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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SARABJEET KAUR,


Petitioner,

v.

WARDEN OF CALIFORNIA CITY
IMMIGRATION PROCESSING CENTER, *et*
al.,

Respondents.

No. 1:26-CV-05120-DJC-SCR

**OPPOSITION TO PETITION FOR
WRIT OF HABEAS CORPUS AND
ALL INJUNCTIVE RELIEF; RESPONSE
TO ORDER TO SHOW CAUSE**

This case involves mandatory pre-order detention. Petitioner is a native and citizen of India, who entered the United States with her family on or about April 29, 2024. Exhibits A (Notice to Appear), B (I-213). She was released on her own recognizance. *Id.* Following multiple violations of her Alternatives to Detention conditions, ICE re-detained Petitioner. Exhibits B, C (I-200), D (missed biometrics log), E (missed ATD check-in log). Detention is mandatory under 8 U.S.C. § 1225(b). Neither the statute nor the Constitution affords petitioner a path to release or a bond hearing.

I. DETENTION IS MANDATORY UNDER THE STATUTE

Petitioner is an “applicant for admission” who is subject to mandatory detention. Section 1225(b)(2) provides for mandatory detention. The plain language of § 1225 is rightly applied to aliens in this category. *See Alonzo v. Noem*, 2025 WL 3208284, at *2–4 (E.D. Cal. Nov. 17, 2025) (Shubb, J.); *id.* at *3 (citing two decisions); *Altamirano Ramos v. Lyons*, 2025 WL 3199872, at *4–8 (C.D. Cal. Nov.

12, 2025); *id.* at *8 (citing three more decisions); *but see Alonzo*, 2025 WL 3208284, at *2–3 (conceding that “many courts,” both in this District and elsewhere, have held to the contrary).

II. DUE PROCESS IS THE PROCESS AVAILABLE UNDER THE STATUTE

The due process claims of applicants for admission are coextensive with the applicable detention statute. In *DHS v. Thuraissigiam*, 591 U.S. 103, 138–40 (2020), the Supreme Court reiterated the “important rule” that “as to ‘foreigners who have never been naturalized, nor acquired any domicile or residence within the United States, nor even been admitted into the country pursuant to law,’ ‘the decisions of executive or administrative officers, acting within powers expressly conferred by Congress, are due process of law.’” *Id.* at 138 (emphasis added; quoting *Nishimura Ekiu v. United States*, 142 U.S. 651, 660 (1892)). The Court held that “an alien who tries to enter the country illegally is treated as an ‘applicant for admission,’ § 1225(a)(1),” and that such an alien “has only those rights regarding admission that Congress has provided by statute.” *Id.* at 140. Crucially, “the Due Process Clause provides nothing more.”¹ *Id.* (emphasis added); *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 215 (1953)).

An “alien who ‘arrives in the United States,’ or ‘is present’ in this country but ‘has not been admitted,’ is treated as ‘an applicant for admission.’” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018) (quoting 8 U.S.C. § 1225(a)(1)). Congress by statute has provided Petitioner with the right to contest his removal. But Congress by §1225(b) has at the same time mandated that, while Petitioner exercises those rights, he must be detained. Under *Thuraissigiam* and *Shaughnessy*, the Due Process Clause provides nothing more.

Respondents acknowledge the cases to the contrary in this District. But *Thuraissigiam* explained that Congress “addressed” the problems of flight risk and the high costs of detention “by providing more

¹ As the Eighth Circuit has recently observed, there is no warrant in this context “for a multi-factor ‘reasonableness’ test” of the kind exemplified by *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976), because *Zadvydas v. Davis*, 533 U.S. 678 (2001), and *Demore v. Kim*, 538 U.S. 510 (2003), “have already done whatever balancing is necessary.” *Banyee v. Garland*, 115 F.4th 928, 933 (8th Cir. 2024); accord *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1206–07 (9th Cir. 2022) (acknowledging that “the Supreme Court when confronted with constitutional challenges to immigration detention has not resolved them through express application of *Mathews*,” but “assum[ing] without deciding that *Mathews* applies here”); *id.* at 1214 (Bumatay, J., concurring) (similarly observing that in “resolving similar immigration-detention challenges, the Supreme Court has not relied on the *Mathews* framework”).

expedited procedures for certain ‘applicants for admission.’ ” 591 U.S. at 108. Moreover, despite its singular use of the phrase “regarding admission,” *Thuraissigiam* also makes broad reference to the “due process rights” of aliens at the threshold of entry, without drawing forced distinctions between admission and other key aspects of the immigration process — such as detention — with which admission is typically intertwined. *Id.* at 139 (emphasis added); *see also Carlson v. Landon*, 342 U.S. 524, 538 (1952) (“Detention is necessarily a part of [the] deportation procedure.”).

III. THE STATUTE IS CONSTITUTIONAL AS APPLIED TO PETITIONER

Petitioner does not have a liberty interest in remaining out of custody during the pendency of removal proceedings. Petitioner violated the terms of her conditional release and had that period of release terminated because of those violations.

The agency’s previous determination to grant release—particularly if that release was conditional and petitioner violated those conditions—does not alter petitioner’s status nor endow petitioner with constitutional rights not provided for by statute. It is the statute that is the sole source of constitutional rights in the case of arriving aliens, and the statute here provides for mandatory detention. *Shaughnessy*, 345 U.S. at 215. This application is constitutional as applied to petitioner’s case.

IV. RESPONSE TO ORDER TO SHOW CAUSE

In response to this Court’s July 6, 2026, Order, requiring Respondents to substantively address whether any provision of law or fact in this case would distinguish it from those identified in the Court’s Order (Dkt. 5), Respondents note that the petitioners in those cases were not involved in any Alternatives to Detention program and appeared to not have been in prior contact with immigration authorities. Here however, Petitioner had a prior encounter with immigration authorities and engaged in Alternatives to Detention which required timely scheduled check-ins as a condition of discretionary release. Petitioner makes general claims of compliance and making all immigration court appearances. Dkt. 1, ¶¶ 50, 60. However, she does not make any representation about her ATD compliance.

Courts in this district have previously determined that a post-deprivation bond hearing is an appropriate remedy in the case of ATD violations. *See Rodriguez-Diaz v. Warden of Mesa Verde Detention Facility*, No. 1:26-cv-02421-JLT-FJS, 2026 WL 1078289 (E.D. Cal. Apr. 21, 2026); *Nateros v. Chestnut, et al.*, No. 1:25-cv-01950-JLT-SKO, 2026 WL 177799 (E.D. Cal. Jan. 22, 2026); *Bejarano*

1 *v. Chestnut, et al.*, No. 1:25-cv-01905-JLT-SAB, 2026 WL 92018 (E.D. Cal. Jan. 13, 2026); *Martinez*
2 *Hernandez v. Andrews*, No. 1:25-cv-01035-JLT-HBK, 2025 WL 2495767 (E.D. Cal. Aug. 28, 2025);
3 *Carballo v. Andrews*, No. 1:25-cv-00978-KES-EPG, 2025 WL 2381464 (E.D. Cal. Aug. 15, 2025).

4 **V. CONCLUSION**

5 In sum, as an unadmitted alien, Petitioner is due the process that Congress has created. That
6 process includes mandatory detention while Petitioner exercises her statutory right to challenge removal.
7 The petition should be dismissed. However, if the Court is inclined to grant relief, then Respondents
8 respectfully request that a bond hearing be ordered, prior to any release.

9 Dated: July 9, 2026

Respectfully submitted,

ERIC GRANT

United States Attorney

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