

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

PRINCEPAL SINGH,

Petitioner

V.

Warden, Golden State Annex, Mcfarland, CA

TIMOTHY S. ROBBINS, Los Angeles,

Field Office

Director, Immigration and Customs

Enforcement and Removal Operations

(ICE/) ERO); U.S. Immigration and Customs

Enforcement;

MARKWAYNE MULLIN, Secretary of
the Department of Homeland Security; U.S.

Department of Homeland Security (DHS);

TODD BLANCHE, Acting Attorney General
of the United States, and

TODD LYONS, Director,

Immigration and Customs Enforcement.

Respondents

PETITION FOR WRIT OF HABEAS CORPUS

PRELIMINARY STATEMENT

1. This case challenges the government's authority to indefinitely detain a noncitizen without any finding of dangerousness or flight risk. It asks that this Court grant the petitioner release from prolonged immigration detention or a bond hearing before a neutral arbiter.
2. Petitioner is a 25-year-old native and citizen of India.
3. On or about April 15, 2023, Petitioner entered the US to save his life.
4. On April 17, 2023, the Department of Homeland Security ("DHS") issued a Notice to Appear ("NTA") under section 212(a)(6) (A)(i) charging him as "an alien present in the United States without being admitted or paroled." *See* Ex. A.
5. He was released on parole thereafter.
6. On January 3, 2024 he filed his asylum application which is pending with the Immigration Court. *See* Ex. B.
7. After his arrival in the United States, Petitioner was subject to his ICE check ins all of which he attended even if the next day. He attempted to adhere with the ICE requirements as instructed by the ICE.
8. He is suffering from low back pain, numbness and tingling radiating down to both legs. He got injured while performing his usual and customary work duties as a clerk at  when he confronted the shoplifter in the store who in turn punched him on the face causing him

to fall backwards on the floor and injuring his low back. He has been treated with medications and x-rays and is under therapy. *See* Ex. C.

9. On June 26, 2026, Petitioner was arrested by ICE without any basis.

10. He is currently detained in the custody of Respondents at GOLDEN STATE ANNEX, 611 Frontage RD, MCFARLAND, CA 93250. *See* Ex. D.

11. His case is now pending before the Adelanto Immigration Court. *See* Ex. E.

12. He has never been arrested, charged, or convicted of any crime in the United States. He is a peaceful, law-abiding individual who has never harmed anyone.

13. Additionally, he has a pending Asylum application with the Immigration Court, thus not making him a flight risk.

14. As of the date of this Petition, petitioner has been detained by Immigration and Customs Enforcement ("ICE"), with no end to petitioner's detention in the reasonably foreseeable future.

15. Petitioner's prolonged, indefinite detention pending removal proceedings violates the U.S. Constitution's Fifth Amendment because it deprives petitioner of liberty without due process of law and the Immigration and Nationality Act because it is not authorized by the statute.

16. Petitioner therefore respectfully requests that this Court issue a writ of habeas corpus and order petitioner's release from custody, with appropriate conditions of supervision if necessary.

PARTIES

17. Petitioner is a citizen of India who most recently arrived in the United States on or about April 15, 2023 and is presently detained at the direction of Respondents at GOLDEN STATE ANNEX, 611 Frontage RD, MCFARLAND, CA 93250.

18. Respondent is the Warden of Golden State Annex, Mcfarland, CA. As such, he is Petitioner's immediate custodian. He is named in his official capacity.

19. Respondent Timothy S. Robbins is the Acting Director of the Los Angeles District Office of Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement, Department of Homeland Security. As such, Mr. Robbins is Petitioner's immediate custodian. He is named in his official capacity.

20. Respondent Todd Lyons is the acting director of U.S. Immigration and Customs Enforcement, and he has authority over the actions of respondent and ICE in general. Respondent Lyons is a legal custodian of Petitioner.

21. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security (DHS) and has authority over the actions of all other DHS Respondents in this case, as well as all operations of DHS. Respondent is a legal custodian of Petitioner and is charged with faithfully administering the immigration laws of the United States.

22. Respondent Todd Blanche is the Acting Attorney General of the United States, and as such has authority over the Department of Justice and is charged with faithfully administering the immigration laws of the United States.

23. Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention of noncitizens.

24. Respondent U.S. Immigration Customs Enforcement is the federal agency responsible for custody decisions relating to non-citizens charged with being removable from the United States, including the arrest, detention, and custody status of non-citizens.

JURISDICTION

25. Petitioner is detained in the custody of Respondents at GOLDEN STATE ANNEX, 611 Frontage RD, MCFARLAND, CA 93250.

26. This Court has subject matter jurisdiction over this Petition under 28 U.S.C. § 2241 (power to grant habeas corpus) and 28 U.S.C. § 1331 (federal question jurisdiction); the All Writs Act, 28 U.S.C. § 1651; and the Administrative Procedure Act, 5 U.S.C. § 701.

27. Federal district courts have jurisdiction to hear habeas corpus claims by noncitizens challenging the lawfulness or constitutionality of their detention by ICE. *Demore v. Kim*, 538 U.S. 510, 516-17 (2003).

VENUE

28. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the Eastern District of California, the judicial district in which the Petitioner is currently in custody.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

29. Exhaustion requirements may be excused if the BIA lacks authority to grant the relief sought. *See Singh v. Gonzales*, 432 F.3d 533 (3d Cir. 2006) (constitutional claims not barred by failure to exhaust).
30. The BIA interprets § 1225(b) as mandating detention of arriving aliens pending removal proceedings. *See Matter of X-K-*, 23 I. & N. Dec. at 732 (“There is no question that Immigration Judges lack jurisdiction [for a bond hearing] over arriving aliens who have been placed in . . . removal proceedings . . .”). Exhaustion before the BIA would therefore be futile.
31. Further, “the BIA [Board of Immigration Appeals] does not have jurisdiction to adjudicate constitutional issues . . .” (quotations and citation omitted). *Id.* Because petitioner raises a constitutional due process claim in his habeas petition, exhaustion of his due process claims would be futile.
32. Since the IJ and the Board have both claimed that aliens who entered the US without admission are not eligible for bond, under *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), claiming that IJ lack authority to hear bond requests or grant bond to aliens present in the US without admission, filing a bond would have been futile, and the BIA does not have the authority to claim a statute unconstitutional.
33. A request for release on humanitarian parole under 8 U.S.C. 1182(d)(5)(A) would also be futile. Parole review is conducted informally by DHS officers—the jailing authority—by checking a box on a form that contains no factual findings, no specific explanation, and no evidence of deliberation. There is no hearing, no record, and no administrative appeal from a negative parole decision, even to correct manifest errors. *See Rodriguez v. Robbins*, 804 F.3d

1060, 1081 (9th Cir. 2015), *cert. granted sub nom. Jennings v. Rodriguez*, 136 S. Ct. 2489, 195 L. Ed. 2d 821 (2016) (identifying denials of parole “based on blatant errors: In two separate cases . . . officers apparently denied parole because they had confused Ethiopia with Somalia. And in a third case, an officer denied parole because he had mixed up two detainees’ files.”); *Nadarajah v. Gonzales*, 443 F.3d 1069, 1082 (9th Cir. 2006) (finding that DHS abused its authority by denying parole). In the absence of administratively enforceable standards, grants of parole have decreased sharply in recent years. *See* Human Rights First, *Lifeline on Lockdown: Increased U.S. Detention of Asylum Seekers* 13 (2016) (relying on government data to document a one-third decrease in parole grants between 2012 and 2015).

34. President Trump has further restricted the already limited use of parole authority by ordering DHS officials to “end the abuse of parole and asylum provisions” in a January 20, 2025, executive order. *See* Exec. Order No. 14159: Protecting the American People Against Invasion (Jan. 20, 2025).

35. Thus, requesting parole when it is no longer an option would also be futile.

STATEMENT OF FACTS

36. Petitioner is a 25-year-old native and citizen of India.

37. On or about April 15, 2023, Petitioner entered the US to save his life.

38. On April 17, 2023, the Department of Homeland Security (“DHS”) issued a Notice to Appear (“NTA”) under section 212(a)(6) (A)(i) charging him as “an alien present in the United States without being admitted or paroled.”

39. He was released on parole thereafter.

40. On January 3, 2024 he filed his asylum application which is pending with the Immigration Court.

41. After his arrival in the United States, Petitioner was subject to his ICE check ins all of which he attended even if the next day. He attempted to adhere with the ICE requirements as instructed by the ICE.

42. He is suffering from low back pain, numbness and tingling radiating in legs. He got injured while performing his usual and customary work duties as a clerk at  when he confronted the shoplifter in the store who in turn punched him on the face causing him to fall backwards on the floor and injuring his low back. He has been treated with medications and x-rays and is under therapy.

43. On June 26, 2026, Petitioner was arrested by ICE without any basis.

44. He is currently detained in the custody of Respondents at GOLDEN STATE ANNEX, 611 Frontage RD, MCFARLAND, CA 93250.

45. His case is now pending before the Adelanto Immigration Court.

46. He has never been arrested, charged, or convicted of any crime in the United States. He is a peaceful, law-abiding individual who has never harmed anyone.

47. Additionally, he has a pending Asylum application with the Immigration Court, thus not making him a flight risk.

48. As of the date of this Petition, petitioner has been detained by Immigration and Customs Enforcement ("ICE"), with no end to petitioner's detention in the reasonably foreseeable future.

CAUSES OF ACTION

COUNT ONE

(VIOLATION OF BOND STATUTE)

49. Petitioner incorporates the allegations in the paragraphs above as though fully set forth here.

50. The statute at 8 U.S.C. § 1226(a) authorizes release on bond for individuals in pending removal proceedings.

51. In Matter of Q Li, 29 I&N Dec. 66 (BIA 2025), the Board of Immigration Appeals found that individuals who were apprehended near the border shortly after entry are ineligible for bond hearings base on 8 U.S.C. § 1225(b)(2)(A).

52. Petitioner was apprehended near the border shortly after entry and was released into the United States for purposes of applying for asylum.

53. Petitioner is nevertheless not subject to mandatory custody under 8 U.S.C. § 1225(b)(2) because his most recent arrest was years after his entry and, therefore, he is eligible for a bond hearing under 8 U.S.C. § 1226(a). See *Arias Hernandez v. Bondi*, No. 25CV3320-LL-DEB, 2025 WL 3633040, at *6 (S.D. Cal. Dec. 15, 2025); *Hernandez v. Noem*, No. 2:25-CV-02304-RFB-EJY, 2025 WL 3470903, at *5 (D. Nev. Dec. 3, 2025); *Padilla v. Bowen*, No. 2:25-CV-10780-CAS-SK, 2025 WL 3251368, at *8 (C.D. Cal. Nov. 21, 2025); *Hernandez v. Wofford*, No. 1:25-CV-00986-KES-CDB (HC), 2025 WL 2420390, at *8 (E.D. Cal. Aug. 21, 2025).

COUNT TWO

(VIOLATION OF PAROLE REGULATION)

54. Petitioner incorporates the allegations in the paragraphs above as though fully set forth here.

55. The parole regulation, 8 C.F.R. § 212.5(e), provide that upon written notice, DHS may terminate parole “upon accomplishment of the purpose for which parole was authorized or when in the opinion of one of the officials listed in paragraph (a) of this section, neither humanitarian reasons nor public benefit warrants the continued presence of the alien in the United States.”

56. An agency’s failure to follow its regulations that are meant to protect fundamental rights is a violation of due process. *Accardi v. Shaughnessy*, 347 U.S. 260, 267, 74 S. Ct. 499, 98 L. Ed. 681 (1954); *Sameena Inc. v. U.S. Air Force*, 147 F.3d 1148, 1153 (9th Cir. 1998).

57. Petitioner is not a flight risk or a danger to the public.

58. There is no evidence that any official found that humanitarian reasons do not warrant Petitioner's presence in the United States.

59. The rearrest of Petitioner terminated his release and violated the regulations and due process. *Y-Z-L-H v. Bostock*, 792 F. Supp. 3d 1123, 1145 (D. Or. 2025).

COUNT THREE

(VIOLATION OF DUE PROCESS)

(REVOCATION OF PAROLE WITHOUT NOTICE)

60. Petitioner incorporates the allegations in the paragraphs above as though fully set forth here.

61. Under the Due Process Clause of the Fifth Amendment to the United States Constitution, no person shall be “deprived of life, liberty, or property, without due process of law.” U.S. Const. amend. V. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

62. An individual released from immigration custody has a liberty interest in remaining free from detention. *Morrissey v. Brewer*, 408 U.S. 471, 482, 92 S. Ct. 2593, 2601, 33 L. Ed. 2d 484 (1972).

63. The liberty interest applies to individuals who are released in order to attend removal proceedings. *Kartashyan v. Warden*, No. 1:25-CV-1526-DC-SCR, 2025 WL 3771343, at *7 (E.D. Cal. Dec. 31, 2025); *Cordero Pelico v. Kaiser*, No. 25-CV-07286-EMC, 2025 WL 2822876, at *6 (N.D. Cal. Oct. 3, 2025); *Garcia v. Andrews*, No. 1:25-CV-01006 JLT SAB, 2025 WL 2420068, at *11 (E.D. Cal. Aug. 21, 2025); *Valencia Zapata v. Kaiser*, No. 25-CV-07492-RFL, 2025 WL 2578207, at *3 (N.D. Cal. Sept. 5, 2025); *Y-Z-L-H v. Bostock*, No. 3:25-CV-965-SI, 2025 WL 1898025, at *13 (D. Or. July 9, 2025).

64. While DHS has discretion to revoke parole, it may not do so in a manner that is inconsistent with constitutional protections.

65. Due process requires notice before Petitioner is re-detained by immigration authorities. *Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306, 320, 70 S. Ct. 652, 660, 94 L. Ed. 865 (1950).

COUNT FOUR

(VIOLATION OF DUE PROCESS)

(REVOCATION OF PAROLE WITHOUT NEUTRAL DECISIONMAKER)

66. Petitioner incorporates the allegations in the paragraphs above as though fully set forth here.

67. Under the Due Process Clause of the Fifth Amendment to the United States Constitution, no person shall be “deprived of life, liberty, or property, without due process of law.” U.S. Const. amend. V. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

68. An individual released from immigration custody has a liberty interest in remaining free from detention. *Morrissey v. Brewer*, 408 U.S. 471, 482, 92 S. Ct. 2593, 2601, 33 L. Ed. 2d 484 (1972).

69. The liberty interest applies to individuals who are paroled into the United States and released in order to attend removal proceedings. *Garcia v. Andrews*, No. 1:25-CV-01006 JLT SAB, 2025 WL 2420068, at *11 (E.D. Cal. Aug. 21, 2025); *Valencia Zapata v. Kaiser*, No. 25-

CV-07492-RFL, 2025 WL 2578207, at *3 (N.D. Cal. Sept. 5, 2025); Y-Z-L-H v. Bostock, No. 3:25-CV-965-SI, 2025 WL 1898025, at *13 (D. Or. July 9, 2025).

70. While DHS has discretion to revoke parole, it may not do so in a manner that is inconsistent with constitutional protections. The government bears the burden of providing a justification for the re-detention.

71. Due Process requires that Petitioner be afforded a bond determination before a neutral adjudicator if the government is to re-detain Petitioner. *Mathews v. Eldridge*, 424 U.S. 319 (1976).

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- 1) Assume jurisdiction over this matter;
- 2) Issue a Writ of Habeas Corpus ordering respondents to release petitioner immediately, on reasonable conditions of supervision if necessary;
- 3) In the alternative, conduct a bond hearing or remand to the immigration judge for a bond hearing at which (1) the government bears the burden of proving flight risk and dangerousness by clear and convincing evidence and (2) alternatives to detention that could mitigate flight risk are considered;
- 4) In the alternative, hold that petitioner's detention is governed by 8 U.S.C. § 1226(a), entitling petitioner to a bond hearing upon request before an immigration judge;

- 5) Award petitioner his costs and reasonable attorneys' fees in this action as provided for by the Equal Access to Justice Act, 28 U.S.C. § 2412, other statute; and
- 6) Grant such further relief as the Court deems just and proper.

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