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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

PETITIONER'S *EX PARTE*
APPLICATION FOR
TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW
CAUSE
RE: PRELIMINARY INJUNCTION

1. For the reasons explained in the accompanying Memorandum of Points, Petitioner hereby makes this *Ex Parte* Application for a Temporary Restraining Order and Order to Show Cause Re: Preliminary Injunction pursuant to Federal Rule of Civil Procedure 65 and 5 U.S.C. § 705.
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 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. *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. Petitioner's detention violates the Immigration and Nationality Act and its implementing regulations, and Petitioner's right to due process. Petitioner requests that the Court issue a temporary restraining order and order to show cause re: preliminary injunction in the form of the proposed order submitted concurrently with this Application.
15. This Application is based on the Petition for Writ of Habeas Corpus, Memorandum of Points and Authorities, and the declaration and exhibits in support thereof.
16. If the Court believes that an *Ex Parte* Application for Temporary Restraining Order is not properly before the Court due to any delay in filing, he respectfully requests that the Court convert the Application to an Application for Preliminary Injunction pursuant to Local Rule 65-1 and set a hearing without regard to the notice requirement of Local Rule 6-1.
17. Respondents were advised on July 7, 2026 that Petitioner would be filing this *ex parte* application and of the contents of this application. Gaurav Veer Singh Decl. ¶ 4. See Local Rule 17-19.1.

Counsel for Respondents is as follows:

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Dated: July 7, 2026

/s/ Gaurav Veer Singh

Gaurav Veer Singh, Esq.

PETITIONER'S APPLICATION FOR TEMPORARY RESTRAINING ORDER

I. INTRODUCTION

1. Petitioner is a 25-year-old native and citizen of India. On or about April 15, 2023, Petitioner entered the US to save his life.
2. 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." He was released on parole thereafter.
3. On January 3, 2024 he filed his asylum application which is pending with the Immigration Court.
4. 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.
5. 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 7-Eleven 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.
6. On June 26, 2026, Petitioner was arrested by ICE without any basis.
7. He is currently detained in the custody of Respondents at GOLDEN STATE ANNEX, 611 Frontage RD, MCFARLAND, CA 93250. His case is now pending before the Adelanto Immigration Court.

8. 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.
9. If the Court believes that an Ex-Parte Application for Temporary Restraining Order is not properly before the Court due to any delay in filing, he respectfully requests that the Court convert the Application to an Application for Preliminary Injunction pursuant to Local Rule 65-1 and set a hearing without regard to the notice requirement of Local Rule 6-1.

II. ARGUMENT

10. The requirements for granting a Temporary Restraining Order are “substantially identical” to those for granting a preliminary injunction. *Stuhlbarg Int’l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001).
11. Petitioner must demonstrate that (1) he is likely to succeed on the merits of their claims; (2) he is likely to suffer irreparable harm in the absence of preliminary relief; (3) the balance of equities tips in his favor; and (4) an injunction is in the public interest. *Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 22 (2008). A sliding scale test may be applied and an injunction should be issued when there is a stronger showing on the balance of hardships, even if there are “serious questions on the merits ... so long as the plaintiff also shows a likelihood of irreparable harm and that the injunction is in the public interest.” *All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1135 (9th Cir. 2011); *see also Flathead-Lolo-Bitterroot Citizen Task Force v. Montana*, 98 F.4th 1180, 1190 (9th Cir. 2024).

12. Petitioner's immediate release is required to return him to the status quo ante—"the last uncontested status which preceded the pending controversy." *Hernandez v. Wofford*, No. 1:25-CV-00986-KES-CDB (HC), 2025 WL 2420390, at *8 (E.D. Cal. Aug. 21, 2025).
13. Petitioner satisfies the criteria for an injunction and the TRO should be granted.

A. PETITIONER IS LIKELY TO SUCCEED ON THE MERITS OF HIS CLAIMS

1. Petitioner is Entitled to Release Under 8 U.S.C. § 1226(a)

14. Petitioner entered on or about April 15, 2023 and he was encountered by United States Border Patrol.
15. 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."
16. Petitioner was released and applied for asylum and resided in the United States for more than three years before he was re-arrested without any basis.
17. In *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), the Board of Immigration Appeals held that an individual who was arrested and detained soon after arrival in the United States was subject to mandatory custody under 8 U.S.C. § 1225(b)(2). Further the Board held that mandatory custody under § 1225(b)(2) continues to apply even if the person is released on parole and then later returned to custody.

18. However, district courts have rejected the reasoning of *Matter of Q. Li* and have held that individuals who are released on parole after an entry without inspection, and then years later are re-detained, are subject to 8 U.S.C. § 1226(a) and not mandatory detention under § 1225(b)(2).

Section 1225(b)(2) states:

in the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to admitted, the alien shall be detained for a proceeding under section 1229a of this title. 8 U.S.C. § 1225(b)(2).

19. However, that statute applies at the time of initial apprehension, when due process rights have not been established. “Section 1225(b)’s limited spatial and temporal application to noncitizens intercepted at or near a port of entry is further evident in other provisions of § 1225 that suggest Congress’s focus was on inspection of noncitizens at ports of entry or of recent arrivals, not longtime residents intercepted far from any border.” *Escobar Salgado v. Mattos*, No. 2:25-CV-01872-RFB-EJY, 2025 WL 3205356, at *14 (D. Nev. Nov. 17, 2025). “[S]omeone who enters a movie theater without purchasing a ticket and then proceeds to sit through the first few minutes of a film would not ordinarily then be described as “seeking admission” to the theater. Rather, that person would be described as already present there.” *Lopez Benitez v. Francis*, 795 F. Supp. 3d 475, 489 (S.D.N.Y. 2025). See also *Arias Hernandez v. Bondi*, No. 25CV3320-LL-DEB, 2025 WL 3633040, at *4 (S.D. Cal. Dec. 15, 2025) (section 1225(b)(2) “is limited to people applying for admission when they arrive in the United States or upon recent entry.”).
20. This Court must look to Petitioner’s 2026 arrest and not his 2023 arrest. He does not fall under the definition of an applicant for admission, when he has been residing in the United

States for more than a year. *See Garcia-Zamora v. Jamison*, No. CV 25-6656, 2025 WL 3642088, at *4 (E.D. Pa. Dec. 16, 2025) (“Petitioner entered the country in December 2022. He was shortly thereafter charged with being an inadmissible alien, subjected to removal proceedings, and released on parole. Since 2022, he has resided in the country. The detention of noncitizens like Petitioner who have been long-present in the United States is governed by the discretionary framework of § 1226(a).”).

As such, release under § 1226(a) applies.

1. Due Process Requires Notice of the Reasons for Termination of Parole and a Hearing Before a Neutral Decisionmaker

21. Petitioner has resided in the United States for more than three years. He was detained after entering the United States in 2023. Petitioner is a *person* within the United States. The Due Process clause to individuals who entered without inspection near the border who were released and then re-detained. *See J.S.H.M. v. Wofford*, No. 1:25-CV-01309 JLT SKO, 2025 WL 2938808, at *14 (E.D. Cal. Oct. 16, 2025); *Hernandez v. Wofford*, No. 1:25-CV-00986-KES-CDB (HC), 2025 WL 2420390, at *3 (E.D. Cal. Aug. 21, 2025); *Lopez-Arevelo v. Ripa*, No. EP-25-CV-337-KC, 2025 WL 2691828, at *8 (W.D. Tex. Sept. 22, 2025); *Mata Velasquez v. Kurzdorfer*, No. 25-CV-493-LJV, 2025 WL 1953796, at *15 (W.D.N.Y. July 16, 2025); *Noori v. Larose*, No. 25-CV-1824-GPC-MSB, 2025 WL 2800149, at *10 (S.D. Cal. Oct. 1, 2025).

22. The Supreme Court in *DHS v. Thuraissigiam*, 591 U.S. 103, 140 (2020), found that an applicant for admission detained at or near the port of entry in “has only those rights regarding admission that Congress has provided by statute.” However, *Thuraissigiam* addressed a case where the noncitizen challenged his removal order, not his detention status, *and* had never been

released into the United States. This distinction is important because once a noncitizen is released from custody into the United States, they become a “person” within the meaning of the Due Process Clause. *Zadvydas v. Davis*, 533 U.S. at 690. They are a person whose liberty interest is affected by detention, unlike when they are challenging a removal order of whose procedural intricacies is designed by Congress.

23. Courts have held that *Thuraissigiam* does not preclude the application of the Due Process clause to applicants for admission who have been released and then re-detained. *See Paz Aguilera v. Albarran*, No. 1:25-CV-01619 JLT SAB, 2025 WL 3485016, at *14 (E.D. Cal. Dec. 4, 2025); *E.A.P.C. v. Wofford*, No. 1:25-CV-01546-JLT-CDB, 2025 WL 3289185, at *10 (E.D. Cal. Nov. 25, 2025); *Acosta v. Bondi*, No. 25-CV-09601-HSG, 2025 WL 3229097, at *3 (N.D. Cal. Nov. 19, 2025); *Perez v. LaRose*, No. 3:25-CV-02620-RBM- JLB, 2025 WL 3171742, at *4 (S.D. Cal. Nov. 13, 2025); *M.V.I. v. Andrews*, No. 1:25-CV-01440-JLT-SKO, 2025 WL 3154403, at *10 (E.D. Cal. Nov. 12, 2025); *Hernandez v. Wofford*, No. 1:25-CV-00986-KES-CDB (HC), 2025 WL 2420390, at *3 (E.D. Cal. Aug. 21, 2025); *Lopez-Arevelo v. Ripa*, No. EP-25- CV-337-KC, 2025 WL 2691828, at *8 (W.D. Tex. Sept. 22, 2025); *Mata Velasquez v. Kurzdorfer*, No. 25-CV-493-LJV, 2025 WL 1953796, at *15 (W.D.N.Y. July 16, 2025); *Noori v. Larose*, No. 25-CV-1824-GPC-MSB, 2025 WL 2800149, at *10 (S.D. Cal. Oct. 1, 2025).

**a. Due Process Requires Notice Before Parole is Revoked and
Petitioner is Re-Detained**

24. Petitioner was released in order to allow him to pursue asylum in removal proceedings. *See* 8 U.S.C. § 1226(a)(2)(B); 8 C.F.R. § 212.5(b)(5). Petitioner's release reflected that his detention was not in the public interest. 8 C.F.R. § 212.5(b)(5).

25. On approximately June 26, 2026, he was arrested by immigration authorities. 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). This liberty interest applies to individuals who are paroled into the United States like Petitioner who are 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).

26. The Supreme Court's decision in *Morrissey* held that parole allows the parolee to enjoy the same activities as those who have not been arrested and held in custody including, living at home, having a job, and "be[ing] with family and friends and to form the other enduring attachments of normal life." *Morrissey*, 408 U.S. at 482. "Though the [government] properly subjects [the parolee] to many restrictions not applicable to other citizens," such as monitoring and seeking authorization to work and travel, "his condition is very different from that of confinement in a prison." *Id.* "The parolee has relied on at least an implicit promise that parole will be revoked only if he fails to live up to the parole conditions." *Id.* The revocation of parole undoubtedly "inflicts a grievous loss on the parolee." *Id.* (quotations omitted). Therefore, a parolee possesses a protected liberty interest in his "continued liberty." *Id.* at 481–84.

27. The statute at 8 U.S.C. § 1225(b) sets forth that “[t]he Attorney General at any time may revoke a bond or parole authorized under subsection (a), rearrest the alien under the original warrant, and detain the alien.” Hence, the statute does not mean authorize that DHS exercise its discretion “in a manner that is inconsistent with constitutional requirements.” *Garcia v. Andrews*, No. 1:25-CV-01006 JLT SAB, 2025 WL 2420068, at *9 (E.D. Cal. Aug. 21, 2025). *See also Perez v. LaRose*, No. 3:25-CV-02620-RBM-JLB, 2025 WL 3171742, at *4 (S.D. Cal. Nov. 13, 2025).

28. Petitioner had a reasonable expectation that he would continue at liberty if he did not violate the conditions of her release. *Valencia Zapata v. Kaiser*, No. 25-CV-07492-RFL, 2025 WL 2578207, at *3 (N.D. Cal. Sept. 5, 2025) (“ICE had previously determined Petitioners not to pose a risk under those criteria, and communicated no basis under those statutory purposes for arresting Petitioners. In these circumstances, the risk of erroneous deprivation appears high.”); *Pinchi v. Noem*, No. 5:25-CV-05632-PCP, 2025 WL 2084921, at *3 (N.D. Cal. July 24, 2025) (“even when ICE has the initial discretion to detain or release a noncitizen pending removal proceedings, after that individual is released from custody she has a protected liberty interest in remaining out of custody.”).

29. Here, there was no reason asserted for the revocation of release at all. The parole regulations themselves require notice. 8 C.F.R. § 212.5(e)(2)(i). So does due process. *Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306, 320, 70 S. Ct. 652, 660, 94 L. Ed. 865 (1950). Further, the failure to follow the regulations themselves constitutes a violation of due process when the regulation was meant to protect a fundamental right. *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). *See Y-Z-L-H v. Bostock*, No. 3:25-CV-965-SI, 2025 WL 1898025, at *13

(D. Or. July 9, 2025) (“Respondents offer no evidence that any authorized official found Petitioner to be a flight risk or a danger to the public. Nor is there evidence that such an official found that humanitarian reasons do not warrant Petitioner’s presence in the United States. Thus, Respondents fail to show that they complied with either clause of 8 C.F.R. § 212.5(e)(2)(i).”)

30. Petitioner has resided in the United States for more than three years and has done everything that has been required. As such, notice was required before he was to be arrested.

A. PETITIONER WILL SUFFER IRREPARABLE HARM IN THE ABSENCE OF A TRO.

31. In the absence of a TRO, Petitioner will suffer a restriction on his liberty, a fundamental right. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty” that the Due Process Clause protects. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

32. Detention constitutes “a loss of liberty that is . . . irreparable.” *Moreno Galvez v. Cuccinelli*, 492 F. Supp. 3d 1169, 1181 (W.D. Wash. 2020) (*Moreno II*), *aff’d in part, vacated in part on other grounds, remanded sub nom. Moreno Galvez v. Jaddou*, 52 F.4th 821 (9th Cir. 2022). It “is well established that the deprivation of constitutional rights unquestionably constitutes irreparable injury.” *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (citation modified); *Warsoldier v. Woodford*, 418 F.3d 989, 1001-02 (9th Cir. 2005). *See also Hernandez v. Sessions*, 872 F.3d 976, 994–95 (9th Cir. 2017) (“Thus, it follows inexorably from our conclusion that the government’s current policies [which fail to consider financial ability to pay

immigration bonds] are likely unconstitutional—and thus that members of the plaintiff class will likely be deprived of their physical liberty unconstitutionally in the absence of the injunction—that Plaintiffs have also carried their burden as to irreparable harm.”).

33. Petitioner clearly demonstrates irreparable harm. *Garcia-Ayala v. Andrews*, No. 2:25-CV-02070-DJC-JDP, 2025 WL 2597508, at *4 (E.D. Cal. Aug. 8, 2025); *Ortega v. Kaiser*, No. 25-CV-05259-JST, 2025 WL 2243616, at *7 (N.D. Cal. Aug. 6, 2025).

**A. THE BALANCE OF EQUITIES TIPS IN PETITIONER’S FAVOR AND A TRO
IS IN THE PUBLIC INTEREST**

34. Because the government is a party, the balance of equities and whether the injunction is in the public interest are considered together. *Nken v. Holder*, 556 18 U.S. 418, 435 (2009). Petitioner has established that the public interest factor weighs in his favor because his claims assert violations of federal laws. *See Valle del Sol Inc. v. Whiting*, 732 F.3d 1006, 1029 (9th Cir. 2013).

35. Because re-detention after Petitioner has been released on parole “is inconsistent with federal law, the balance of hardships and public interest factors weigh in favor of a preliminary injunction.” *Moreno Galvez v. Cuccinelli*, 387 F. Supp. 3d 1208, 1218 (W.D. Wash. 2019) (*Moreno I*); *see also Moreno Galvez*, 52 F.4th 821, 832 (9th Cir. 2022) (affirming in part permanent injunction issued in *Moreno II* and quoting approvingly district judge’s declaration that “it is clear that neither equity nor the public’s interest are furthered by allowing violations of federal law to continue”).

36. This is because “it would not be equitable or in the public’s interest to allow the [government] . . . to violate the requirements of federal law, especially when there are no

adequate remedies available.” *Valle del Sol Inc. v. Whiting*, 732 F.3d 1006, 1029 (9th Cir. 2013) (second alteration in original) (citation omitted). Indeed, Respondents “cannot suffer harm from an injunction that merely ends an unlawful practice.” *Rodriguez v. Robbins*, 715 F.3d 1127, 1145 (9th Cir. 2013).

37. The Court has discretion to set the amount of security required for a temporary restraining order or preliminary injunction under Rule 65(c), if any. *Johnson v. Couturier*, 572 F.3d 1067, 1086 (9th Cir. 2009) Indeed, “[t]he district court may dispense with the filing of a bond when it concludes there is no realistic likelihood of harm to the defendant from enjoining his or her conduct.” *Id.* (quoting *Jorgensen v. Cassidy*, 320 F.3d 906, 919 (9th Cir. 2003)).

38. Here, it is unlikely any harm will come to Respondents as a result of a grant of temporary relief and Respondents will incur negligible or zero financial costs.

39. Petitioner asks the Court to exercise its discretion to waive the bond requirement.

IV. CONCLUSION

40. For the foregoing reasons, the Court should grant Petitioner’s *Ex Parte* Application for a Temporary Restraining Order and Order to Show Cause and

- i) Order that Petitioner be immediately released from custody or, alternatively, that he be provided a bond hearing within seven days before an immigration judge;
- ii) Order that Petitioner may not be re-detained absent proper notice of the reasons that form the basis for revocation of parole; and

- iii) Order that Petitioner is entitled to a bond hearing before immigration judge if DHS revokes parole with proper notice.

Dated: July 7, 2026

Respectfully Submitted,

/s/ Gaurav Veer Singh
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Attorney for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 7, 2026 I served a copy of PETITIONER'S *EX PARTE* APPLICATION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE: PRELIMINARY INJUNCTION; DECLARATION OF GAURAV VEER SINGH; AND [PROPOSED] ORDER by email

to the following individual:

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Deputy Chief, Complex and Defensive Litigation Section
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/s/ Gaurav Veer Singh
Gaurav Veer Singh, Esq.
Counsel for petitioner

WORD COUNT CERTIFICATION

The undersigned, counsel of record for Plaintiff certifies that this Memo contains 3910 words, which complies with the word limit of L.R. 11-6.1.

/s/ Gaurav Veer Singh
Gaurav Veer Singh, Esq.
Counsel for Petitioner