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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

NARENDER SINGH,

Petitioner,

v.

CHRISTOPHER CHESTNUT, in his
capacity as Warden of the California City
Correctional Facility;

MARKWAYNE MULLIN, In his official
capacity as Secretary of Homeland
Security,

SERGIO ALBARRAN, in his official
capacity as Acting Field Office Director,
San Francisco Field Office, U.S.
Immigration & Customs Enforcement;

DAVID VENTURELLA, In his official
capacity as Acting Director, U.S.
Immigration and Customs Enforcement,

TODD BLANCHE, In his official capacity
as Acting Attorney General,

Respondents.

Civil Action No.

Immigration No. 

**VERIFIED EMERGENCY PETITION FOR
WRIT OF HABEAS CORPUS AND
INCORPORATED MEMORANDUM OF LAW**

CONTENTS

Contents	2
PRELIMINARY STATEMENT.....	3
THE PARTIES.....	4
CUSTODY.....	4
JURISDICTION & VENUE.....	5
I. Subject Matter Jurisdiction	5
II. Personal Jurisdiction	5
III. VENUE.....	5
FACTS	6
LEGAL FRAMEWORK WITH RESPECT TO BOND	6
Claims for Relief.....	10
COUNT 1: VIOLATION OF THE INA.....	10
COUNT 2: VIOLATION OF DUE PROCESS	11
Prayer for Relief	11
Verification by someone acting on Petitioner's behalf pursuant to 28 U.S.C. § 2242.....	13

PRELIMINARY STATEMENT

1. This matter involves a citizen of India, Narender Singh, who is presently being detained in the custody of ICE ERO's San Francisco Field Office at the California City Correctional Facility in California City, California, without an individualized bond determination and in violation of the law. Petitioner entered the United States on or about July 16, 2022 at or near San Luis, Arizona without inspection. He claimed asylum based upon a fear of return to India due to political persecution. Petitioner was released after Respondents made a determination that he was neither a flight risk nor a danger to the community. Nevertheless, Petitioner was re-detained by ICE on or about June 28, 2026. Upon information and belief, DHS did not have a warrant for Petitioner's detention at the time he was re-detained. Upon information and belief, no pre-deprivation hearing was held prior to his re-detention. He has not been given a new bond hearing, in keeping with the government's unlawful bond denial policy. He is presently detained in the custody of ICE ERO's San Francisco Field Office at the California City facility.
2. DHS and EOIR each have nationwide policies mandating the detention of all persons who entered without admission or parole, regardless of whether that person was apprehended upon arrival. Most recently, on September 5, 2025, in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), the Board of Immigration Appeals (BIA) held that all persons who have entered the United States without admission or parole are now subject to mandatory detention under § 1225(b)(2)(A). This legal interpretation is plainly contrary to the statutory framework and contrary to decades of agency practice applying § 1226(a) to people like Petitioner.
3. This systemic misclassification of people arrested inside the United States is in clear violation of the law. These people are generally subject to the detention provisions of 8 U.S.C. § 1226, which usually allows for release on bond and conditions during the pendency of immigration proceedings. It has been this way for decades. DHS and DOJ are now misclassifying these people as being subject to 8 U.S.C. § 1225, which does not allow for release on bond. This misclassification is contrary to almost 30 years of settled law and practice, and it is unlawfully premised solely upon the manner in which the person initially entered the country—in some

1 cases, decades ago.

2 4. Accordingly, Petitioner seeks a writ of habeas corpus. Petitioner requests an order requiring
3 her immediate release, or in the alternative, her immediate release unless Respondents provide
4 a bond hearing under § 1226(a) within seven days.

5 **THE PARTIES**

6 5. Petitioner is detained in the custody of ICE. He is being detained in the custody of the San
7 Francisco ICE Field Office at the California City Correctional Facility, which is located
8 within this judicial district. Her custody and governmental actions related to her detention are
9 likewise controlled by the ICE San Francisco Field Office.

10 6. Respondent Christopher Chestnut is the Warden of the California City Correctional Facility, a
11 privately-owned and operated detention center owned by CoreCivic, Inc. He is the private
12 citizen hired by a publicly-traded for-profit corporation to oversee the operations of that
13 prison, and is therefore the individual who has direct physical authority over the Petitioner.
14 His office is located at 22844 Virginia Boulevard, California City, CA 93505

15 7. Respondent Sergio Albarran is the Acting Field Office Director for the San Francisco Field
16 Office of Enforcement and Removal Operations, U.S. Immigration and Customs
17 Enforcement. He is the local ICE official who has authority over the Petitioner. *See Vasquez*
18 *v. Reno*, 233 F.3d. 688, 690 (1st Cir. 2000), cert. denied, 122 S. Ct. 43 (2001). Respondent
19 Albarran's office is at 630 Sansome Street, Room 590, San Francisco, CA 94111.

20 8. Petitioner's custody and the governmental actions related to his potential removal from the
21 district are likewise controlled by Respondents David Venturella (who is the Acting Director
22 of U.S. Immigration and Customs Enforcement), Markwayne Mullin (who is the Secretary of
23 Homeland Security), and Todd Blanche (who is the Acting Attorney General and therefore in
24 control of the Executive Office for Immigration Review, which administers the Immigration
25 Courts and the Board of Immigration Appeals).

26
27 **CUSTODY**

28 9. Petitioner is in the physical custody of Respondents and U.S. Immigration and Customs

1 Enforcement ("ICE") at the California City Correctional Facility. The Deportation Officer
2 responsible for her case is employed by the San Francisco Field Office of ICE. The Petitioner
3 is under the direct care, custody and control of Respondents and their agents.

4 JURISDICTION & VENUE

5 I. Subject Matter Jurisdiction

6 10. This action arises under the Constitution of the United States, and the Immigration and
7 Nationality Act ("INA"), 8 U.S.C. § 1101 et seq., as amended by the Illegal Immigration
8 Reform and Immigrant Responsibility Act of 1996 ("IIRIRA"), Pub. L. No. 104 - 208, 110
9 Stat. 1570, and the Administrative Procedure Act ("APA"), 5 U.S.C. § 701 et seq.

10 11. This Court has jurisdiction under 28 U.S.C. § 2241, Art. I, § 9, cl. 2 of the Constitution of the
11 United States (the Suspension Clause) and 28 U.S.C. § 1331, as Petitioner is presently in
12 custody under color of the authority of the United States, and such custody is in violation of
13 the Constitution, laws, or treaties of the United States. This Court may grant relief pursuant to
14 28 U.S.C. § 2241, 5 U.S.C. § 702, the All Writs Act, 28 U.S.C. § 1651 and the Court's
15 equitable habeas authority.

16 II. Personal Jurisdiction

17 12. This Court has personal jurisdiction over Petitioner's immediate custodian (who is physically
18 within the district).¹

19 III. VENUE

20 13. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S.484, 493-500 (1973),
21 venue lies in the United States District Court for the Eastern District of California, the judicial
22 district in which Petitioner is being detained. Petitioner is being detained at the California City
23 facility and his detention falls under the jurisdiction of the ICE Field Office of San Francisco,
24 California, which encompasses the area where Petitioner is being detained, pursuant to 28
25 U.S.C. § 1391.

26
27 ¹ Petitioner asserts this Court has personal jurisdiction over the additional Respondents, however, in the
28 interest of brevity, the Petitioner will brief this if (1) any governmental acts challenged herein are found to relate to
those Respondents (instead of the immediate custodian) and (2) the Government seeks to argue against personal
jurisdiction.

FACTS

14. Petitioner, Narender Singh, is citizen of India who entered the United States without inspection on or about July 16, 2022 at or near San Luis, Arizona.

15. Petitioner claimed asylum based upon a fear of return to India due to political persecution.

16. Petitioner was released from custody shortly thereafter, after Respondents made a determination that he was neither a flight risk nor a danger to the community, and released him from custody.

17. Petitioner was issued a Notice to Appear dated January 24, 2023.

18. Upon information and belief, Petitioner filed his I-589 application for asylum after being released from DHS custody.

19. Petitioner was re-detained by ICE on or about June 28, 2026.

20. Petitioner was re-detained without any opportunity to meaningfully challenge the decision to re-detain him.

21. When ICE re-detained Petitioner, upon information and belief, they did not arrest him pursuant to a warrant as required by § 1226(a).

22. Upon information and belief, no pre-deprivation hearing was held prior to his re-detention.

23. Petitioner has not been given a new bond hearing, in keeping with the government's unlawful bond denial policy.

24. Upon information and belief, ICE has issued a custody determination to continue Petitioner's detention without an opportunity to post bond or be released on other conditions.

25. Upon information and belief, ICE has issued a custody determination to continue Petitioner's detention without an opportunity to post bond or be released on other conditions.

26. Petitioner is presently detained in the custody of ICE ERO's San Francisco Field Office at the California City Correctional Facility.

27. Without relief from this Court, Petitioner faces the prospect of many more months, or even years, in immigration custody, as he continues to pursue his asylum matter.

LEGAL FRAMEWORK WITH RESPECT TO BOND

28. The INA prescribes three basic forms of detention for the vast majority of noncitizens in

1 removal proceedings.

2 29. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings
3 before an Immigration Judge (IJ). See 8 U.S.C. § 1229a. Individuals in § 1226(a) detention
4 are generally entitled to a bond hearing at the outset of their detention, see 8 C.F.R. §§
5 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted
6 of certain crimes are subject to mandatory detention, see 8 U.S.C. § 1226(c).

7 30. Second, the INA provides for mandatory detention of noncitizens subject to expedited
8 removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred
9 to under § 1225(b)(2).

10 31. Last, the INA also provides for detention of noncitizens who have been ordered removed,
11 including individuals in withholding-only proceedings, see 8 U.S.C. § 1231(a)–(b).

12 32. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

13 33. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal
14 Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104—
15 208, Div. C, §§ 302–03, 110 Stat. 3009–546, 3009–582 to 3009–583, 3009–585. Section 1226
16 was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119–1, 139
17 Stat. 3 (2025).

18 34. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining that, in
19 general, people who entered the country without admission or parole were not considered
20 detained under § 1225 and that they were instead detained under § 1226(a). See Inspection
21 and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal
22 Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

23 35. Thus, in the decades that followed, most people who entered without admission or parole and
24 were placed in standard removal proceedings received bond hearings, unless their criminal
25 history rendered them ineligible. That practice was consistent with many more decades of
26 prior practice, in which noncitizens who were not deemed “arriving” were entitled to a
27 custody hearing before an IJ or other hearing officer. See 8 U.S.C. § 1252(a) (1994); see also
28 H.R. Rep. No. 104–469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the

- 1 detention authority previously found at § 1252(a)).
- 2 36. On July 8, 2025, ICE, “in coordination with” the Department of Justice, announced a new
3 policy that rejected this well-established understanding of the statutory framework and
4 reversed decades of practice.
- 5 37. The new policy, entitled “Interim Guidance Regarding Detention Authority for Applicants for
6 Admission,” claims that all persons who entered the United States without admission or
7 parole shall now be deemed “applicants for admission” under 8 U.S.C. § 1225, and therefore
8 are subject to mandatory detention under § 1225(b)(2)(A). The policy applies regardless of
9 when a person is apprehended, and affects those who have resided in the United States for
10 months, years, and even decades.
- 11 38. On September 5, 2025, the BIA adopted this same position in *Matter of Yajure Hurtado*.
12 There, the Board held that all noncitizens who entered the United States without admission or
13 parole are considered applicants for admission who are seeking admission and are ineligible
14 for IJ bond hearings.
- 15 39. Numerous judges within this circuit and nationwide have uniformly rejected DHS’s and
16 EOIR’s new interpretation because it defies the INA. The plain text of the statutory provisions
17 demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner. *See, e.g.,*
18 *J.A.C.P. v. Wofford*, No. 1:25-CV-01354-KES-SKO (HC), 2025 WL 3013328 (E.D. Cal. Oct.
19 27, 2025); *A.E.R.T. v. Wofford*, 1:25-CV-1824-KES-SKO (HC) (E.D. Cal., Dec. 16, 2025);
20 *Garcia Mariagua v. Chestnut*, No. 1:25-cv-01744-DJC-CSK, 2025 WL 3551700 (E.D. Cal.
21 Dec. 11, 2025); *J.E.H.G. v. Chestnut*, No. 1:25-CV-01673-JLT-SKO, 2025 WL 3523108, at
22 *10 (E.D. Cal. Dec. 9, 2025) (citing *Doe v. Becerra*, No. 2:25-CV-00647-DJC-DMC, 2025
23 WL 691664, at *4 (E.D. Cal. Mar. 3, 2025)) *see also Barco Mercado v. Francis*, ___ F. Supp.
24 3d. ___, No. 25-cv-6582 (LAK), 2025 WL 3295903, at *4 (S.D.N.Y. Nov. 26, 2025) (noting
25 that, in “350” of the “362” opinions to address this issue, the petitioners “prevailed, either on
26 a preliminary or final basis,” and these cases were “decided by over 160 different judges
27 sitting in about fifty different courts”)
- 28 40. In *Maldonado Bautista v. Santacruz*, the Central District of California issued both declaratory

- 1 and injunctive relief holding that noncitizens who entered without inspection but were not
2 apprehended at the border are detained under § 1226(a), not § 1225(b)(2), and are therefore
3 entitled to bond hearings. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM,
4 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025); *Maldonado Bautista v. Santacruz*, No. 5:25-
5 CV-01873-SSS-BFM, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025).
- 6 41. Subsection 1226(a) applies by default to all persons “pending a decision on whether the
7 [noncitizen] is to be removed from the United States.” These removal hearings are held under
8 § 1229a, to “decid[e] the inadmissibility or deportability of a[] [noncitizen].”
- 9 42. Subsection 1226(a) applies by default to all persons “pending a decision on whether the
10 [noncitizen] is to be removed from the United States.” These removal hearings are held under
11 § 1229a, to “decid[e] the inadmissibility or deportability of a[] [noncitizen].”
- 12 43. The text of § 1226 also explicitly applies to people charged as being inadmissible, including
13 those who entered without admission or parole. See 8 U.S.C. § 1226(c)(1)(E). Subparagraph
14 (E)’s reference to such people makes clear that, by default, such people are afforded a bond
15 hearing under subsection (a). “When Congress creates ‘specific exceptions’ to a statute’s
16 applicability, it ‘proves’ that absent those exceptions, the statute generally applies.” *Rodriguez*
17 *Vazquez*, 779 F. Supp. 3d at 1257 (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate*
18 *Ins. Co.*, 559 U.S. 393, 400 (2010)).
- 19 44. Section 1226 therefore leaves no doubt that it applies to people who face charges of being
20 inadmissible to the United States, including those who are present without admission or
21 parole.
- 22 45. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who recently entered
23 the United States. The statute’s entire framework is premised on inspections at the border of
24 people who are “seeking admission” to the United States. 8 U.S.C. § 1225(b)(2)(A). Indeed,
25 the Supreme Court has explained that this mandatory detention scheme applies “at the
26 Nation’s borders and ports of entry, where the Government must determine whether a[]
27 [noncitizen] seeking to enter the country is admissible.” *Jennings v. Rodriguez*, 583 U.S. 281,
28 287 (2018).

1 46. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to people like
2 Petitioner, who has already entered and was residing in the United States at the time he was
3 apprehended.

4 47. This Court has held that immediate release is the appropriate remedy where a non-citizen
5 petitioner is detained unlawfully in violation of their due process rights, such as by being
6 detained without a warrant as required under § 1226(a). *See J.A.C.P. v. Wofford*, 2025 WL
7 3013328, at *8; see also *Chogllo Chafila v. Scott*, No. 2:25-CV-00437-SDN, 2025 WL 2688541, at
8 *11 (D. Me. Sept. 22, 2025) (“Issuance of a warrant is a necessary condition to justify
9 discretionary detention under section 1226(a).”). “Section 1226(a) plainly states: ‘On a warrant
10 issued by the Attorney General, a [noncitizen] may be arrested and detained’” *Id.* (quoting 8
11 U.S.C. § 1226(a)). “As such, it follows that absent a warrant a noncitizen may not be arrested and
12 detained under section 1226(a).” *Id.* “To put it simply, [petitioner’s] detention[] [is] improper
13 because there is no evidence in the record that [he was] arrested pursuant to a warrant.” *Id.* “Since
14 the Government did not comply with the plain language of section 1226(a), [petitioner’s]
15 immediate release is justified.” *Id.*; *Chiliquinga Yumbillo v. Stamper*, No. 2:25-CV-00479-SDN,
16 2025 WL 2783642, at *5 (D. Me. Sept. 30, 2025) (reaching same conclusion).

17 CLAIMS FOR RELIEF

18 COUNT 1: VIOLATION OF THE INA

19 48. Petitioner re-alleges and incorporates by reference each and every allegation contained in the
20 preceding paragraphs as if set forth fully herein, and does so for all additional counts.

21 49. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens
22 residing in the United States who are subject to the grounds of inadmissibility. As relevant
23 here, it does not apply to those who previously entered the country and have been residing in
24 the United States prior to being apprehended and placed in removal proceedings by
25 Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to §
26 1225(b)(1), § 1226(c), or § 1231.

27 50. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and
28 violates the INA.

1 51. Respondents' detention of Petitioner without a warrant as required under § 1226(a) is in
2 violation of the statute.

3 **COUNT 2: VIOLATION OF DUE PROCESS**

4 52. Petitioner re-alleges and incorporates by reference each and every allegation contained in the
5 preceding paragraphs as if set forth fully herein, and does so for all additional counts.

6 53. The government may not deprive a person of life, liberty, or property without due process of
7 law. U.S. Const. amend. V. "Freedom from imprisonment—from government custody,
8 detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause
9 protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

10 54. Petitioner has a fundamental interest in liberty and being free from official restraint.

11 55. The government's detention of Petitioner without a bond redetermination hearing to
12 determine whether Petitioner is a flight risk or danger to others violates the right to due
13 process.

14 56. Respondents' detention of Petitioner without a warrant as required under § 1226(a) is in
15 violation of his due process rights.

16 **PRAYER FOR RELIEF**

17 WHEREFORE, Petitioner prays that the Court grant the following relief:

- 18 (1) Assume jurisdiction over this matter;
- 19 (2) Prevent the Petitioner's removal outside of this judicial district until this action is
20 decided;
- 21 (3) Issue a temporary stay of Petitioner's removal until this action is decided;
- 22 (4) Declare ICE's July 8 policy and the BIA's *Matter of Yajure Hurtado* decisions
23 unlawful;
- 24 (5) Issue a writ of habeas corpus clarifying that the statutory basis for Petitioner's
25 detention is 8 U.S.C. § 1226(a) and that 8 U.S.C. § 1225(b)(2)(A) does not apply to
26 Petitioner;
- 27 (6) Issue a writ of habeas corpus requiring that Respondents release Petitioner
28 immediately, and that if the government seeks to re-detain petitioner, it must provide

1 no less than seven (7) days' notice to petitioner and must hold a pre-deprivation bond
2 hearing before a neutral arbiter pursuant to section 1226(a) and its implementing
3 regulations, at which petitioner's eligibility for bond must be considered and where the
4 Government shall bear the burden of proving by clear and convincing evidence that
5 Petitioner poses a danger to the community or a flight risk; and
6 (7) Fashion such additional relief as is necessary and appropriate, including declaratory
7 relief or other interim relief necessary to vindicate Petitioners' rights under U.S. and
8 international law

9 Dated: July 8, 2026

10 Respectfully Submitted,
11 s/ Jaspreet Singh

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**VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF PURSUANT
TO 28 U.S.C. § 2242**

I represent Petitioner and submit this verification on Petitioner's behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: July 8, 2026

Respectfully Submitted,
s/ Jaspreet Singh

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