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**DETAINED**

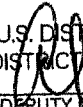
**August 4, 2026**

Name: GURWINDER SINGH



Address: Golden State Annex  
611 Frontage Rd, McFarland CA 93250

**AUG 10 2026**

CLERK U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY  DEPUTY CLERK

**PRO SE**

**UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF CALIFORNIA**

GURWINDER SINGH



Petitioner,

v.

Warden of the Golden State Annex  
Detention Facility, Current or Acting  
Field Office Director, San Francisco  
Field Office, United States Immigration  
and Customs Enforcement; Current or  
Acting Director, United States  
Immigration and Customs Enforcement;  
Current or Acting Secretary, United  
States Department of Homeland  
Security; and Current or Acting United  
States Attorney General.

Respondents.

Case No. 1:26-CV- 05073-JLT-FJS

**Motion to Enforce the Court's Earlier  
Order, and Request for Release**

**PRELIMINARY STATEMENT**

Petitioner is a civil immigration detainee, his removal proceeding claim is pending asylum application. Petitioner respectfully submits this motion that Respondents have failed to comply with the intent and directives of this court's order in determination of his bond hearing, and this action of Respondent is in violation of order that issued on July 13, 2026, by acknowledge of this court.

On July 1, 2026 petitioner filed his Petitioner for Habeas corpus and Temporary Restraining Order (TRO) with this court. On July 13, 2026, this Court issued a very clear order to Respondent that took into account of Petitioner's bond hearing and his bond determination standard should complies with the requirements set forth in, *Singh v. Holder*, 638F. 3D 1196 (9th Cir, 2011), also in the petitioner's habeas order clearly mentioned that "the government must prove by clear and convincing evidence that [Petitioner] is a flight risk or a danger to the community to justify denial of bond."

Petitioner was denied bond base on the IJ's finding that he is a danger to the community and flight risk while that determination was "made without constitutionally required the addressed bond determination standard, *Singh v. Holder*, 638 F.3D 1196 (9th Cir, 2011)", also the government failed to meet the "clear and convincing evidence", such that the denial of bond "Cannot support continued detention". Petitioner declaring that the actions and/or decisions of immigration judge were (a) in violation of the equal protections guarantees of the Due Process Clause of the Fifth Amendment by failed to establish clear and convincing evidence that Petitioner is a danger to the community as a basis to deny bond (b) in violation of the substantive and procedural guarantees of the Due Process of the Fifth Amendment by applying incorrect legal standard and determining "made without constitutionally required Casas-Castrillon hearing" (c) in violation of Immigration and Nationality Act (INA) and U.S. Department of Justice (DOJ) regulations because an IJ does have the authority to set non-monetary conditions of bond in a removal proceeding. To avoid redundancy, Petitioner hereby incorporates the factual background and the procedural history of his case as set forth in the instant motion and supporting exhibits attached.

## JURISDICTION

This Court has subject-matter jurisdiction over the instant petition and action under 28 U.S.C. § 2241(c)(1) and (3), Art. I, §9, Cl.2 of the United States Constitution (“Suspension Clause”), and 28 U.S.C. § 1331, as Petitioner is in the custody of the United States Department of Homeland Security (“DHS”), acting under the color of authority, by Respondent, agents of the United States. Despite the provision of INA § 236 (e), codified at 8 U.S.C. § 1226(e), which bar federal courts from reviewing discretionary decisions regarding parole and bond “under this section,” it is well-settled that INA §236(e) does not serve to bar federal courts from reviewing questions of statutory construction or Consideration claims such as mandatory detention under the statutory writ of habeas corpus, 28 U.S.C. §2241. *See Demore v. Kim*, 123S.Ct. 1708, 1713-14 (2003) (INA §236(e) does not bar habeas jurisdiction in absence of specific provision barring habeas and because petitioner lodged a constitutional challenge to legislation); *Zadvydas v. Davis*, 533 U.S. 678, 686-89, 121 S.Ct. 2491, 2497-98 (2001)(INA 236(e), 242(a)(2)(B)(ii), 242 (a)(2)(C), 242(g) did not bar habeas jurisdiction to review allegation that agency officials have acted outside their statutory authority).

Federal Courts have inherent authority to enforce their own order, including those granting injunctive relief in habeas action, *Leonardo v. Crawford*, 646 F.3d 1157, 1161 (9th Cir. 2011) (“[T]he districe court ha[s] authority to review compliance with its earlier order conditionally granting habeas relief.”) A motion to enforce judgment is the “usual method” for requesting a court interpret its own judgment and compel compliance. *California v. United States DOI*, No. No. C 17-5948 SBA, 2020 U.S. Dist. LEXIS 160737, 2020 WL 13093994. at \*3 (N.D. Cal. July 30, 2020) citing *Heartland Hosp, v. Thompson*, 328 F. Supp. 2D 8, 11 (D.D.C. 2004)). If Petitioner has received all relief required by the court’s prior judgment, the motion to enforce should be denied. *Heartland Hosp*, 328 F. Supp. 2d at 11. But if Petitioner demonstrates that respondent “has not complied with a judgment entered against it, even if the noncompliance was due to misinterpretation of the judgment,” the motion shall be granted. *Id*

## VENUE

Venue is proper in this District because this is the district in which Petitioner is confined. *See Doe v. Garland*, 109 F.4th 1188. 1197-99(9th Cir.2024)

**REQUIREMENTS OF BOND DETERMINATION STANDARD UNDER**

***Singh v. Holder*, 638F. 3D 1196 (9th Cir, 2011)**

(“[A]n alien is entitled to release on bond unless the ‘government establish that he is a flight risk or will be a danger to the community”) *Casas-Castrillon*, 535 F.3d at 951; (quoting *Tijani v Willis*, 430 F.3d 1241, 1242 (9th Cir. 2005).

To determine whether aliens who are detained under 8 U.S.C. § 1226(a) present a flight risk or danger to the community, immigration judges should look to the factors set forth at *Matter of Guerra*. The *Guerra* factor most pertinent to assessing dangerousness directs immigration judges to consider the alien’s criminal record, including the extensiveness of criminal activity, the recency of such activity, and the seriousness of the offenses.

Immigration judges may look to the following in determination whether an alien merits release from bond as well as the amount of bond that is appropriate. These factors may include any or all of the following: (1) whether the alien has a fixed address in the United States; (2) the alien’s length of residence in the United States; (3) the alien’s family ties in the United States, and whether they may entitle the alien to reside permanently in the United States in the future; (4) the alien’s employment history; (5) the alien’s record of appearance in court; (6) the alien’s criminal record, including the extensiveness of criminal activity, the recency of such activity, and the seriousness of the offenses; (7) the alien’s history of immigration violations; (8) any attempts by the alien to flee prosecution or otherwise escape from authorities; and (9) the alien’s manner of entry to the United States.

Although an alien’s criminal record is surely relevant to a bond assessment, *Guerra* contemplates that criminal history alone will not always be sufficient to justify denial of bond on the basis of dangerousness. Rather, the recency and severity of the offenses must be considered. Not every criminal record supports a finding of dangerousness. Every criminal alien who receives a *Casas* hearing has, presumably, been convicted of at least one crime giving rise to the removal order. Nevertheless, individualized bond hearings are required to ensure that the government’s purported interest in securing an alien’s presence at removal and protecting the community from

1 danger is actually served by detention in the case, necessarily anticipating that criminal history  
2 alone would not always justify detention.

3 Due process requires a contemporaneous record of Casas-Castrillon hearing. In lieu of  
4 providing a written transcript, the immigration court may record Casas hearing and make the audio  
5 recording available for appeal upon request.

6 The specific dictates of due process generally require consideration of three distinct factors:  
7 First, the private interest that will be affected by the official action; second, the risk of an  
8 erroneous deprivation of such interest through the procedures used, and the probable value, if any,  
9 of additional or substitute procedural safeguard; and finally, the Government's interest, including  
10 the function involved and the fiscal and administrative burdens that the additional or substitute  
11 procedural requirement would entail.

12 The rule of procedure for bond determination is immigration court specify that an  
13 immigration judge may rely upon any information that is available to the Immigration Judge or  
14 that is presented to him or her by the lien or the Services. 8 C.F.R. § 1003.19(d).

15 The Attorney General's discretionary judgment shall not be subject to review, claims that the  
16 discretionary process itself was constitutionally flawed are cognizable in federal court on habeas  
17 because they fit comfortably within the scope of 28 U.S.C. § 2241.

18  
19 Due process a heightened burden of proof on the State in civil proceedings in which the  
20 individual interests at stake are both particularly important and more substantial than mere loss of  
21 money, the government is required to justify detention by clear and convincing evidence.  
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**FACTUAL BACKGROUND**

On July 1, 2026 petitioner filed his Petitioner for Habeas corpus and Temporary Restraining Order (TRO) with the this court. On July 13, 2026, this Court granted the Petitioners petition for habeas corpus and directed Respondents to provide substantive bond hearing and his bond determination standard should complies with the requirements set forth in, *Singh v. Holder*, 638F.3D 1196 (9th Cir, 2011), also in the petitioner's habeas order clearly mentioned that "the government must prove by clear and convincing evidence that [Petitioner] is a flight risk or a danger to the community to justify denial of bond."

On July 22, 2026, Respondent provide a bond hearing, and petitioner represented by his counsel. The Immigration Judge determined that Petitioner is danger to the community, flight risk and denied his bond *See* the written order of IJ at exhibit 1.

The day of bond hearing officer called the Petitioner inside the video conference room around 03:30 PM, by the time Petitioner went there Immigration Judge ("IJ"), his lawyer and DHS attorney was already there.

First they confirmed the Petitioners identity and shortly presented the hearing. Then the bond hearing started with the Petitioners nationality interpreter. The IJ then asked which counsel would speak first and third, and which counsel would speak second. The Petitioner's counsel chose first and third, and the bond hearing began as follows:

**Petitioner's attorney:** Mr Singh doesn't has any criminal history, he arrested for DUI, that the charges is not filed in the court yet. Mr. Singh has fixed and same address from the time he entered the United States, this address is also fixed address of his biological brother who is the United States citizen and also sponsor of this case. Mr Singh's has biological brother, his wife and his daughter. After he detained by ICE, his family member, employees and people from work and

1 community came forward with the supporting letter alongside with their ID. Also Mr Singh is the  
2 owner of two business, [REDACTED] and [REDACTED] and then  
3 said about the Petitioner's work history, business documents, tax returns, and other proof that in  
4 support of this hearing before filed with the immigration court.

5 Petitioner's attorney also briefly mentioned that he pledge to appear at all of his ICE online and in-  
6 person appointment, Immigration court hearing, and his previous dismissal case hearings.

7  
8 **DHS attorney:** At first the DHS attorney presented rap sheet as a proof and argued  
9 Petitioner got arrested for DUI, and in this case drink and drive is very serious because Petitioner  
10 is the owner of trucking company. DUI and trucking company is very dangerous to the community,  
11 and concern of public safety. Also mentioned that due to the DHS has the burden of proof danger  
12 to the community and flight risk, court should consider the Petitioner's rap sheet or recent arrest  
13 for DUI as a proof.

14 **Petitioners attorney:** Mr Singh's charges for DUI case still pending, and have not filed in  
15 court yet. Also Mr Singh own dispatch company not trucking company, and Mr Singh work as a  
16 mechanic in his [REDACTED] business, not as a truck driver "Petitioner  
17 doesn't has a truck or class 1 license to drive truck."

18  
19 Petitioner before this hearing with other supporting evidence, provided proof of his  
20 business and clean work history with the court and hoped that the immigration judge would  
21 consider his [REDACTED] business and work history as a positive point in its determination,  
22 but the DHS attorney used this positive point against him without proofs.

23  
24 Immigration judge denied Petitioner's bond based on his arrest for DUI, and his business  
25 company that presented by DHS attorney, and determined he is "danger to the community" and  
26 "flight risk". Petitioner felt very hopeless, why he would be a flight risk or danger to the  
27 community, since that time he entered the United States he has:

- 28 • continuously resided with his U.S. citizen biological brother house at [REDACTED]  
29 [REDACTED] from the time he entered in U.S, **See exhibit 2;**

- his U.S. citizen brother is also sponsor in this case **See** exhibit 3.
- deep family ties and community ties in this country, **See** exhibit 4;
- create two successful business company, hard worked and paid monthly and annually taxes, **See** exhibit 5
- & 6;
- timely signed agreement with an Immigration attorney and filed his asylum application on time, he appeared at all required ICE appointment, immigration court hearing and he committed no violation of law and complied with all immigration requirements;
- Respondent didn't has any proof of that Petitioner missed his ICE in-person appointment, photo violation, or violated any law by not appearing on any required appointment. Petitioner doesn't have record of any attempts to flee prosecution or otherwise escape from authorities.
- Petitioner in his life didn't has any criminal record, without his pending DUI case. While Petitioner is in detention he consistently engage with course material and has shown motivation toward self-improvement and rehabilitation activities.

## ARGUMENT

**I. The Respondent Failed to Establish Clear and Convincing Evidence That Petitioner is a Danger To the Community:** As per this Court Order the Respondent bears the burden of providing by clear and convincing evidence that continued immigration detention is justified. The Respondent failed to satisfy that burden in this case. The Respondent's dangerousness claim rested almost entirely upon Petitioner's recent arrest for suspicion of DUI. Despite the fact at the time of the custody hearing, (1) no criminal conviction existed, (2) No witness testimony was presented, (3) No laboratory evidence was introduced, and (4) no evidence established that Petitioner actually committed the alleged offense. Instead, DHS relied primarily upon an arrest report (or rap sheet) and allegations arising from that arrest.

Also the DHS attorney transformed Petitioner's legitimate employment history and business ownership-facts originally submitted as favorable equities – into unsupported evidence of dangerousness. The Immigration Judge adopted that unsupported characterization without requiring DHS to present competent evidence establishing that Petitioner actually drove commercial vehicles or that his business ownership increased any public safety risk.

Moreover, the immigration judge gave little or no meaningful weight to Petitioner's substantial evidence demonstrating that he poses no danger and flight risk, including (1) his complete lack of any prior criminal history, (2) his lawful and stable employment history, (3) ownership and successful operation of two businesses, (4) payment of state and federal taxes, (5) numerous letter from family members, employees, and community members attesting to his good moral character, (6) his continuous residence at same and fixed address with his United States citizen brother, (7) his history of complying with all immigration requirements. Rather than weighing these substantial mitigating factors against the Respondent's limited evidence, the immigration judge treated the mere existence of the arrest as effectively dispositive, and relied upon speculation rather than individualized findings.

Because Respondent relied primarily upon unproven allegations instead of reliable evidence establishing actual dangerousness, the Respondent failed to meet its burden under *Hernandez v. Sessions*, and Petitioner's continued detention violates the Fifth Amendment.

1 **II. The Bond Hearing Failed To provide the Constitutionally Required Due Process**

2 **Guaranteed by the Fifth Amendment:** The Fifth Amendment guarantees every immigration  
3 detainee a meaningful custody hearing. IN *Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011), the  
4 Ninth Circuit explained that due process requires immigration bond hearings to include:

- 5 • a meaningful opportunity to be heard;  
6 • fundamentally fair procedures;  
7 • reliance upon reliable evidence; and  
8 • placement of the proper burden upon respondent.

9 The hearing conducted in this case failed to satisfy these constitutional requirements.

10 **A. The Immigration Judge Failed to Require the Government to Meet its**  
11 **Constitutional Burden:** On July 13, 2026, this court clearly ordered that “the government must  
12 prove by clear and convincing evidence that [Petitioner] is a flight risk or a danger to the  
13 community to justify denial of bond.” Although DHS acknowledged during the hearing that it bore  
14 the burden of proving dangerousness and flight risk, but the immigration judge’s analysis  
15 effectively relieved DHS from that burden. Rather than requiring DHS to affirmatively prove  
16 dangerousness through reliable evidence, the Immigration Judge repeatedly criticized Petitioner for  
17 failing to establish his innocence.

18 On the first paragraph on page 1 of Petitioners written Denial Bond Order noted that:

19 **“Respondent has not meaningfully argued that he is factually innocent.”** On the second  
20 paragraph of same page the ‘IJ’ also mentioned that **“the absence of pending criminal**  
21 **charges does not necessarily reflect on Respondent’s factual guilt or innocence.”**

22 That reasoning improperly shifts the burden of proof from Respondent to the Petitioner.

23 Under Hernandez, it was never Petitioner’s obligation to prove innocence. Instead, DHS bore the  
24 affirmative burden of proving dangerousness by clear and convincing evidence. The constitution  
25 does not require a detained individual to disprove allegations that remain unresolved in criminal  
26 court.

27 Likewise, the Immigration Judge on the first paragraph of page 2 criticized Petitioner for not  
28 producing “significant evidence relating to rehabilitation.” Again, the Constitution imposed no  
29

1 obligation upon Petitioner to demonstrate rehabilitation before DHS first proved dangerousness.  
2 Requiring Petitioner to affirmatively establish rehabilitation before the Respondent met its  
3 constitutional burden improperly shifted the burden of proof.

4  
5 **B. The Immigration Judge Failed to Meaningfully Consider Favorable Evidence:**

6 Petitioner submitted documentary evidence demonstrating that he was neither dangerous nor likely  
7 to flee, including:

- 8 • evidence of continuous residence at the same address since entering the United States;  
9 • residence with his United States citizen biological brother;  
10 • extensive family ties;  
11 • community support letters;  
12 • employment record;  
13 • ownership of two successful businesses;  
14 • tax return;  
15 • business record;  
16 • proof that he timely retained immigration counsel;  
17 • proof that he complied with every ICE reporting requirement;  
18 • proof that he attended every immigration hearing; and  
19 • proof that he had never failed to appear before any immigration authority.

20 DHS introduced no evidence showing that Petitioner had:

- 21 • failed to report to ICE;  
22 • violated any supervision conditions;  
23 • attempted to abscond;  
24 • missed any immigration hearing;  
25 • violated any reporting requirement; or  
26 • attempted to evade immigration and federal authorities.

27 Instead, Petitioner's record demonstrated years of compliance with immigration  
28 proceedings while simultaneously operating businesses, paying taxes, maintaining a fixed  
29 residence, and supporting his family. The Immigration Judge nevertheless concluded that  
Petitioner presented an unmitigable flight risk largely because (1) he entered the United States  
unlawfully, (2) he had only live in the United States since 2022, (3) his asylum claim was  
considered speculative; and, (4) he had recently been arrested.

1           These generalized consideration cannot substitute for individualized evidence  
2 demonstrating that this particular petitioner would fail to appear if released. The Respondent  
3 presented no evidence that Petitioner had ever attempted to flee. To the contrary, the undisputed  
4 evidence demonstrated continuous compliance with every immigration obligation imposed upon  
5 him.

6           **D. The Immigration Judge Relied Upon Speculation Rather Than Individualized**  
7 **Findings:** Due process requires individualized findings base upon reliable evidence. Instead, the  
8 immigration Judge repeatedly relied upon assumptions and speculation, including (1) assuming  
9 that the arrest allegations were true despite the absence of criminal charges, (2) assuming  
10 Petitioner's business ownership increased public danger without evidentiary support, (3) assuming  
11 Petitioner's asylum claim was unlikely to succeed public danger without evidentiary support, (4)  
12 assuming Petitioner's asylum claim was unlikely to succeed without fully considering the merits of  
13 the pending proceedings, (5) assuming that Petitioner's recent arrival necessarily established flight  
14 risk despite years of demonstrated compliance.

15 A deprivation of physical liberty cannot rest upon speculation.

16  
17 Because the Immigration Judge relied upon assumption rather than reliable evidence satisfying the  
18 clear-and-convincing standard, the custody determination violated the Due Process Clause.

19  
20 This court have granted granted motion to enforce and/or ordered an immigration detainee's  
21 release where Respondent has failed to meet the "clear and convincing evidence", and denial of the  
22 bond. *See, e.g., Ortiz v. Henkey*, 2026 WL 94827 "1:26-cv-00043-BLW", at \*4 (District of Idaho.  
23 April. 7, 2026) (granting motion to enforce and order of immediately release "Respondent failed to  
24 meet the clear and convincing evidence." and failure to show a determination "that there is the IJ  
25 decision unsupported by law or evidence" fell short of requirements of due process); *Mani Kumar*  
26 *v. Warden of Golden State Annex Det. Facility*, 2026 LX 304573 "1:26-cv-00035-KES-CDB  
27 (HC)", at (E.D. Ca. July. 17, 2026) (granting motion to enforce and ordered immoderately release  
28 "the immigration judge failed to apply to correct burden of proof).  
29

**CONCLUSION**

The Respondent failed to establish by clear and convincing evidence that Petitioner is either a danger to the community or a flight risk. Instead, the custody determination rested primarily upon an unresolved arrest, speculation regarding Petitioner's employment and business activities, and an improper shifting of the burden of proof to Petitioner. The hearing therefore failed to satisfy the procedural protections required by the Fifth Amendment, as recognized in *Hernandez v. Sessions* and *Singh v. Holder*.

Petitioner faces irreparable harm in the form of economic burdens and his health condition. his irreparable harm included loss of his financial situation, loss of his business, financially and psychologically overburdened and emotionally isolated of his family, and his loss of constitutional and legal rights due to detention for no lawful purpose contribute as irreparable harm.

Accordingly, Petitioner respectfully request to the Honorable Court, to enforce its prior constitutional requirements, grant the petition, vacate the Immigration Judge's custody determination, and order Petitioner's immediate release under appropriate conditions or, alternatively, order a new constitutionally compliant bond hearing before a different Immigration Judge applying the proper burden of proof and relying only on reliable evidence.

**Respectfully submitted.**



GURWINDER SINGH  
August 04, 2026