resulted in criminal charges—to support their dangerousness argument.

II. RESPONDENTS IDENTIFY NO EVIDENCE THAT PETITIONER VIOLATED ANY CONDITION OF HIS RELEASE OR ATD SUPERVISION

Respondents now assert for the first time that "Petitioner violated his ATD." That assertion is unsupported by any evidence.

Respondents identify no Notice of Violation, no termination of Petitioner's Alternatives to Detention supervision, no missed reporting appointment, no absconding allegation, no failure to comply

1 with GPS or ATD requirements, and no finding by DHS that Petitioner violated any condition of his
2 release.

3 Indeed, throughout these proceedings Respondents have never disputed that Petitioner faithfully
4 complied with every reporting requirement imposed upon him for more than three years. The record
5 remains undisputed that Petitioner appeared for every ICE appointment, complied with all supervision
6 requirements, maintained valid employment authorization, remained at his known residence, and
7 continuously pursued his asylum application.
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9 A criminal arrest, standing alone, is not synonymous with a violation of DHS supervision
10 conditions. Respondents cite no statute, regulation, or evidence demonstrating that Petitioner's arrest
11 automatically constituted a violation of his Order of Release or his ATD conditions. Their unsupported
12 assertion cannot substitute for evidence.

13 **III. RESPONDENTS' NOTICE CONFIRMS THAT DHS MADE A NEW**
14 **DISCRETIONARY CUSTODY DETERMINATION WITHOUT PROVIDING PRE-**
15 **DEPRIVATION PROCESS**
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17 Far from undermining Petitioner's constitutional claim, Respondents' Notice reinforces it.

18 Respondents now expressly state that Petitioner's alleged "risk profile changed," that DHS
19 "reassessed custody," and that the agency determined Petitioner now presented a public safety concern
20 based upon newly acquired information.

21 Those statements confirm precisely what Petitioner has alleged from the outset: DHS made a new
22 discretionary custody determination after previously concluding that detention was unnecessary. In other
23 words, Respondents acknowledge that DHS revisited and reversed its prior custody determination based
24 upon new information. That concession underscores—rather than defeats—Petitioner's claim that DHS
25 was constitutionally required to provide procedural protections before revoking the liberty it had
26 previously granted.
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1 For more than three years DHS repeatedly determined that Petitioner could safely remain at liberty
2 while removal proceedings were pending. Petitioner relied upon that determination by maintaining
3 employment, complying with every reporting requirement, remaining at his known residence, and
4 pursuing his pending asylum application.

5 When DHS later decided that Petitioner's circumstances warranted reconsideration of that prior
6 custody determination, the Fifth Amendment required constitutionally adequate procedures before
7 revoking Petitioner's liberty.

8 Respondents' Notice does not dispute that Petitioner received: no advance notice that DHS
9 intended to revoke his release; no explanation of the evidence upon which DHS relied before detention;
10 no opportunity to present favorable evidence; no opportunity to rebut DHS's dangerousness
11 determination; and no hearing before a neutral decisionmaker before his liberty was revoked.
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13 Instead, Respondents simply argue that DHS's internal reassessment justified immediate detention.

14 That argument goes to whether DHS believed detention was appropriate. It does not answer
15 Petitioner's constitutional claim that DHS could not revoke an established liberty interest without first
16 providing notice and a meaningful opportunity to be heard.
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18 **IV. RESPONDENTS CONTINUE TO IDENTIFY NO EXIGENT CIRCUMSTANCES**
19 **JUSTIFYING DISPENSING WITH PRE-DEPRIVATION PROCESS.**

20 Respondents again argue that Petitioner's arrests justified immediate custodial action. The record
21 demonstrates otherwise.

22 Respondents' own Form I-213 establishes that ICE learned of Petitioner's arrest through the
23 Criminal Alien Program, reviewed Petitioner's immigration history, confirmed his identity, examined
24 multiple DHS databases, determined he was "amenable to ICE enforcement," prepared administrative
25 paperwork, dispatched deportation officers to the Fresno County Jail, and waited for Petitioner's release
26 before assuming custody. Those events demonstrate planning and deliberation—not exigency. Those
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1 events demonstrate planning, investigation, and deliberation—not an emergency requiring DHS to
2 dispense with constitutionally required pre-deprivation procedures.

3 If DHS had sufficient time to investigate Petitioner's immigration history, reassess his custody
4 status, prepare paperwork, coordinate officers, and arrange his transfer into immigration custody, DHS
5 likewise had sufficient opportunity to provide constitutionally adequate notice and a meaningful
6 opportunity to respond before extinguishing Petitioner's liberty.

7 Respondents identify no emergency that rendered pre-deprivation process impracticable.

8 **V. THE CONSTITUTIONAL DEFECT REMAINS UNANSWERED.**

9 Ultimately, Respondents' Notice changes none of the constitutional analysis.

10 Whether Petitioner's criminal history consists of convictions, arrests, or no criminal history at all
11 is not the dispositive issue before this Court.

12 The dispositive issue remains whether DHS may revoke a liberty interest it previously granted—
13 after more than three years of complete compliance—without first providing constitutionally adequate
14 notice and a meaningful opportunity to be heard.

15 Respondents' supplemental filing confirms only that DHS made a new discretionary custody
16 determination based upon information obtained while Petitioner was already in county custody. It does
17 not explain why the Fifth Amendment permitted DHS to revoke Petitioner's previously granted liberty
18 without first providing notice, an opportunity to respond, or any meaningful pre-deprivation hearing.

19 Accordingly, Respondents' Notice provides no basis to alter the relief requested in the Petition or
20 Petitioner's Reply. For the reasons previously stated, Petitioner respectfully requests that the Court grant
21 the Petition and order Petitioner's immediate release.

22 Respectfully submitted,

23 /s/ Gurpreet Kaur

24 Gurpreet Kaur, Esq.

25 Attorney for Petitioner

26 Dated this 9th day of July, 2026