

DETAINED
FILED

PALWINDER SINGH ([REDACTED])

Petitioner, Pro Se

California City Immigration Processing Center

CALIFORNIA CITY IMMIGRATION PROCESSING CENTER

22844 VIRGINIA BOULEVARD

CALIFORNIA CITY, CA 93505

JUL 09 2026

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY [Signature]
DEPUTY CLERK

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION**

PALWINDER SINGH,

Petitioner, pro se,

v.

**WARDEN, California City Immigration
Processing Center; DIRECTOR, San
Francisco Field Office, U.S. Immigration
and Customs Enforcement;
MARKWAYNE MULLIN, in his Official
Capacity as Secretary of the Department of
Homeland Security; TODD BLANCHE, in
his Official Capacity as Acting Attorney
General of the United States,**

Respondents.

Case No. 1:26cv05295 DJC JDP (HC)

**VERIFIED PETITION FOR WRIT
OF HABEAS CORPUS
(28 U.S.C. § 2241)**

INTRODUCTION

1. Petitioner Palwinder Singh ("Petitioner") is a native and citizen of India presently detained by the Department of Homeland Security ("DHS"), U.S. Immigration and Customs Enforcement ("ICE"), at the California City Immigration Processing Center in California City, California. Petitioner is in ICE custody pursuant to the reinstatement of a prior removal order while seeking statutory protection from removal through withholding-only procedures following a Reasonable Fear Interview conducted on June 26, 2026. His continued detention and imminent removal before meaningful judicial review violate the Due Process Clause of the Fifth Amendment, the Immigration and Nationality Act ("INA"), and governing federal regulations.

2. Unless this Court intervenes, Petitioner faces imminent removal to India despite asserting substantial claims that he will be persecuted and tortured because of his political opinion and support for [REDACTED] Removal before meaningful judicial review would permanently moot Petitioner's statutory and constitutional rights and would expose him to irreparable harm, including persecution, torture, or death.

3. Petitioner therefore seeks habeas relief to prevent Respondents from executing his removal until federal judicial review is completed, to remedy the constitutional and statutory violations described herein, and to preserve this Court's jurisdiction over Petitioner's claims. Petitioner respectfully requests that this Court declare Respondents' actions unlawful, issue a writ of habeas corpus, stay Petitioner's removal, and order any additional relief necessary to preserve Petitioner's statutory and constitutional rights.

JURISDICTION

4. This action arises under the Constitution of the United States, the Immigration and Nationality Act, 8 U.S.C. § 1101 et seq., and treaties of the United States, including the Convention Against Torture as implemented by federal law.

5. This Court possesses subject matter jurisdiction pursuant to 28 U.S.C. § 2241 because Petitioner is in federal immigration custody and challenges the legality of that custody and the threatened execution of his removal in violation of the Constitution, federal statutes, and applicable regulations.

6. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.

7. This Court also has jurisdiction pursuant to 28 U.S.C. § 1331 because this action presents federal questions arising under the Constitution and laws of the United States.

8. Petitioner further invokes the protections of Article I, Section 9, Clause 2 of the United States Constitution (the Suspension Clause), which preserves the writ of habeas corpus except in circumstances not present here. Petitioner does not challenge the merits of any final order of removal; he challenges the lawfulness of his custody and of the execution of removal before completion of the procedures Congress and DHS regulations guarantee him. Accordingly, 8 U.S.C. § 1252 does not divest this Court of jurisdiction over these collateral, procedural claims.

VENUE

9. Venue is proper in the United States District Court for the Eastern District of California because Petitioner is presently detained at the California City Immigration Processing Center located in California City, Kern County, California, which lies within this judicial district, and his immediate custodian is located within this district.

10. Venue is independently proper under 28 U.S.C. § 1391(e) because Respondents are officers and agencies of the United States acting in their official capacities, and a substantial part of the events giving rise to this Petition occurred within this District.

REQUIREMENTS OF 28 U.S.C. § 2243

11. The Court must grant the petition for writ of habeas corpus or issue an order to show cause ("OSC") to the respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

12. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963).

PARTIES

13. Petitioner Palwinder Singh,  is a native and citizen of India who is presently detained at the California City Immigration Processing Center under the authority of ICE pending execution of a reinstated removal order and withholding-only proceedings.

14. Respondent Warden/Facility Administrator of the California City Immigration Processing Center is sued in his or her official capacity because he or she exercises immediate physical custody over Petitioner.

15. Respondent Director of the San Francisco Field Office, U.S. Immigration and Customs Enforcement, is sued in his or her official capacity because he or she exercises legal custody over Petitioner and possesses authority to release or continue Petitioner's detention.

16. Respondent Markwayne Mullin is sued in his official capacity as the Secretary of the Department of Homeland Security ("DHS"). In this capacity, Respondent Mullin is responsible for the implementation and enforcement of the Immigration and Nationality Act and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner's detention. Respondent Mullin is a legal custodian of Petitioner.

17. Respondent Todd Blanche is sued in his official capacity as the Acting Attorney General of the United States and the senior official of the U.S. Department of Justice ("DOJ"). In that capacity, he has the authority to adjudicate removal cases and to oversee the Executive Office

for Immigration Review ("EOIR"), which administers the immigration courts and the Board of Immigration Appeals. Respondent Blanche is a legal custodian of Petitioner.

STATEMENT OF FACTS

18. Petitioner Palwinder Singh is a thirty-six (36) year-old native and citizen of India who was born on [REDACTED] in Bathinda, Punjab, India.

19. Petitioner has substantial family and community ties within the United States. He is married, and his spouse is presently seeking asylum protection before the Immigration Court in Concord, California. Her removal proceedings remain pending, and she is scheduled to appear for her Master Calendar Hearing in 2027.

20. Petitioner is also the father of an eight-year-old United States citizen daughter, who currently resides in the United States. Petitioner's continued detention and threatened removal would separate him from his wife and young U.S. citizen child, causing significant hardship to his immediate family.

21. Petitioner has been authorized to work in the United States and was issued an Employment Authorization Document ("EAD") in or about July 2025, reflecting that DHS previously authorized him to lawfully accept employment while his immigration matters remained pending.

22. Prior to fleeing India, Petitioner was an active supporter of [REDACTED]
[REDACTED]. He assisted with party activities by displaying campaign posters, organizing community events, and supporting charitable programs sponsored by the party. Because of these political activities, Petitioner was repeatedly threatened and physically assaulted by members affiliated with rival political organizations, including members of [REDACTED]

23. Fearing persecution and possible death because of his political opinion, Petitioner fled India and ultimately sought refuge outside his home country.

24. Petitioner previously entered the United States on May 25, 2017, and immediately expressed his fear of returning to India. On June 7, 2017, an asylum officer determined that Petitioner had a credible fear of persecution. He was released on bond on June 14, 2017, and his case was referred to the Immigration Court. Petitioner never received notice of the hearing scheduled for November 28, 2017, and an in-absentia order of removal was entered against him by the Immigration Court in Phoenix, Arizona, on that date. Petitioner was removed to India on March 7, 2018.

25. After departing the United States, Petitioner remained outside the country and complied with the period of inadmissibility imposed following his prior removal. Petitioner reasonably believed that he had satisfied the applicable period during which he was prohibited from reentering the United States.

26. Petitioner reentered the United States in October 2023 near Lukeville, Arizona. When he encountered United States Border Patrol officers, he did not conceal his immigration history. Instead, Petitioner affirmatively disclosed that he had previously been removed from the United States and informed the officers that he believed he had complied with the applicable reentry bar imposed by the Department of Homeland Security before returning to the United States.

27. Upon receiving Petitioner's disclosure, Border Patrol officers were fully aware of Petitioner's prior immigration history before permitting him to enter immigration processing. Petitioner did not obtain admission through fraud, concealment, or any affirmative misrepresentation concerning his prior removal.

28. After DHS reinstated Petitioner's prior removal order pursuant to 8 U.S.C. § 1231(a)(5), Petitioner immediately expressed his fear of returning to India and requested protection from removal under United States law.

29. Because Petitioner expressed a fear of persecution and torture if returned to India, DHS referred him for a Reasonable Fear Interview pursuant to 8 C.F.R. § 208.31.

30. DHS issued Petitioner a Notice of Reasonable Fear Interview scheduling his interview for June 26, 2026. Petitioner appeared for the Reasonable Fear Interview and fully cooperated with the asylum officer. During the interview, Petitioner described the political persecution, assaults, and death threats he suffered in India because of his support for the Mann Party.

31. Following the interview, USCIS issued a negative reasonable fear determination, and Petitioner requested review of that determination before an Immigration Judge as permitted under 8 C.F.R. § 208.31(g).

32. Petitioner's Immigration Judge review was scheduled before the Concord Immigration Court and is currently set for July 10, 2-26, at 1:30 PM *[Attached with the Petition is the Case Notice]*

33. Petitioner is presently detained by ICE at the California City Immigration Processing Center in California City, California, under the authority of Enforcement and Removal Operations ("ERO"), Bakersfield IHP Sub Office.

34. Petitioner remains detained solely because DHS seeks to execute the reinstated removal order despite Petitioner's pending claims for withholding of removal and protection under the Convention Against Torture.

removal would permanently separate Petitioner from his United States citizen daughter and his spouse, whose own asylum proceedings remain pending, and would expose Petitioner to the very persecution and torture from which he seeks protection.

36. Once removed from the United States, Petitioner's ability to obtain meaningful judicial review of the legality of Respondents' actions would be substantially impaired, if not entirely extinguished, thereby causing immediate and irreparable harm.

LEGAL FRAMEWORK

37. Congress has authorized DHS to reinstate a prior order of removal against certain noncitizens who unlawfully reenter the United States after having previously been removed. See 8 U.S.C. § 1231(a)(5). Notwithstanding the reinstatement of a prior removal order, Congress preserved mandatory protection from removal for individuals who establish that they would face persecution or torture if returned to the designated country of removal. See 8 U.S.C. § 1231(b)(3); 8 C.F.R. §§ 208.31, 241.8(e).

38. DHS regulations require that whenever an individual subject to reinstatement expresses a fear of persecution or torture upon return to the designated country of removal, the individual must be referred to an asylum officer for a Reasonable Fear Interview. 8 C.F.R. §§ 208.31(b), 241.8(e). If the asylum officer determines that the individual has established a reasonable fear of persecution or torture, DHS must place the individual in withholding-only proceedings before an Immigration Judge. 8 C.F.R. § 208.31(e).

39. If the asylum officer issues a negative reasonable fear determination, the individual is entitled to seek prompt review of that determination before an Immigration Judge. 8 C.F.R. § 208.31(g). These procedures are intended to ensure that individuals with reinstated removal orders

receive meaningful consideration of claims for withholding of removal and protection under the Convention Against Torture before removal is executed.

40. The Immigration and Nationality Act prohibits the United States from removing a noncitizen to a country where the individual's life or freedom would be threatened because of race, religion, nationality, membership in a particular social group, or political opinion. 8 U.S.C. § 1231(b)(3)(A). Likewise, the regulations implementing the Convention Against Torture prohibit removal where it is more likely than not that the individual would be subjected to torture. 8 C.F.R. §§ 208.16(c), 208.17, and 208.18.

41. The Fifth Amendment guarantees that no person shall be deprived of liberty without due process of law. U.S. Const. amend. V. Noncitizens physically present within the United States are entitled to due process protections throughout removal proceedings, including a full and fair opportunity to seek statutory protection from removal before removal is carried out. *Reno v. Flores*, 507 U.S. 292, 306 (1993); *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

42. Federal district courts possess jurisdiction under 28 U.S.C. § 2241 to determine whether an individual is in custody in violation of the Constitution, laws, or treaties of the United States. The writ of habeas corpus remains available to review substantial constitutional and statutory challenges arising from executive detention and immigration custody. *INS v. St. Cyr*, 533 U.S. 289, 300–14 (2001).

43. Federal courts also possess equitable authority under Federal Rule of Civil Procedure 65 and the All Writs Act, 28 U.S.C. § 1651(a), to preserve the status quo and prevent irreparable harm pending resolution of claims properly before the Court where necessary to preserve meaningful judicial review.

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process

44. Petitioner realleges and incorporates by reference paragraphs 1 through 43 of this Petition as though fully set forth herein.

45. Respondents have violated Petitioner's rights under the Due Process Clause of the Fifth Amendment by seeking to execute Petitioner's reinstated removal order and continue his detention without providing the meaningful procedural protections guaranteed by the Constitution and the Immigration and Nationality Act. Specifically, Respondents have failed to ensure that Petitioner's claims for protection from persecution and torture receive full and fair consideration before effectuating his removal, thereby depriving Petitioner of a meaningful opportunity to be heard and to obtain judicial review of his constitutional and statutory claims.

46. Respondents' actions further threaten to remove Petitioner before this Court can adjudicate the legality of Respondents' conduct, thereby rendering Petitioner's constitutional and statutory claims effectively moot and depriving him of meaningful access to judicial review. Such conduct would permanently separate Petitioner from his United States citizen daughter, whose welfare depends upon his continued presence, and from his spouse, whose asylum proceedings remain pending before the Concord Immigration Court.

47. Respondents' conduct is arbitrary, fundamentally unfair, and inconsistent with the procedural protections guaranteed by the Fifth Amendment to the United States Constitution. For these reasons, Respondents' challenged actions, including Petitioner's continued detention and threatened removal, violate the Due Process Clause of the Fifth Amendment to the United States Constitution.

COUNT TWO

Violation of 8 U.S.C. §§ 1231(a)(5) and 1231(b)(3), and Implementing Regulations,

8 C.F.R. §§ 208.31 and 241.8

48. Petitioner realleges and incorporates by reference paragraphs 1 through 47 of this Petition as though fully set forth herein.

49. The Immigration and Nationality Act and its implementing regulations require DHS to provide individuals subject to reinstated removal orders with the procedural protections established under the reasonable fear process before executing removal where the individual expresses a fear of persecution or torture. See 8 U.S.C. §§ 1231(a)(5), 1231(b)(3); 8 C.F.R. §§ 208.31, 241.8.

50. Petitioner expressed a fear of returning to India and therefore became entitled to the procedural safeguards established by Congress and DHS regulations, including meaningful consideration of his eligibility for withholding of removal and protection under the Convention Against Torture before removal could lawfully be executed.

51. By continuing to pursue Petitioner's removal in a manner that deprives him of meaningful judicial review of those statutory protections and by acting inconsistently with the procedures governing reinstated removal orders and reasonable fear proceedings, Respondents have acted contrary to the Immigration and Nationality Act and its implementing regulations. For these reasons, Respondents' challenged actions violate 8 U.S.C. §§ 1231(a)(5) and 1231(b)(3), and 8 C.F.R. §§ 208.31 and 241.8.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests that this Court grant the following relief:

(1). Assume jurisdiction over this action pursuant to 28 U.S.C. §§ 2241 and 1331, the All Writs Act, 28 U.S.C. § 1651(a), and the Court's inherent equitable authority;

(2). Issue an Order to Show Cause, pursuant to 28 U.S.C. § 2243, directing Respondents to show cause within three (3) days why the Petition for Writ of Habeas Corpus should not be granted;

(3). Declare that Respondents' challenged actions, including Petitioner's continued detention and threatened removal without meaningful judicial review, violate the Due Process Clause of the Fifth Amendment, the Immigration and Nationality Act, including 8 U.S.C. §§ 1231(a)(5) and 1231(b)(3), and the implementing regulations set forth at 8 C.F.R. §§ 208.31 and 241.8;

(4). Issue a Temporary Restraining Order, Preliminary Injunction, and/or Stay of Removal prohibiting Respondents from removing Petitioner from the United States until this Court has fully adjudicated the Petition for Writ of Habeas Corpus and any further proceedings necessary to protect Petitioner's constitutional and statutory rights;

(5). Issue a Writ of Habeas Corpus directing Respondents to cease any efforts to execute Petitioner's reinstated removal order until Petitioner has received the full procedural protections guaranteed by the Constitution, the Immigration and Nationality Act, and applicable federal regulations, including meaningful judicial review of his claims for withholding of removal and protection under the Convention Against Torture;

(6). Order Respondents, to the extent the Court determines continued detention is not authorized under the circumstances presented, to immediately release Petitioner under appropriate conditions of supervision, or grant such other custody-related relief as the Court deems just and proper; and

(7). Grant such other and further relief as this Court deems just, equitable, and proper.

Dated: July 09, 2026

(7). Grant such other and further relief as this Court deems just, equitable, and proper.

Dated: July 09, 2026

Respectfully submitted,

DETAINED
PALWINDER SINGH, Petitioner, Pro Se

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I am the Petitioner in this action. I have read the foregoing Petition for Writ of Habeas Corpus, and I hereby verify under penalty of perjury under the laws of the United States of America that the factual statements made therein are true and correct to the best of my knowledge, information, and belief.

Dated this 9th day of July 2026, at California City, California.

DETAINED
PALWINDER SINGH, Petitioner

DETAINED

Harvinder Kaur



July 09, 2026

Office of the Clerk of Court
United States District Court, Eastern District of California
2500 Tulare Street, Suite 1501
Fresno, CA 93721-2201

**Re: Singh v. Warden, California City Immigration Processing Center, et al.
New pro se habeas corpus action, 28 U.S.C. § 2241 EMERGENCY MOTION FOR
TEMPORARY RESTRAINING ORDER / STAY OF REMOVAL INCLUDED**

Dear Clerk of the Court:

I am the wife of the Petitioner, Palwinder Singh  who is proceeding pro se. Mr. Singh is detained at the California City Immigration Processing Center in California City, California, and I am delivering the enclosed documents to the Court on his behalf. I am not a party to this action and am acting solely to deliver these papers for filing.

This filing includes an EX PARTE MOTION FOR TEMPORARY RESTRAINING ORDER AND/OR STAY OF REMOVAL. Petitioner is detained under a reinstated order of removal and faces imminent removal to India. Petitioner respectfully requests that this matter be brought to the attention of the duty judge as an emergency.

Enclosed for filing are the following documents:

1. **1** Verified Petition for Writ of Habeas Corpus (28 U.S.C. § 2241), signed and verified by Petitioner;
- 2** Application for Issuance of Order to Show Cause and [Proposed] Order to Show Cause;
- 3** Declaration of Palwinder Singh, with Exhibits A
- 4** Declaration of Harvinder Kaur;
- 5** [Proposed] Temporary Restraining Order and Stay of Removal; and
- 6** The \$5.00 filing fee.

All court correspondence for Petitioner should be directed to him at: Palwinder Singh, A#



CALIFORNIA CITY IMMIGRATION PROCESSING CENTER 22844
VIRGINIA BOULEVARD, CALIFORNIA CITY, CA 93505. Because mail delivery to the

facility may be delayed, the Court may also reach the family at the telephone number above for scheduling purposes.

A copy of this entire filing has been delivered to the United States Attorney's Office for the Eastern District of California, 2500 Tulare Street, Suite 4401, Fresno, California, on the same date as this filing.

Please conform and return the enclosed extra copies with the assigned case number. Thank you for your assistance.

Respectfully,

Harvinder Kaur

Harvinder Kaur

Wife of Petitioner (delivering documents for filing; not a party)

Enclosures