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

In the Matter of
DEVINDER SINGH SIDHU

Petitioner

**PETITIONER'S REPLY TO
RESPONDENTS' OPPOSITION TO
PETITION FOR WRIT OF HABEAS
CORPUS**

Case No. 1:26-cv-05181-DJC-AC

Warden of Golden State Annex Facility
Secretary of the U.S. Department
of Homeland Security
Attorney General of the United
States
U.S Immigration Customs Enforcement
U.S. Department of Homeland Security
In their official capacities
Respondents

Case No. 1:26-cv-05181-DJC-AC

PETITIONER'S REPLY TO RESPONDENTS' OPPOSITION TO PETITION FOR WRIT OF HABEAS CORPUS

I. INTRODUCTION

Petitioner respectfully submits this Reply pursuant to the Court's July 6, 2026 Minute Order.

The Court directed Respondents to identify any factual or legal basis that distinguishes this matter from the Court's prior decisions in *Garcia Mariagua v. Chestnut*, *Ortega v. Noem*, and *Lopez v. Lyons*. Respondents did not meaningfully answer that question. Instead, they simply repeat their legal position that Petitioner is detained under 8 U.S.C. § 1225(b) and therefore subject to mandatory detention.

The Opposition fails to explain why Petitioner's detention remains constitutional after DHS released him into the community for nearly two years, allowed him to pursue his asylum case while at liberty, and then abruptly re-detained him without any individualized custody determination.

Because Respondents have failed to demonstrate any meaningful distinction from the cases identified by this Court, the Petition should be granted.

II. RESPONDENTS FAIL TO IDENTIFY ANY DISTINGUISHING FACTS OR LAW

The Court specifically directed Respondents to explain whether this case differs from the Court's previous decisions addressing similar detention challenges. Respondents did not do so.

Instead, Respondents devote nearly their entire Opposition to the assertion that Petitioner entered without inspection and therefore remains detained pursuant to § 1225(b). That argument merely repeats Respondents' interpretation of the detention statute.

It does not explain why Petitioner's continued detention is constitutional under the unique facts presented here. Nor does it explain why this Court should depart from its previous decisions. The Government therefore has not answered the precise question posed by this Court.

III. PETITIONER'S INDIVIDUAL CIRCUMSTANCES DEMONSTRATE THAT CONTINUED DETENTION IS UNNECESSARY

This case presents compelling individualized circumstances that demonstrate continued detention serves no legitimate governmental purpose.

Following Petitioner's arrival in July 2024, DHS released him into the community.

For approximately twenty-three months, Petitioner:

- complied with every immigration requirement;
- maintained his residence;
- pursued his asylum application;
- appeared for immigration proceedings;
- remained continuously available to DHS;
- never absconded; and
- never violated any immigration reporting requirements.

1 These facts are significant because DHS itself determined that Petitioner could safely remain at liberty
2 while litigating his immigration case. Petitioner also has substantial ties to the community. His wife and
3 child remain in the United States and are likewise involved in pending immigration proceedings.

4 These family ties provide every incentive to continue appearing before the Immigration Court. The
5 Government does not dispute any of these facts.

6 Instead, Respondents rely almost exclusively upon the existence of Petitioner's recent misdemeanor DUI
7 arrest. A single nonviolent misdemeanor does not automatically establish that continued detention is
8 necessary, particularly where DHS previously trusted Petitioner to remain in the community for nearly two
9 years without incident.

10 The Due Process Clause requires an individualized determination rather than categorical detention based
11 solely upon statutory classification.

12 IV. RESPONDENTS' OWN REQUEST CONFIRMS THAT A BOND HEARING IS AN 13 APPROPRIATE REMEDY

14 Respondents request that, if the Court disagrees with their legal position, they be afforded fourteen days to
15 provide Petitioner with a bond hearing. This request is significant.

16 Rather than arguing that no relief is available, Respondents expressly acknowledge that a bond hearing is
17 an appropriate alternative should the Court reject their statutory interpretation. Accordingly, even under
18 Respondents' own proposed disposition, the Court may order prompt individualized custody review.

19 Petitioner respectfully submits that immediate release remains appropriate. However, at minimum, the
20 Court should require Respondents to provide an individualized custody hearing at which the Government
21 bears the burden of proving by clear and convincing evidence that continued detention is necessary
22 because Petitioner presents either a danger to the community or a flight risk.

23 V. CONCLUSION

24 Respondents have failed to identify any meaningful factual or legal distinction between this case and the
25 prior cases identified by this Court. Instead, they simply restate their statutory argument while ignoring the
26 individualized facts demonstrating that Petitioner's continued detention is arbitrary and unnecessary.

27 For nearly two years DHS allowed Petitioner to reside in the community while he fully complied with
28 every immigration obligation and pursued his asylum application. Nothing in Respondents' Opposition
explains why those facts now justify continued detention without meaningful individualized review.

Accordingly, Petitioner respectfully requests that the Court:

1. Grant the Petition for Writ of Habeas Corpus;
2. Order Petitioner's immediate release from immigration custody; or, in the alternative,
3. Order Respondents to provide Petitioner with an individualized bond hearing within fourteen (14)
days at which the Government bears the burden of proving by clear and convincing evidence that
continued detention is justified; and
4. Grant such additional relief as the Court deems just and proper.

Respectfully Submitted,

Dated this 13 day of July, 2026.



Kamal D. Mann

THE MANN LAW OFFICES, P.C.

Attorney for Petitioner

VERIFICATION PURSUANT TO 28 U.S.C 2242

I am submitting this verification on behalf of the Petitioner because I am the attorney for Petitioner. I or my co-counsel have discussed with the Petitioner the events described in this Petition. Based on those discussions, I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 12 day of July, 2026.



Kamal D. Mann

THE MANN LAW OFFICES, P.C.

Attorney for Petitioner