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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 JASHAMPREET SINGH,

Petitioner,

13 v.

14 TONYA ANDREWS ET AL.,

15 Respondents.

No. 1:26-CV-05210-DJC-CKD

RESPONSE TO ORDER TO SHOW CAUSE

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20 **INTRODUCTION**
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22 The Court should deny the petition because Jashampreet Singh (Singh) is detained un-
23 der 8 U.S.C. § 1225(b). If the Court again rejects that statutory argument, the proper remedy
24 remains a bond hearing—not release. This Court has held that the remedy in habeas cases
25 turns on each case's facts. *Compare Feng v. Lyons*, No. 1:26-CV-00235-DJC-SCR, 2026 WL
26 472635 (E.D. Cal. Feb. 19, 2026) (granting immediate release) *with Cayetano v. Blanche*, No.
27 1:26-CV-02811-DJC-EFB, 2026 WL 1079426 (E.D. Cal. Apr. 21, 2026) (ordering a hearing be-
28 fore a neutral arbiter).

As in *Cayetano*, the Department of Homeland Security (DHS) redetained Singh after a material change in circumstances: his arrest and prosecution for a serious felony. Exh. A at 15. Although the charges were dismissed, a state court found probable cause he committed rape. Exh. B at 1. Under Washington state law, courts determine probable cause on arrest. Wash. Super. Ct. Crim. R. 3.2.1(a)–(b).

Under these circumstances, if the Court rejects Respondents’ statutory argument, due process entitles Singh to a custody hearing before a neutral decisionmaker—not release.

BACKGROUND

Singh, a citizen of India, entered the United States without inspection in July 2024 and was apprehended in New York. Exh. A at 2. Following his arrest, the Department of Homeland Security (DHS) released him and served him a Notice to Appear. *Id.* at 2, 7–9.

He was arrested for third-degree rape on September 23, 2025. *Id.* at 15. A judge found probable cause and released him. Exh. B at 1. He was charged with second-degree rape. Exh. A at 15.¹ The case was set for jury trial and was dismissed without prejudice on December 3, 2025. Exh. B at 8.

On June 2, 2026, DHS learned of the arrest and detained Singh at the Fresno U.S. Immigration and Customs Enforcement (ICE) office. Exh. A at 2.

Since his detention he attended an immigration court hearing, and his immigration attorney withdrew. Exh. C at 1–4. His next hearing is July 30, 2026. *Id.* at 5. He has not filed the supporting documents needed for an immigration judge (IJ) to decide whether he is eligible for relief from removal. See Doc. 1-2 at 16–27.

ARGUMENT

I. This case aligns with the Court’s when due-process violations occur, the remedy is tailored to the facts.

The remedy should fit this case’s circumstances. After finding a due-process violation and rejecting the government’s § 1225(b) argument, this Court has ordered “a bond hearing before a neutral decisionmaker within fourteen (14) days”—not release. *Cayetano*, 2026 WL

¹ Respondents have not yet obtained the underlying court documents.

1 1079426, at *1. This case differs from those where the Court ordered release. In *Feng* the
2 Court granted release after five months detention and no evidence of flight risk or danger.
3 2026 WL 472635, at *1.

4 Here, the state tribunal found probable cause Singh committed a serious felony offense.
5 Exh. B at 1. Although the charges were dismissed, the underlying facts are relevant to danger-
6 ousness. See *Matter of Guerra*, 24 I&N Dec. 37, 40 (BIA 2006) (“Immigration Judges are not
7 limited to considering only criminal convictions in assessing whether an alien is a danger to the
8 community.”). This case presents the same scenario. As in *Cayetano*, Singh challenges rede-
9 tention under § 1226(a). DHS identified an arrest as a change in circumstances relevant to
10 dangerousness. Because the IJ must evaluate those facts the remedy is a bond hearing—not
11 release.

12 **II. The arrest makes this case materially different from those where the Court or-**
13 **dered release.**

14 In the cases the Court identified there was no change in circumstances or violations of
15 release conditions that warranted redetention. Dkt. No. 3. In the cases identified in the minute
16 order, the Court concluded that absent new, post-release factual development suggesting dan-
17 ger or flight risk, re-detention was arbitrary and release was required.

18 By contrast, this case mirrors *Cayetano* where the Court ordered a bond hearing in light
19 of recent criminal charges. 2026 WL 1079426 at *1. Here, criminal history bears directly on
20 public safety. Respondents ask the Court to limit the remedy to a bond hearing—not release.

21 **III. The arrest reduces the risk of erroneous deprivation and strengthens the govern-**
22 **ment's interests, confirming that a bond hearing is adequate due process.**

23 The second and third *Mathews* factors support a bond hearing. See *Mathews v. El-*
24 *dridge*, 424 U.S. 319, 334–35 (1976). The arrest and probable cause finding bear directly on
25 dangerousness and flight. The risk of erroneous detention is low, and the added value of a
26 pre-deprivation hearing is minimal. DHS has a strong interest in promptly reassessing custody
when it learns of a serious public-safety risk.

27 In these circumstances, a bond hearing remedies any due-process violation. Because
28 the IJ is the appropriate decisionmaker to assess whether the latest information shows

1 changed circumstances indicating danger or flight risk, a post-custody bond hearing satisfies
2 due process.

3 **CONCLUSION**

4 The Court should deny the petition because Singh is detained under 8 U.S.C. § 1225(b).
5 Even if the Court rejects Respondents' statutory argument, precedent supports a bond hear-
6 ing—not release. When DHS redetains a noncitizen after a meaningful change in
7 circumstances, due process requires a neutral decisionmaker to assess whether the latest in-
8 formation affects dangerousness or flight risk. A post-custody bond hearing satisfies that
9 requirement.

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11 Dated: July 10, 2026

12 Respectfully submitted,

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