

ERIC GRANT
United States Attorney
SHELLEY D. WEGER
Assistant United States Attorney
501 I Street, Suite 10-100
Sacramento, CA 95814
Telephone: (916) 554-2700
Attorneys for Respondents

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PRINCEPAL SINGH,

Petitioner,

v.

WARDEN, *et al.*,

Respondents.

No. 1:26-CV-05292-DAD-JDP

**OPPOSITION TO MOTION FOR TRO AND
PETITION FOR WRIT OF HABEAS CORPUS**

This case involves mandatory pre-order detention. Following two violations of Petitioner's Alternatives to Detention (ATD), immigration authorities located and apprehended Petitioner. It was Petitioner's violations of ATD that led to Petitioner's re-detention. Exhibit 1 (I-213). Detention is mandatory under 8 U.S.C. § 1225(b). Neither the statute nor the Constitution afford petitioner a path to release or a bond hearing.

This case does not appear to be materially distinguishable from the cases cited in the Court's Minute order. Respondents did not oppose the Court ruling directly on the Petition without further briefing or argument.

I. DETENTION IS MANDATORY UNDER THE STATUTE

Petitioner is an "applicant for admission" who is subject to mandatory detention. Section 1225(b)(2) provides for mandatory detention. The plain language of § 1225 is rightly applied to aliens in this category. *See Alonzo v. Noem*, 2025 WL 3208284, at *2–4 (E.D. Cal. Nov. 17, 2025) (Shubb, J.);

id. at *3 (citing two decisions); *Altamirano Ramos v. Lyons*, 2025 WL 3199872, at *4–8 (C.D. Cal. Nov. 12, 2025); id. at *8 (citing three more decisions); *but see Alonzo*, 2025 WL 3208284, at *2–3 (conceding that “many courts,” both in this District and elsewhere, have held to the contrary).

II. DUE PROCESS IS THE PROCESS AVAILABLE UNDER THE STATUTE FOR ARRIVING ALIENS

The due process claims of applicants for admission are coextensive with the applicable detention statute.

An “alien who ‘arrives in the United States,’ or ‘is present’ in this country but ‘has not been admitted,’ is treated as ‘an applicant for admission.’” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018) (quoting 8 U.S.C. § 1225(a)(1)). Congress by statute has provided Petitioner with the right to contest his removal. But Congress by §1225(b) has at the same time mandated that, while Petitioner exercises those rights, he must be detained. Under *Thuraissigiam* and *Shaughnessy*, the Due Process Clause provides nothing more.

Respondents acknowledge the cases to the contrary in this District. But *Thuraissigiam* explained that Congress “addressed” the problems of flight risk and the high costs of detention “by providing more expedited procedures for certain ‘applicants for admission.’ ” 591 U.S. at 108. Moreover, despite its singular use of the phrase “regarding admission,” *Thuraissigiam* also makes broad reference to the “due process rights” of aliens at the threshold of entry, without drawing forced distinctions between admission and other key aspects of the immigration process — such as detention — with which admission is typically intertwined. *Id.* at 139 (emphasis added); *see also Carlson v. Landon*, 342 U.S. 524, 538 (1952) (“Detention is necessarily a part of [the] deportation procedure.”).

III. THE STATUTE IS CONSTITUTIONAL AS APPLIED TO PETITIONER

Petitioner does not have a liberty interest in remaining out of custody during the pendency of removal proceedings. Petitioner was required to abide by the terms of his release or risk revocation of his release.

The agency’s previous determination to grant release—particularly if that release was conditional and petitioner violated those conditions—does not alter petitioner’s status nor endow petitioner with constitutional rights not provided for by statute. It is the statute that is the sole source of

1 constitutional rights in the case of arriving aliens, and the statute here provides for mandatory detention.
2 *Shaughnessy*, 345 U.S. at 215. This application is constitutional as applied to petitioner's case.

3 IV. CONCLUSION

4 In sum, as an unadmitted alien, Petitioner is due the process that Congress has created. That
5 process includes mandatory detention while Petitioner exercises the statutory right to challenge removal.
6 The petition should be dismissed.

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8 Dated: July 11, 2026

Respectfully submitted,

9 ERIC GRANT
10 United States Attorney

11 By: /s/ Shelley D. Weger
12 SHELLEY D. WEGER
13 Assistant United States Attorney

14 Attorneys for Respondents
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