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9
10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**
12 **FRESNO DIVISION**

13 Lovedeep Singh,

14 Petitioner

15 v.

16 Orestes CRUZ,
17 Field Office Director, San Francisco
18 Immigration and Customs Enforcement
19 Office;

20 WARDEN, California City
21 ICE Processing Center;

22 Markwayne MULLIN,
23 Secretary of the U.S. Department of
24 Homeland Security;

25 Todd BLANCHE,
26 Attorney General of the United States, acting
27 in their official capacities;

28 Respondents.

Case No.

**PETITION FOR WRIT OF HABEAS
CORPUS UNDER 28 U.S.C. § 2241**

A-File No.



INTRODUCTION

1. Petitioner Lovedeep Singh, by and through undersigned counsel, petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 challenging his ongoing and unlawful immigration detention by U.S. Immigration and Customs Enforcement ("ICE").

2. Petitioner is a Sikh asylum seeker from Punjab, India, who entered the United States on or about April 22, 2023, near San Luis, Arizona, and was placed in removal proceedings, currently pending before the Concord Immigration Court, under A-File No. [REDACTED]. He was released the same day on a Form I-220A Order of Release on Recognizance and remained free in the community, complying with all conditions of his release, for approximately three years. A copy of the Form I-220A Order of Release on Recognizance is attached as Exhibit 1.

3. On July 1, 2026, ICE detained Petitioner, and he is currently confined at the California City Corrections Center, located at 22844 Virginia Boulevard, California City, California 93505, within the Eastern District of California, Fresno Division.

4. At the time of his re-arrest, Petitioner had not been issued a final order of removal; his asylum application (Form I-589), filed August 14, 2023, remains pending before the Concord Immigration Court. His removal proceedings are governed by 8 U.S.C. § 1226(a), which provides the Attorney General discretion to release a noncitizen on bond or conditional parole pending a decision on removal.

5. Since his re-detention, Petitioner has not been provided a constitutionally adequate individualized custody hearing. ICE has failed to apply § 1226(a) and instead is detaining Petitioner without any bond hearing before a neutral decisionmaker.

6. Petitioner challenges the legality of his detention under 8 U.S.C. § 1226(a) and the Due Process Clause of the Fifth Amendment.

7. Petitioner seeks immediate release or, in the alternative, a prompt bond hearing before a neutral

1 decisionmaker at which the Government bears the burden of proving by clear and convincing
2 evidence that Petitioner poses a flight risk or danger to the community.

3 JURISDICTION AND VENUE

4 8. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus) because Petitioner is in
5 federal custody within this District.

6 9. Jurisdiction also lies under 28 U.S.C. § 1331 (federal question) and Article I, § 9, cl. 2 of the
7 United States Constitution (Suspension Clause) because this action arises under the Constitution
8 and laws of the United States.

9 10. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et seq., the
10 Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.

11 11. Venue is proper in this District pursuant to 28 U.S.C. § 1391(e)(1) because Petitioner is detained
12 at the California City Corrections Center, 22844 Virginia Boulevard, California City, California
13 93505, in Kern County, located within the Fresno Division of the Eastern District of California.

14 PARTIES

15 12. Petitioner Lovedeep Singh is a 30-year-old Sikh asylum seeker from Punjab, India. He is a
16 member of the Shiromani Akali Dal (Amritsar), also known as the Mann Party. He entered the
17 United States on or about April 22, 2023, was released on recognizance the same day, and was
18 detained by ICE on July 1, 2026. He is currently detained at the California City Corrections Center,
19 California City, California.

20 13. Respondent Orestes Cruz is the Field Office Director of the San Francisco Immigration and
21 Customs Enforcement (ICE) Enforcement and Removal Operations Division and has authority over
22 Petitioner's detention. He is sued in his official capacity.

23 14. Respondent Christopher Chestnut is the Warden of the California City Corrections Center, the
24 immediate custodian of Petitioner's person, responsible for the day-to-day administration of
25

1 Petitioner's detention. He is sued in his official capacity.

2 15. Respondent Markwayne Mullin is the Secretary of the U.S. Department of Homeland Security,
3 with ultimate custodial authority over Petitioner. He is sued in his official capacity.

4 16. Respondent Todd Blanche is the Attorney General of the United States, responsible for the
5 Department of Justice and the administration of the immigration laws. He is sued in his official
6 capacity.
7

8 CUSTODY AND EXHAUSTION

9 17. Petitioner is in ICE custody for purposes of 28 U.S.C. § 2241.

10 18. Petitioner's detention is governed by 8 U.S.C. § 1226(a). He has received no bond hearing from
11 an immigration judge and no individualized custody determination since his detention on July 1,
12 2026.
13

14 19. No further administrative remedies are available to address the constitutional violations raised
15 in this Petition. Exhaustion is therefore satisfied or excused.

16 FACTUAL BACKGROUND

17 20. Petitioner is a noncitizen currently detained by U.S. Immigration and Customs Enforcement
18 ("ICE") at the California City Corrections Center, 22844 Virginia Boulevard, California City,
19 California 93505 (Kern County), within the Eastern District of California.

20 21. Petitioner is a Sikh national of India, [REDACTED] in the village of Thathian Khurd, Tarn
21 Taran District, Punjab, India. He is unmarried and has no children. Prior to fleeing India, Petitioner
22 worked as a farmer in his home village from approximately April 2012 until November 2022. He
23 is a member and supporter of the Shiromani Akali Dal (Amritsar) (the "Mann Party"), a political
24 party that advocates for Sikh rights, an independent Khalistan, and the rights of farmers in Punjab.
25

26 22. Petitioner was threatened and physically attacked by members of the [REDACTED]
27 [REDACTED] on two occasions—October 8, 2022, and November 15, 2022—because [REDACTED]
28

1 wanted him to leave the Mann Party. When Petitioner attempted to file police complaints following
2 each attack, police authorities instead threatened and detained him. Fearing for his safety, Petitioner
3 went into hiding beginning in November 2022 and ultimately fled India, departing the country on
4 or about January 13, 2023.

5
6 23. Petitioner entered the United States on or about April 22, 2023, near San Luis, Arizona, seeking
7 asylum. He was apprehended by U.S. Customs and Border Protection (“CBP”) and briefly detained.

8 24. On April 22, 2023, the same day as his apprehension, CBP released Petitioner on his own
9 recognizance pursuant to a Form I-220A Order of Release on Recognizance, issued by Acting
10 Patrol Agent in Charge Jeffrey Hayer of the Yuma, Arizona Border Patrol Station. The Form I-
11 220A required Petitioner to report to the Non-Detained Unit at 393 Blossom Mill Road, Suite 260,
12 San Jose, California 95123, and to comply with all conditions of release, including a bar on
13 unauthorized employment.
14

15 25. CBP also issued Petitioner a Notice to Appear (Form I-862) dated April 22, 2023, charging him
16 with inadmissibility under INA § 212(a)(6)(A)(i) and initiating removal proceedings under 8 U.S.C.
17 § 1229a. Petitioner’s case was docketed before the San Francisco Immigration Court and has since
18 been transferred to the Concord Immigration Court, Non-Detained docket, where it remains
19 pending.
20

21 26. Petitioner complied with all conditions of his release. Through counsel, Kuldip S. Dhariwal,
22 Esq., Petitioner entered a Notice of Entry of Appearance on August 11, 2023 (EOIR ID No.
23 ) and filed written pleadings on August 14, 2023, conceding removability and seeking
24 asylum, withholding of removal, and protection under the Convention Against Torture, with
25 voluntary departure in the alternative.

26 27. Petitioner filed his Form I-589 Application for Asylum and for Withholding of Removal on
27 August 14, 2023. His asylum claim is based on political opinion—specifically his Mann Party
28

1 membership and advocacy for Sikh rights—and he separately seeks protection under the
2 Convention Against Torture. That application remains pending, and no merits hearing has yet been
3 held.

4 28. Petitioner's master calendar hearing, originally scheduled for March 26, 2025, was reset to June
5 10, 2027. In the interim, Petitioner's case has been transferred to the Concord Immigration Court.
6 Petitioner has appeared through counsel for every required filing and proceeding and has never
7 violated any condition of his release.
8

9 29. Apart from his initial apprehension by CBP upon arrival in April 2023, Petitioner's only contact
10 with the criminal justice system in the United States is a single driving-under-the-influence ("DUI")
11 matter, which has since been fully resolved and closed. Apart from this single, resolved DUI matter,
12 Petitioner has no other arrests or convictions, and none of the criminal grounds enumerated in 8
13 U.S.C. § 1226(c) apply to him.
14

15 30. On July 1, 2026, ICE detained Petitioner and transferred him to the California City Corrections
16 Center, as reflected in the Notice to EOIR: Alien Address (ICE Form I-830E, Event No.
17  filed by Deportation Officer Antonio Alarcon of the ICE Enforcement and
18 Removal Operations San Jose Sub-Office, addressed to the Concord Immigration Court, Non-
19 Detained docket. That form confirms Petitioner's detention on July 1, 2026, at the California City
20 Corrections Center, 22844 Virginia Boulevard, California City, California 93505.
21

22 31. At the time of his re-arrest, Petitioner was not provided with written notice explaining the
23 individualized reasons for his re-detention. ICE did not conduct a meaningful, individualized
24 assessment of whether Petitioner posed a flight risk or danger to the community, and Petitioner was
25 not afforded a hearing before a neutral decisionmaker prior to his detention.

26 32. Since his re-arrest on July 1, 2026, Petitioner has been detained at the California City
27 Corrections Center. He has not violated any condition of his prior release. He continues to pursue
28

1 asylum protection based on his fear of persecution on account of his Mann Party affiliation and
2 political opinion.

3 33. ICE has continued to detain Petitioner without providing a meaningful individualized
4 determination that he poses a flight risk or danger to the community, and without affording him
5 adequate procedural protections consistent with due process.
6

7 **LEGAL FRAMEWORK**

8 **A. Section 1226(a) Governs Petitioner's Detention**

9 34. Section 1226(a) of the INA applies to noncitizens who are detained "pending a decision on
10 whether the [noncitizen] is to be removed from the United States." 8 U.S.C. § 1226(a). Under §
11 1226(a), the Government may release a noncitizen on bond or conditional parole, or detain the
12 noncitizen pending removal proceedings.
13

14 35. Section 1226 expressly covers noncitizens who are inadmissible under 8 U.S.C. § 1182(a).
15 Section 1226(c) carves out a limited exception requiring mandatory detention only for noncitizens
16 who are inadmissible or deportable on specified criminal grounds—including aggravated felonies,
17 crimes involving moral turpitude, and controlled-substance offenses. See 8 U.S.C. § 1226(c)(1)(A)-
18 (D).
19

20 36. Petitioner's sole criminal contact—a single, now-resolved DUI matter—does not fall within
21 any category of § 1226(c). A standard DUI is not a "crime of violence" and therefore not an
22 aggravated felony, *Leocal v. Ashcroft*, 543 U.S. 1, 11-13 (2004), nor is it a crime involving moral
23 turpitude, *Matter of Torres-Varela*, 23 I&N Dec. 78, 84-86 (BIA 2001). Nor does it fall within the
24 additional category added by the Laken Riley Act for certain inadmissible noncitizens with
25 qualifying arrests or convictions. See 8 U.S.C. § 1226(c)(1)(E).
26

27 37. Petitioner is charged as inadmissible under § 1182(a)(6)(A)(i)—presence without being
28 admitted or paroled—and is currently in removal proceedings under § 1229a. His detention

1 therefore falls squarely within § 1226(a), which allows for release on bond or conditional parole
2 and entitles him to an individualized bond determination before an Immigration Judge.

3 38. Numerous federal courts have held that § 1226(a), not § 1225(b)(2)(A), governs detention for
4 noncitizens who entered the United States, resided in the country, and were apprehended long after
5 entry. See, e.g., *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal.)
6 (declaratory judgment that individuals like Petitioner are detained under § 1226(a), not §
7 1225(b)(2)(A)), stayed in part pending appeal as to nationwide relief sub nom. *Bautista v.*
8 *Department of Homeland Security*, Nos. 25-7958 & 26-1044 (9th Cir. 2026); *Rodriguez Vazquez*
9 *v. Bostock*, No. 3:25-cv-05240-TMC, 2025 WL 1193850 (W.D. Wash. 2025), appeal pending (9th
10 Cir.); *Diaz Martinez v. Hyde*, 2025 WL 2084238 (D. Mass. July 24, 2025). The Ninth Circuit's
11 stay rested on the jurisdictional ground that such challenges must be pursued through individual
12 habeas petitions in the district of confinement—precisely the relief Petitioner seeks here.

13
14
15 39. Regardless of DHS policy directives, § 1226(a) governs Petitioner's custody because Petitioner
16 had entered and resided in the United States for approximately three years before his re-arrest.
17 Under § 1226(a), Petitioner is entitled to an individualized bond hearing before an Immigration
18 Judge at which the Government bears the burden of demonstrating by clear and convincing
19 evidence that he poses a flight risk or danger to the community. *Singh v. Holder*, 638 F.3d 1196,
20 1203-04 (9th Cir. 2011).

21
22 40. The Government cannot meet that burden here even in the abstract: Petitioner's only criminal
23 contact is a single, already-resolved DUI matter; he complied fully with every condition of his
24 release for approximately three years; and he has an active, pending asylum claim. The proper
25 forum to weigh these considerations is an individualized bond hearing before an Immigration
26 Judge, which Petitioner has never received.

27 **B. Due Process Principles**

1 41. When DHS seeks to re-arrest individuals such as Petitioner—who was previously released,
2 lived in the United States for over three years, and complied with the conditions of his release—
3 due process requires a hearing before a neutral decisionmaker to determine whether re-arrest is
4 justified based on flight risk or danger to the community.

5 42. Petitioner has a protected liberty interest in freedom from arbitrary arrest. The Supreme Court
6 has made clear that “[f]reedom from imprisonment—from government custody, detention, or other
7 forms of physical restraint—lies at the heart of the liberty protected by the Due Process Clause.”
8 *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

9 43. Individuals released on recognizance or parole possess a constitutionally protected interest in
10 their “continued liberty.” *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972).

11 44. That liberty interest is protected by the Fifth Amendment because, “although indeterminate, [it]
12 includes many of the core values of unqualified liberty,” including the ability to work and live with
13 family, and because “its termination inflicts a ‘grievous loss’ on the [released individual] and often
14 on others.” *Id.*

15 45. To safeguard against arbitrary re-arrest, due process requires “adequate procedural protections”
16 to test whether the Government’s asserted basis for confinement “outweighs the individual’s
17 constitutionally protected interest in avoiding physical restraint.” *Zadvydas*, 533 U.S. at 690.

18 46. At minimum, these protections include notice and an individualized hearing before a neutral
19 decisionmaker to assess flight risk or danger prior to revoking release. *Goldberg v. Kelly*, 397 U.S.
20 254, 267 (1970); *Morrissey*, 408 U.S. at 485.

21 47. “In the context of immigration detention, it is well-settled that due process requires adequate
22 procedural protections to ensure that the government’s asserted justification for physical
23 confinement outweighs the individual’s constitutionally protected interest in avoiding physical
24 restraint.” *Hernandez v. Sessions*, 872 F.3d 976, 990 (9th Cir. 2017). To comply with due process
25
26
27
28

1 in the immigration context, the Government must bear the burden to demonstrate, by clear and
2 convincing evidence, that the noncitizen poses a flight risk or danger to the community. *Singh v.*
3 *Holder*, 638 F.3d at 1203-04.

4 **C. Mathews v. Eldridge Balancing**

5
6 48. Petitioner's private liberty interest is substantial. As the Supreme Court has emphasized,
7 "Freedom from bodily restraint has always been at the core of the liberty protected by the Due
8 Process Clause." *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992). Petitioner has lived in the United
9 States since April 2023 and has an active asylum case.

10 49. The risk of erroneous deprivation of liberty is high because no notice or individualized hearing
11 was provided before re-detention.

12 50. The Government's interest in detaining Petitioner without a hearing is minimal. Petitioner's
13 only criminal contact—a single DUI matter—has already been resolved; he lived in the community
14 for over three years without any other incident and fully complied with every condition of his
15 release. Providing a prompt bond hearing before a neutral decisionmaker would impose little to no
16 burden on the Government.

17
18 51. Due process therefore requires a hearing prior to, or promptly after, re-detention, at which the
19 Government must prove by clear and convincing evidence that Petitioner poses a flight risk or
20 danger.

21
22 **CLAIMS FOR RELIEF**

23 **FIRST CLAIM: Violation of Substantive Due Process**

24 52. Petitioner repeats and re-alleges all prior paragraphs as if fully set forth herein.

25 53. The Due Process Clause of the Fifth Amendment protects all "person[s]" from deprivation of
26 liberty "without due process of law." U.S. Const. amend. V. Immigration detention is
27 constitutionally permissible only to the extent it advances the Government's legitimate interests in
28

1 ensuring a noncitizen's appearance at removal proceedings and protecting the community.
2 Zadvydas, 533 U.S. at 690.

3 54. Petitioner is not a flight risk or a danger to the community. He complied with the conditions of
4 his release for approximately three years and has an active asylum claim supported by a political-
5 opinion ground. His only criminal contact is a single DUI matter that has since been fully resolved,
6 which does not, without more, establish present dangerousness.

7
8 55. Detention of Petitioner by Respondents is therefore unjustified and unlawful. Petitioner is being
9 detained in violation of the Due Process Clause of the Fifth Amendment. His continued detention
10 without individualized justification is arbitrary and unconstitutional.

11 **SECOND CLAIM: Violation of Procedural Due Process**

12 56. Petitioner repeats and re-alleges all prior paragraphs as if fully set forth herein.

13
14 57. As part of the liberty safeguarded by the Due Process Clause, Petitioner possesses a substantial
15 interest in avoiding re-arrest following his initial release from immigration custody. Due process
16 requires adequate procedural protections to ensure that the Government's asserted justification for
17 physical confinement outweighs Petitioner's constitutionally protected interest in avoiding physical
18 restraint. Hernandez, 872 F.3d at 990.

19
20 58. In the immigration context, for such hearings to comply with due process, the Government must
21 bear the burden to demonstrate, by clear and convincing evidence, that the noncitizen poses a flight
22 risk or danger to the community. Singh v. Holder, 638 F.3d at 1203-04.

23 59. Petitioner's re-detention on July 1, 2026 without a pre-deprivation hearing violated due process.
24 After approximately three years of residing in the community in compliance with his release
25 conditions, Respondents re-detained Petitioner without providing notice of the individualized
26 reasons for re-detention, without explaining the basis for the re-arrest, and without giving him an
27 opportunity to challenge the arrest before a neutral decisionmaker prior to being taken into custody.
28

60. Petitioner has a significant personal interest in his liberty. Because he was afforded no procedural protections, the risk of erroneous deprivation is substantial, and the Government has articulated no legitimate, individualized interest in detaining him. Continued detention without justification is arbitrary and unconstitutional.

THIRD CLAIM: Violation of 8 U.S.C. § 1226(a) — Failure to Provide Bond Hearing

61. Petitioner repeats and re-alleges all prior paragraphs as if fully set forth herein.

62. Petitioner's detention is governed by 8 U.S.C. § 1226(a). Petitioner's single, resolved DUI matter does not trigger mandatory detention under § 1226(c). See *Leocal v. Ashcroft*, 543 U.S. 1 (2004); *Matter of Torres-Varela*, 23 I&N Dec. 78 (BIA 2001). Under § 1226(a), Petitioner is entitled to an individualized custody determination before an Immigration Judge, at which the Department of Homeland Security bears the burden of proving by clear and convincing evidence that Petitioner poses a flight risk or danger to the community. *Singh v. Holder*, 638 F.3d at 1203-04.

63. Respondents have failed to provide Petitioner with any § 1226(a) bond hearing since his re-detention on July 1, 2026. This denial of a constitutionally required bond hearing violates § 1226(a), the Due Process Clause, and Ninth Circuit precedent.

64. Absent intervention by this Court, Petitioner faces prolonged unlawful detention in violation of the INA and the Constitution, which will also impair Petitioner's ability to meaningfully participate in his removal proceedings.

FOURTH CLAIM: Violation of Due Process — Failure to Consider Less Restrictive Alternatives

65. Petitioner repeats and re-alleges all prior paragraphs as if fully set forth herein.

66. ICE failed to consider less restrictive alternatives to detention prior to or at the time of Petitioner's re-arrest on July 1, 2026. Such alternatives—including continued release on

1 recognizance, participation in an Alternatives to Detention (“ATD”) program, and GPS or
2 electronic location monitoring—would fully address any conceivable flight-risk concern or residual
3 public-safety concern arising from Petitioner’s single, already-resolved DUI matter, particularly
4 given Petitioner’s three-year record of full compliance with every condition of his release, while
5 preserving his Fifth Amendment right to be free from physical restraint.
6

7 67. Petitioner had previously complied fully with the conditions of his Form I-220A release, and
8 his only criminal contact—a single DUI matter—has already been resolved. His detention without
9 consideration of these readily available, less restrictive alternatives is excessive, punitive, and not
10 reasonably related to any legitimate Government interest.

11 **PRAYER FOR RELIEF**

12 WHEREFORE, Petitioner respectfully requests that the Court:
13

- 14 a. Assume jurisdiction over this matter;
- 15 b. Issue an Order to Show Cause directing Respondents to explain within seven days why this
16 Petition should not be granted, as required by 28 U.S.C. § 2243, and prohibiting the transfer of
17 Petitioner outside this district during the pendency of the Court’s review, or, alternatively, requiring
18 Respondents to provide Petitioner and his habeas counsel with advance notice of any transfer or
19 removal;
- 20 c. Issue a Temporary Restraining Order and/or Preliminary Injunction (1) restraining and
21 enjoining Respondents from transferring or removing Petitioner from the Eastern District of
22 California pending resolution of this Petition, and (2) directing Respondents to immediately release
23 Petitioner under the same conditions that applied prior to his July 1, 2026 detention—or under any
24 additional conditions reasonably necessary to address public safety, including GPS or electronic
25 location monitoring—or, in the alternative, to provide Petitioner with an individualized custody
26 redetermination hearing pursuant to 8 U.S.C. § 1226(a) within seven (7) days, at which the
27
28

1 Department of Homeland Security shall bear the burden of proving by clear and convincing
2 evidence that Petitioner poses a flight risk or danger to the community;

3 d. Issue a Writ of Habeas Corpus directing Respondents to release Petitioner from custody, on
4 appropriate conditions of supervision, and enjoining any re-detention during the pendency of his
5 removal proceedings unless Respondents first provide written notice and a hearing before a neutral
6 decisionmaker at which they demonstrate by clear and convincing evidence that Petitioner poses a
7 flight risk or danger to the community and that no alternatives to detention could mitigate those
8 risks;

9
10 e. Declare that re-arresting Petitioner during ongoing removal proceedings, without first affording
11 an individualized determination before a neutral decisionmaker, violates the Fifth Amendment's
12 Due Process Clause and 8 U.S.C. § 1226(a);

13 f. Award reasonable attorneys' fees and costs pursuant to the Equal Access to Justice Act, 28
14 U.S.C. § 2412; and

15 g. Grant any further relief this Court deems just and proper.
16
17

18 Dated: July 2, 2026

19 Respectfully Submitted

20 */s/ Kuldip S. Dhariwal*

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