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

KARANDEEP SINGH

Petitioner,

v.

TONYA ANDREWS, Administrator of Golden  
State Annex; DAVID J. VENTURELLA, Acting  
Director of Immigration and Customs  
Enforcement; MARKWAYNE MULLIN,  
Secretary of the U.S. Department of Homeland  
Security; TODD BLANCHE, Attorney General of  
the United States

Respondents.

Civil Action No.

**VERIFIED PETITION FOR  
HABEAS CORPUS**

**INTRODUCTION**

1. Petitioner Singh respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 challenging his unlawful detention and seeking immediate release from custody. This case arises from Respondents' abrupt and unconstitutional revocation of Petitioner's previously granted liberty after more than three years of complete compliance with every condition imposed by the Department of Homeland Security ("DHS"). Respondents deprived Petitioner of his physical liberty without advance notice, without an individualized pre-deprivation hearing, and without any meaningful opportunity to be heard, in violation of the Fifth Amendment.

1           2.     Petitioner is a native and citizen of India who entered the United States without  
2 inspection on or about March 13, 2023. Shortly after his entry, DHS briefly detained him pursuant to a  
3 Form I-200. DHS thereafter exercised its discretionary custody authority by releasing Petitioner on an  
4 Order of Release on Recognizance ("ROR"), enrolling him in Alternatives to Detention ("ATD"), and  
5 requiring periodic ICE reporting while his removal proceedings remained pending.  
6

7           3.     On March 15, 2023, DHS served Petitioner with a Notice to Appear charging  
8 removability solely under INA § 212(a)(6)(A)(i). Petitioner's removal proceedings remain pending  
9 before the Immigration Court, where his application for asylum has not yet been adjudicated.  
10

11           4.     Petitioner has also received approval of his Form I-360 Special Immigrant Juvenile  
12 ("SIJ") Petition. DHS was fully aware of Petitioner's approved SIJ classification before revoking his  
13 liberty.  
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15           5.     Following his release, Petitioner faithfully complied with every condition imposed by  
16 DHS. He appeared for every ICE appointment, complied with every ATD requirement, maintained  
17 continuous communication with DHS, remained at his known residence, and never violated any  
18 condition of supervision.

19           6.     Petitioner obtained valid employment authorization based upon his pending asylum  
20 application, remained continuously employed, established significant family and community ties  
21 within the United States, and lived openly at an address continuously known to DHS. Throughout his  
22 release, DHS always knew where Petitioner resided, where he worked, and how to contact him.  
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24           7.     In October 2025, Petitioner received a citation arising from an alleged hit-and-run  
25 incident. He has never been arrested, and that citation remains pending. At his next scheduled ICE  
26 appointment in January 2026, Petitioner voluntarily informed ICE about the pending citation and placed  
27 DHS on notice of the matter. DHS nevertheless permitted Petitioner to remain at liberty, continued his  
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1 release, and required him only to continue reporting as scheduled.

2 8. On July 8, 2025, DHS issued Interim Guidance asserting that certain noncitizens  
3 charged under INA § 212(a)(6)(A)(i) are subject to mandatory detention under 8 U.S.C. § 1225(b).  
4 DHS has since relied upon that Guidance together with Matter of Q. Li, 29 I&N Dec. 66 (BIA 2025),  
5 and Matter of Yajure-Hurtado, 29 I&N Dec. 216 (BIA 2025), to justify re-detaining individuals who  
6 had previously been released into the community. Whether Petitioner's detention is governed by §  
7 1225(b) or § 1226(a) remains sharply disputed.

9 9. On July 8, 2026, Petitioner appeared for his regularly scheduled ICE reporting  
10 appointment, just as he had done consistently since March 2023. Upon arriving, Petitioner attempted  
11 to check in using the electronic kiosk customarily used for ICE reporting. The kiosk was not  
12 functioning. Petitioner therefore approached an ICE officer to request assistance.

14 10. Rather than assisting Petitioner with the reporting process, ICE officers immediately  
15 placed him into custody. No officer informed Petitioner why he was being detained, identified any legal  
16 basis for the detention, or advised him that DHS intended to revoke his previously granted liberty.

17 11. Petitioner repeatedly asked why he was being detained but was provided no explanation.  
18 He advised ICE officers that he possessed valid employment authorization based upon his pending  
19 asylum application, reminded them that he had continuously complied with every reporting  
20 requirement imposed since March 2023, and informed them that he possessed an approved SIJ petition.  
21 ICE nevertheless detained Petitioner without providing any opportunity to respond before revoking his  
22 liberty.  
23

24 12. Prior to detaining Petitioner, Respondents provided no advance notice that his release  
25 would be reconsidered, no individualized custody determination, no opportunity to consult with  
26 counsel, no opportunity to present evidence, and no individualized pre-deprivation hearing before a  
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1 neutral decisionmaker.

2 13. At the time of his detention, Petitioner remained gainfully employed, possessed valid  
3 employment authorization, maintained significant family and community ties, had a pending asylum  
4 application, and possessed an approved SIJ petition. Respondents knew Petitioner's residence,  
5 employment, and whereabouts throughout the entire period of his release.  
6

7 14. Freedom from physical restraint lies at the core of the liberty protected by the Due  
8 Process Clause. Regardless of whether Respondents ultimately invoke 8 U.S.C. § 1225(b) or § 1226(a),  
9 the Constitution prohibited Respondents from revoking Petitioner's previously granted liberty without  
10 constitutionally adequate pre-deprivation process.  
11

12 15. Immediate habeas relief is necessary to restore Petitioner's liberty, remedy Respondents'  
13 ongoing violation of the Fifth Amendment, and prevent further interference with Petitioner's pursuit of  
14 asylum and other humanitarian relief authorized by Congress.  
15

### 16 JURISDICTION

17 16. This action arises under the Constitution of the United States and the INA, 8 U.S.C.  
18 § 1101 *et seq.*

19 17. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28  
20 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension  
21 Clause).  
22

23 18. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*,  
24 the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.  
25

### 26 VENUE

27 19. Venue is proper because Petitioner is detained in Golden State Annex, which is within  
28 the jurisdiction of this District. Venue is also proper in this District because Respondents are officers,  
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employees, or agencies of the United States. *See* 28 U.S.C. § 1391(e).

**PARTIES**

20. Respondent Tonya Andrews is sued in her official capacity as Warden of the Golden State Annex. Respondent Andrews is the physical custodian of Petitioner.

21. Respondent David Venturella is sued in his official capacity as the Acting Director of U.S. Immigration and Customs Enforcement. Respondent Venturella is a legal custodian of Petitioner and has authority to release him.

22. Respondent Mullin is sued in his official capacity as the Secretary of the U.S. Department of Homeland Security. In this capacity, Respondent Mullin is responsible for the implementation and enforcement of the INA, and oversees ICE, the component agency responsible for Petitioner's detention and custody. Respondent Mullin is a legal custodian of Petitioner.

23. Respondent Todd Blanche is sued in his official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice. 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 BIA. Respondent Blanche is a legal custodian of Petitioner.

**STATEMENT OF FACTS**

24. Petitioner Singh is a native and citizen of India.

25. Petitioner entered the United States without inspection on or about March 13, 2023.

26. Shortly after his entry, DHS briefly detained Petitioner pursuant to a Form I-200.

27. DHS thereafter exercised its discretionary custody authority by releasing Petitioner on an Order of Release on Recognizance ("ROR"), permitting him to remain at liberty while his removal proceedings remained pending.

1           28. As a condition of release, DHS enrolled Petitioner in Alternatives to Detention ("ATD")  
2 supervision and required Petitioner to report periodically to ICE.

3           29. On March 15, 2023, DHS served Petitioner with a Notice to Appear charging him solely  
4 under INA § 212(a)(6)(A)(i).

5           30. Petitioner's removal proceedings remain pending before the Immigration Court.

6           31. Petitioner has a pending application for asylum before the Immigration Court.

7           32. Petitioner also possesses an approved Form I-360 Special Immigrant Juvenile ("SIJ")  
8 Petition. DHS was aware of Petitioner's approved SIJ classification before revoking his liberty.  
9

10          33. Following his release, Petitioner fully complied with every condition imposed by DHS.

11          34. Petitioner appeared for every scheduled ICE appointment without exception.

12          35. Petitioner complied with every requirement imposed through the Alternatives to  
13 Detention program.  
14

15          36. Petitioner never failed to report, never absconded, and was never accused of violating  
16 any condition of his release.

17          37. Throughout his period of release, Petitioner remained continuously available to DHS,  
18 maintained communication with immigration authorities, and resided at an address known to DHS.  
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20          38. Petitioner obtained valid employment authorization based upon his timely filed asylum  
21 application and has remained gainfully employed.

22          39. Petitioner established substantial family, employment, and community ties within the  
23 United States during the more than three years he remained at liberty.  
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25          40. At all relevant times, DHS knew Petitioner's residence, employment, contact  
26 information, and whereabouts.

27          41. During the entire period of Petitioner's release, DHS never informed him that it intended  
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1 to revoke his release or reconsider its prior custody determination.

2 42. On or about October 16, 2025, Petitioner received a citation arising from an alleged hit-  
3 and-run incident. Petitioner was never arrested in connection with that incident, and the matter remains  
4 pending.

5 43. At Petitioner's next scheduled ICE reporting appointment in January 2026, Petitioner  
6 voluntarily informed ICE officers about the pending citation and placed DHS on notice of the matter.

7 44. Despite having actual knowledge of the pending citation, DHS permitted Petitioner to  
8 remain released, continued his placement in the Alternatives to Detention program, and instructed him  
9 only to continue complying with his regular reporting obligations.

10 45. DHS never advised Petitioner that the pending citation constituted a violation of any  
11 condition of release or otherwise warranted revocation of his liberty.

12 46. On July 8, 2025, DHS issued Interim Guidance directing that certain noncitizens  
13 charged under INA § 212(a)(6)(A)(i) should be detained pursuant to 8 U.S.C. § 1225(b). Following  
14 issuance of that Guidance, the Board of Immigration Appeals issued Matter of Q. Li, 29 I&N Dec. 66  
15 (BIA 2025), and Matter of Yajure-Hurtado, 29 I&N Dec. 216 (BIA 2025). Respondents have relied  
16 upon those authorities to justify re-detaining individuals who had previously been released into removal  
17 proceedings.

18 47. Whether Petitioner's detention is governed by 8 U.S.C. § 1225(b) or 8 U.S.C. § 1226(a)  
19 remains disputed.

20 48. On July 8, 2026, Petitioner appeared for his regularly scheduled ICE reporting  
21 appointment, as he had done continuously since March 2023.

22 49. Upon arriving at the ICE office, Petitioner attempted to check in using the electronic  
23 reporting kiosk customarily utilized for scheduled ICE appointments.

1           50.     The kiosk was not functioning.

2           51.     Petitioner approached an ICE officer to request assistance with checking in for his  
3 scheduled appointment.

4           52.     Instead of assisting Petitioner with the reporting process, ICE officers immediately  
5 placed him into custody.

6           53.     ICE officers did not advise Petitioner that DHS intended to revoke his previously  
7 granted release before taking him into custody.

8           54.     Petitioner repeatedly asked why he was being detained.

9           55.     ICE officers refused to provide any meaningful explanation for Petitioner's detention.

10          56.     ICE officers did not identify any violation of Petitioner's conditions of release.

11          57.     ICE officers did not allege that Petitioner had failed to report, violated the Alternatives  
12 to Detention program, absconded, or otherwise failed to comply with any condition imposed by DHS.

13          58.     ICE officers did not advise Petitioner that he presented a danger to the community or a  
14 risk of flight.

15          59.     ICE officers did not identify any exigent circumstance requiring Petitioner's immediate  
16 arrest without prior notice.

17          60.     ICE officers did not present Petitioner with a warrant or otherwise identify any legal  
18 basis for revoking his previously granted liberty.

19          61.     Petitioner informed ICE officers that he possessed valid employment authorization  
20 based upon his pending asylum application.

21          62.     Petitioner further reminded ICE officers that he had continuously complied with every  
22 reporting requirement imposed by DHS since his release in March 2023.

23          63.     Petitioner also informed ICE officers that he possessed an approved Form I-360 Special  
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1 Immigrant Juvenile petition, a fact already known to DHS.

2 64. ICE officers nevertheless detained Petitioner without providing him any opportunity to  
3 respond to whatever concerns DHS may have had before revoking his liberty.

4 65. Prior to detaining Petitioner, Respondents provided no advance notice that they intended  
5 to revoke Petitioner's previously granted release.

6 66. Respondents did not disclose the factual basis for Petitioner's detention before taking  
7 him into custody.

8 67. Respondents did not provide Petitioner with any opportunity to consult with counsel  
9 before revoking his liberty.

10 68. Respondents did not provide Petitioner with any opportunity to present evidence or  
11 otherwise respond before his detention.

12 69. Respondents did not conduct any individualized custody determination before a neutral  
13 decisionmaker.

14 70. Respondents did not provide Petitioner with any individualized pre-deprivation hearing  
15 before revoking his previously granted liberty.

16 71. At the time Respondents detained Petitioner, he had successfully lived in the community  
17 for more than three years while fully complying with every condition imposed by DHS.

18 72. At the time of his detention, Petitioner remained gainfully employed, possessed valid  
19 employment authorization, maintained substantial family and community ties, had a pending asylum  
20 application, and possessed an approved SIJ petition.

21 73. DHS knew Petitioner's residence, employment, contact information, and whereabouts  
22 throughout the entire period of his release.

23 74. DHS also knew of Petitioner's pending citation for several months before detaining him  
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1 and nevertheless continued Petitioner's release until July 8, 2026.

2 75. On information and belief, Respondents now seek to justify Petitioner's detention  
3 pursuant to the DHS Interim Guidance issued on July 8, 2025, together with Matter of Q. Li and Matter  
4 of Yajure-Hurtado, notwithstanding that DHS had previously exercised its discretion to release  
5 Petitioner on his own recognizance, had permitted him to remain at liberty for more than three years,  
6 had continued his release after learning of the pending citation, and had never alleged that Petitioner  
7 violated any condition of supervision.  
8

9 76. Regardless of whether Respondents contend that Petitioner's detention is governed by 8  
10 U.S.C. § 1225(b) or 8 U.S.C. § 1226(a), Respondents revoked Petitioner's previously granted liberty  
11 without advance notice, without any meaningful opportunity to be heard, and without the individualized  
12 pre-deprivation process required by the Due Process Clause of the Fifth Amendment.  
13

14 77. Respondents identified no exigent circumstances requiring Petitioner's immediate arrest  
15 without prior process. Petitioner had appeared for every ICE appointment for more than three years,  
16 fully complied with every condition of ATD supervision, maintained stable employment and family  
17 ties, voluntarily disclosed the pending citation to ICE months before his detention, and remained readily  
18 available to DHS at all times. Nothing prevented Respondents from providing constitutionally adequate  
19 notice and an opportunity to be heard before revoking Petitioner's previously granted liberty.  
20

21 78. Petitioner remains detained as a result of Respondents' revocation of his previously  
22 granted liberty without constitutionally required pre-deprivation process, in violation of the Fifth  
23 Amendment to the United States Constitution.  
24

25 **STATUTORY FRAMEWORK**

26 79. The INA prescribes three basic forms of detention for noncitizens in removal  
27 proceedings. First, 8 U.S.C. § 1226(a) authorizes the detention of noncitizens in standard non-expedited  
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1 removal proceedings before an IJ. *See* 8 U.S.C. § 1226(a); 8 U.S.C. § 1229a. Individuals in section  
2 1226(a) detention are entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§  
3 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain  
4 crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

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

9 81. Finally, the INA also provides for detention of noncitizens who are subject to final  
10 orders of removal, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).  
11 The detention provisions at section 1226(a) and 1225(b)(2) were enacted as part of the Illegal  
12 Immigration Reform and Immigrant Responsibility Act (“IIRIRA”) of 1996, Pub. L. No. 104-208, Div.  
13 C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Section 1226(c) was most  
14 recently amended earlier this year by the Laken Riley Act (“LRA”), Pub. L. No. 119-1, 139 Stat. 3  
15 (2025).  
16

17 82. Following enactment of the IIRIRA, the EOIR drafted new regulations explaining that,  
18 in general, people who entered the country without inspection were not considered detained under  
19 section 1225 and that they were instead detained under section 1226(a). *See* Inspection and Expedited  
20 Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum  
21 Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997). In the decades that followed, most noncitizens  
22 who entered without inspection—unless they were subject to some other detention authority—received  
23 bond hearings. This practice was also consistent with the practice prior to the enactment of the IIRIRA,  
24 in which noncitizens who were not deemed “arriving” were entitled to a custody hearing before an IJ  
25 or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229  
26  
27  
28

1 (1996) (noting that section 1226(a) simply “restates” the detention authority previously found at section  
2 1252(a)).

3 83. On July 8, 2025, DHS issued a memo to all employees of ICE stating that “[t]his  
4 message serves as notice that DHS, in coordination with the Department of Justice (DOJ), has revisited  
5 its legal position on detention and release authorities. DHS has determined that section 235 of the  
6 Immigration and Nationality Act (INA) [8 U.S.C. § 1225], rather than section 236 [8 U.S.C. § 1226],  
7 is the applicable immigration detention authority for all applicants for admission. The following interim  
8 guidance is intended to ensure immediate and consistent application of the Department’s legal  
9 interpretation while additional operational guidance is developed.” The memo further stated DHS’ new  
10 position with regard to custody determinations as follows:  
11

12  
13 An “applicant for admission” is an alien present in the United States who has not been admitted  
14 or who arrives in the United States, whether or not at a designated port of arrival. INA §  
15 235(a)(1) [8 U.S.C. § 1225(a)(1)]. **Effective immediately, it is the position of DHS that such**  
16 **aliens are subject to detention under INA § 235(b) [8 U.S.C. § 1225(b)] and may not be**  
17 **released from ICE custody except by INA § 212(d)(5) parole.** These aliens are also ineligible  
18 for a custody redetermination hearing (“bond hearing”) before an immigration judge and may  
19 not be released for the duration of their removal proceedings absent a parole by DHS. For  
20 custody purposes, these aliens are now treated in the same manner that “arriving aliens” have  
21 historically been treated. **The only aliens eligible for a custody determination and release**  
22 **on recognizance, bond, or other conditions under INA § 236(a) [8 U.S.C. § 1226(a)] during**  
23 **removal proceedings are aliens admitted to the United States and chargeable with**  
24 **deportability under INA § 237, with the exception of those subject to mandatory detention**  
25 **under INA § 236(c) [8 U.S.C. § 1226(c)].**

26 Moving forward, ICE will not issue Form I-286, Notice of Custody Determination, to applicants  
27 for admission because Form I-286 applies by its terms only to custody determinations under  
28 INA § 236 and part 236 of Title 8 of the Code of Federal Regulations. With a limited exception  
for certain habeas petitioners, on which the Office of the Principal Legal Advisor (OPLA) will  
individually advise, if Enforcement and Removal Operations (ERO) previously conducted a  
custody determination for an applicant for admission still detained in ICE custody, ERO will  
affirmatively cancel the Form I-286. *See* <https://www.aila.org/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission> (last accessed October 18, 2025)  
(emphasis original).

84. As a result, DHS now considers all noncitizens who have entered the United States

1 without inspection and are subject to the grounds of inadmissibility, including long-time U.S. residents,  
2 to be subject to mandatory detention under section 1225(b) and ineligible for release on bond.  
3 Conversely, according to DHS “[t]he only aliens eligible for a custody determination and release on  
4 recognizance, bond, or other conditions under INA § 236(a) [8 U.S.C. § 1226(a)] during removal  
5 proceedings are aliens admitted to the United States and chargeable with deportability under INA §  
6 237, with the exception of those subject to mandatory detention under INA § 236(c) [8 U.S.C. §  
7 1226(c)].” *Id.*  
8

9 85. Shortly thereafter, the Board of Immigration Appeals (“BIA”) issued decisions  
10 reflecting a similar interpretation. In *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), and *Matter of Yajure-*  
11 *Hurtado*, 29 I&N Dec. 216 (BIA 2025), the Board concluded that Immigration Judges lack bond  
12 authority over certain noncitizens present in the United States without admission because, in the  
13 Board’s view, 8 U.S.C. § 1225(b)(2)(A) mandates detention of such “applicants for admission” during  
14 removal proceedings.  
15

16 86. Federal courts, however, have rejected DHS’s attempt to reclassify noncitizens already  
17 placed in removal proceedings as subject to mandatory detention under § 1225(b). Courts have  
18 recognized that such individuals remain properly detained, if at all, under 8 U.S.C. § 1226(a) and  
19 therefore retain the statutory right to seek release on bond. See, e.g., *Bautista–Maldonado v. DHS*  
20 (holding that DHS may not retroactively convert individuals already in removal proceedings into §  
21 1225(b) detainees in order to deny them access to bond). Courts in this District have repeatedly rejected  
22 materially identical re-detention practices. (*Labrador-Prato v. Noem*, 1:25-cv-01598-DC-SCR, 2025  
23 *WL 3458802* (E.D. Cal. Dec. 2, 2025), *Selis Tinoco v. Noem*, 1:25-cv-01762-DC-JDP, 2025 *WL*  
24 *3567862* (E.D. Cal. Dec. 14, 2025).  
25  
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27 87. Petitioner Singh entered the United States on or about March 13, 2023, without  
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1 inspection, and was thereafter placed in removal proceedings under 8 U.S.C. § 1229a. Shortly after  
2 entry, DHS briefly detained Petitioner pursuant to a Form I-200 but then exercised its discretion to  
3 release him on an Order of Release on Recognizance (ROR), subject to Alternatives to Detention  
4 ("ATD") supervision and periodic ICE reporting requirements. DHS thereafter permitted Petitioner to  
5 remain at liberty while his removal proceedings were pending. Although Respondents now contend  
6 that Petitioner's detention is governed by 8 U.S.C. § 1225(b), Petitioner maintains that his custody is  
7 governed by 8 U.S.C. § 1226(a). Regardless of which statutory provision ultimately applies,  
8 Respondents cannot constitutionally revoke previously granted liberty without affording the procedural  
9 protections guaranteed by the Fifth Amendment.  
10

11 88. On information and belief, Respondents rely upon DHS's July 8, 2025 Interim Guidance,  
12 together with Matter of Q. Li, 29 I&N Dec. 66 (BIA 2025), and Matter of Yajure-Hurtado, 29 I&N  
13 Dec. 216 (BIA 2025), to assert that Petitioner is subject to mandatory detention under § 1225(b) and  
14 therefore ineligible for bond. That interpretation conflicts with the statutory structure of the INA and  
15 improperly attempts to convert a discretionary custody determination into mandatory detention after  
16 DHS previously granted Petitioner liberty and permitted him to remain free while fully compliant.  
17

18 89. Neither Matter of Yajure-Hurtado nor Matter of Q. Li authorizes DHS to summarily re-  
19 detain an individual who was previously released on an Order of Release on Recognizance and who  
20 has remained fully compliant with every condition of supervision. Those decisions address questions  
21 concerning immigration custody authority and Immigration Judge jurisdiction; they do not authorize  
22 DHS to revoke an individual's liberty without complying with the procedural protections required by  
23 the Due Process Clause.  
24

25 90. Respondents' position improperly collapses the distinction between initial inspection-  
26 stage custody and post-release detention, rendering DHS's own discretionary custody determination  
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1 meaningless. More fundamentally, regardless of the statutory authority ultimately governing  
2 Petitioner's custody, nothing in the INA authorizes Respondents to revoke previously granted liberty  
3 without first providing notice and a meaningful opportunity to be heard.

4 91. Independent of the statutory dispute, Petitioner's re-detention violates the Due Process  
5 Clause because Respondents revoked his previously granted liberty without advance notice, without an  
6 individualized custody determination, without any opportunity to respond, and without any  
7 individualized pre-deprivation hearing before a neutral decisionmaker.  
8

9 92. DHS initially determined that detention was unnecessary and released Petitioner on an  
10 Order of Release on Recognizance, subject to ATD supervision and periodic ICE reporting  
11 requirements.  
12

13 93. Petitioner reasonably relied upon DHS's custody determination and built his life around  
14 the liberty granted to him. He obtained valid employment authorization based upon his pending asylum  
15 application, remained continuously employed, established substantial family and community ties,  
16 complied with every reporting requirement imposed by DHS, and actively pursued all available  
17 immigration relief.  
18

19 94. Petitioner also possesses an approved Form I-360 Special Immigrant Juvenile ("SIJ")  
20 Petition, a humanitarian classification enacted by Congress to protect vulnerable immigrant youth.  
21 Respondents were fully aware of Petitioner's approved SIJ classification at the time they revoked his  
22 liberty.  
23

24 95. Petitioner fully complied with every condition of his release. He never failed to report  
25 to ICE, never violated any requirement of the Alternatives to Detention ("ATD") program, never  
26 absconded, and was never advised that he had violated any condition imposed by DHS.

27 96. Although Petitioner received a citation arising from an alleged hit-and-run incident on or  
28

1 about October 16, 2025, he was never arrested, and that matter remains pending. At his next scheduled  
2 ICE reporting appointment in January 2026, Petitioner voluntarily informed ICE of the pending citation  
3 and placed DHS on notice of the matter. Despite having actual knowledge of the pending citation, DHS  
4 continued Petitioner's release and permitted him to remain at liberty under the same reporting conditions.

5 97. Throughout Petitioner's release, DHS continuously knew Petitioner's residence,  
6 employment, and contact information. DHS likewise knew that Petitioner possessed valid employment  
7 authorization, had a pending asylum application before the Immigration Court, and had obtained approval  
8 of his Form I-360 SIJ petition.  
9

10 98. On July 8, 2026, Petitioner appeared for his regularly scheduled ICE reporting  
11 appointment, just as he had done continuously since his release in March 2023.  
12

13 99. Upon arriving at the ICE office, Petitioner attempted to check in using the electronic  
14 reporting kiosk customarily utilized for scheduled ICE appointments. The kiosk was not functioning.  
15 Petitioner therefore approached an ICE officer to request assistance with checking in.

16 100. Rather than assisting Petitioner with the reporting process, ICE officers immediately placed  
17 him into custody without providing advance notice that DHS intended to revoke his previously granted  
18 release.  
19

20 101. Petitioner repeatedly requested an explanation for his detention, but ICE officers refused  
21 to provide one. They failed to identify any legal basis for revoking his liberty, failed to identify any  
22 probable cause supporting his detention, and failed to provide Petitioner with any warrant, notice, citation,  
23 or other documentation explaining why he was being taken into custody.  
24

25 102. Petitioner reminded ICE officers that he possessed valid employment authorization based  
26 upon his pending asylum application, had continuously complied with every reporting and supervision  
27 requirement imposed since his release, and possessed an approved SIJ petition, of which DHS was already  
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1 aware. ICE nevertheless detained Petitioner without providing him any opportunity to address or respond  
2 to whatever concerns DHS may have had before depriving him of his liberty.

3 103. Prior to revoking Petitioner's liberty, Respondents provided no advance notice that his  
4 release was being reconsidered, no notice of the factual basis for detention, no opportunity to consult with  
5 counsel, no opportunity to present evidence, no individualized custody determination, and no  
6 individualized pre-deprivation hearing before a neutral decisionmaker.  
7

8 104. Respondents likewise failed to identify any violation of Petitioner's conditions of release,  
9 any failure to comply with ATD supervision, any changed factual circumstances, or any individualized  
10 basis demonstrating that Petitioner posed either a danger to the community or a risk of flight. Nor did  
11 Respondents identify any exigent circumstances requiring Petitioner's immediate detention without prior  
12 process.  
13

14 105. At the time of his detention, Petitioner had successfully lived in the community for more  
15 than three years while fully complying with every condition imposed by DHS. He had appeared for every  
16 ICE appointment, complied with every ATD requirement, maintained valid employment authorization,  
17 remained gainfully employed, established significant family and community ties, continued pursuing his  
18 asylum application before the Immigration Court, and possessed an approved SIJ petition.  
19

20 106. The constitutional violation is particularly egregious because Petitioner appeared at the  
21 ICE office voluntarily for a routine reporting appointment that he had faithfully attended for more than  
22 three years. Having continuously complied with every reporting requirement imposed by DHS, Petitioner  
23 had every reason to believe the appointment would proceed as all prior appointments had.  
24

25 107. By summarily detaining Petitioner without prior notice while he voluntarily appeared for  
26 his scheduled reporting appointment, Respondents deprived him of any meaningful opportunity to consult  
27 with counsel, gather evidence, prepare witnesses, present favorable equities, or otherwise contest the  
28

1 revocation of his previously granted liberty before that deprivation occurred.

2 108. Once the Government grants liberty through a formal discretionary custody determination  
3 and permits an individual to remain free while successfully complying with every condition of supervision  
4 for more than three years, that liberty constitutes a protected interest that cannot be revoked without  
5 constitutionally adequate procedures. *See Morrissey v. Brewer*, 408 U.S. 471, 482 (1972).  
6

7 109. Respondents revoked Petitioner's liberty without advance notice, without any  
8 individualized hearing, without any meaningful opportunity to be heard, and without any finding that  
9 detention was necessary because Petitioner posed a danger to the community, presented a flight risk,  
10 violated any condition of release, or that exigent circumstances justified dispensing with constitutionally  
11 required pre-deprivation process.  
12

13 110. On information and belief, Respondents' actions were undertaken pursuant to DHS's July  
14 8, 2025 Interim Guidance and the legal interpretations reflected in *Matter of Q. Li*, 29 I&N Dec. 66 (BIA  
15 2025), and *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), rather than any individualized  
16 assessment of Petitioner's exemplary compliance history, continued compliance after DHS learned of his  
17 pending citation, approved SIJ petition, pending asylum application, employment, family ties, or present  
18 circumstances.  
19

20 111. The Due Process Clause does not permit the Government to grant liberty through a  
21 discretionary release determination, permit an individual to remain successfully at liberty for more than  
22 three years while fully complying with every condition imposed by DHS, continue that release even after  
23 learning of a pending citation, and then summarily revoke that liberty without advance notice, without an  
24 individualized determination, and without a meaningful opportunity to be heard. Because no exigent  
25 circumstances existed and Petitioner had remained fully compliant with every condition of supervision,  
26 Respondents could readily have provided constitutionally adequate pre-deprivation process before  
27  
28

1 revoking Petitioner's liberty. Their failure to do so violated the Fifth Amendment

2 **CONGRESSIONAL PROTECTIONS AFFORDED TO SPECIAL IMMIGRANT**  
3 **JUVENILES--- SIJ Status supports protecting vulnerable children and permitting presence**  
4 **through the adjudication of adjustment of status.**  
5

6  
7 112. Congress created Special Immigrant Juvenile Status in 1990 to provide immigration relief  
8 for noncitizen children living in the United States, who have been abused, neglected, or abandoned, or  
9 similarly mistreated by one or both parents <sup>1</sup>. The statute set forth specific eligibility criteria, which  
10 included being the subject of a state juvenile court judicial determination that it would not be in their best  
11 interests to return to their country of origin or country of last habitual residence<sup>2</sup>.  
12

13 113. Given that a number of these immigrant children had various admissibility issues,  
14 including unlawful entry or unlawful presence, in 1991, Congress amended the INA to address this issue  
15 by providing that SIJ beneficiaries “shall be deemed, for purposes of [adjustment of status], to have been  
16 paroled into the United States,” and exempting them from bars to adjustment based on failure to maintain  
17 status or unauthorized employment.<sup>3</sup> Congress also explicitly excluded SIJ beneficiaries from specific  
18 grounds of excludability, or as they are now known, grounds of inadmissibility.<sup>4</sup> This prevented broad  
19 disqualification of SIJS beneficiaries from adjustment of status due to numerous admissibility issues  
20 common to SIJ beneficiaries.  
21

22 114. By creating a pathway for SIJ to adjust status due to being considered paroled, Congress  
23  
24  
25

---

26 <sup>1</sup> Immigration Act of 1990 (“1990 Act”), Pub. L. 101–649, § 153, 104 Stat. 4978 5005–06 (1990) (codified at 8  
U.S.C. § 1101(a)(27)(J)).

27 <sup>2</sup> *Id.*

28 <sup>3</sup> Miscellaneous and Technical Immigration and Naturalization Amendments of 1991 (“MTINA”), Pub. L. No.  
102–232, § 302(d)(2)(A), (B), 105 Stat. 1733, 1744 (1991) (codified at 8 U.S.C. § 1255(h)(1), (2)).

<sup>4</sup> *See* 1990 Act.

1 showed that it intended SIJ beneficiaries to receive permanent legal protection, and consequently, that the  
2 SIJ process is not complete unless and until an SIJ beneficiary can apply for and be considered for LPR  
3 status. This necessarily requires that SIJ beneficiaries be present in the United States, because there is no  
4 statutory mechanism that allows SIJ beneficiaries to gain lawful permanent residence other than the filing  
5 of a Form I-485 Adjustment of Status Application. SIJ beneficiaries may file that application only when  
6 an immigrant visa is immediately available *and they are present in the United States*.<sup>5</sup>  
7

8 115. At the same time, the TVPRA also explicitly exempted SIJ beneficiaries from  
9 inadmissibility based on having entered the United States without admission or parole or at an  
10 unauthorized time or place, making SIJ beneficiaries eligible to adjust their status even if they had entered  
11 the country without inspection or without the necessary travel documents.<sup>6</sup>  
12

13 116. Petitioner has already obtained SIJ classification. Congress has determined that Petitioner  
14 qualifies for this humanitarian protection. The remaining statutory process is adjustment of status when  
15 an immigrant visa becomes available. Continued detention unnecessarily interferes with Congress's  
16 carefully designed humanitarian framework.  
17

18 117. Congress intended that individuals pursuing SIJ relief remain physically present in the  
19 United States while completing the statutory process leading to adjustment of status. The humanitarian  
20 protections afforded by the SIJ statute would be substantially undermined if DHS could unnecessarily  
21  
22

---

23 <sup>5</sup> USCIS Policy Manual, Vol. 7, Part F, Ch.7.C (stating that SIJS beneficiaries must be “physically present in the  
24 United States at the time of filing and adjudication of an adjustment application”); *Id.*, vol. 7, pt. A, ch. 1.B.  
25 (“Adjustment of status to lawful permanent residence describes the process by which an alien obtains U.S. LPR  
26 status while physically present in the United States.”); 22 C.F.R. pt. 42.11 (denoting SIJS as an “adjustment-only”  
27 category). See also “9 FAM 502.5-7(C) (U) Certain Juvenile Court Dependents (*CT: VISA-1829; 09-12-2023*)  
28 (U) The Department of State and Related Agencies Appropriations Act, 1998 changed the definition of a Special  
Immigrant Juvenile (SIJ) and divested consular officers of the authority to issue SIJ visas. Due to this change,  
since November 26, 1997, SIJ has been an adjustment-only category as reflected in 22 CFR 42.11. Under no  
circumstances should you issue an SIJ visa.”

<sup>6</sup> *Id.* at 5080 (codified at 8 U.S.C. § 1255(h)(2)).

1 detain or remove otherwise compliant SIJ applicants before they are able to pursue the immigration  
2 benefits Congress made available to them.

3 118. The statutory protections afforded to Special Immigrant Juveniles distinguish SIJ  
4 beneficiaries from ordinary removal cases. Congress recognized that SIJ beneficiaries and applicants  
5 occupy a unique humanitarian category and therefore established special procedures and immigration  
6 benefits unavailable to most other noncitizens.

7  
8 119. In *Osorio-Martínez v. Attorney General*, the Third Circuit recognized that Congress created  
9 enforceable statutory protections for SIJ beneficiaries that materially constrain DHS's removal authority.  
10 The court emphasized that SIJ protections preserve an applicant's opportunity to remain in the United  
11 States while pursuing adjustment of status and are enforceable in federal court.

12  
13 120. Respondents' decision to summarily revoke Petitioner's previously granted liberty without  
14 any individualized assessment or pre-deprivation process substantially interferes with Petitioner's ability  
15 to pursue the humanitarian relief Congress specifically made available through the SIJ statute. Continued  
16 detention also impedes Petitioner's ability to communicate with counsel, gather evidence, respond to  
17 agency requests, and otherwise communicate with counsel, gather evidence, respond to agency requests,  
18 and pursue adjustment of status based upon his approved SIJ classification while continuing to prosecute  
19 his asylum application.

20  
21 121. Nothing in DHS's July 8, 2025 Interim Guidance, Matter of Q. Li, or Matter of Yajure-  
22 Hurtado suggests that Congress intended the humanitarian protections afforded to SIJ applicants to be  
23 displaced by a categorical detention policy applied without individualized consideration of the applicant's  
24 unique circumstances, compliance history, or pending humanitarian relief.

25  
26 122. Petitioner's approved SIJ classification is an additional equitable and statutory  
27 consideration demonstrating why Respondents' categorical application of mandatory detention is  
28

1 inconsistent with the structure and purposes of the Immigration and Nationality Act. Although Petitioner's  
2 constitutional claims do not depend upon his SIJ petition, Congress's decision to create special protections  
3 for vulnerable immigrant youth further confirms that Respondents' summary revocation of Petitioner's  
4 liberty, without notice or any individualized pre-deprivation process, is contrary to both the statutory  
5 framework established by Congress and the protections guaranteed by the Fifth Amendment  
6

7 **CLAIMS FOR RELIEF**

8 **COUNT ONE**

9 **Violation of Fifth Amendment Right to Substantive Due Process**

10 123. The allegations in the above paragraphs are realleged and incorporated herein.

11 124. Petitioner challenges DHS's unlawful custody determination that he is subject to detention  
12 under 8 U.S.C. § 1225(b) and categorically ineligible for bond, as well as his continued detention based  
13 on that determination.  
14

15 125. The Fifth Amendment provides: "No person shall be ... deprived of life, liberty, or  
16 property, without due process of law." U.S. Const. amend. V. "Freedom from imprisonment—from  
17 government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that  
18 Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).  
19

20 126. Shortly after entering the United States on or about March 13, 2023, DHS briefly detained  
21 Petitioner pursuant to a Form I-200. DHS thereafter exercised its discretionary custody authority by  
22 releasing Petitioner on an Order of Release on Recognizance ("ROR"), subject to Alternatives to Detention  
23 ("ATD") supervision and periodic ICE reporting requirements.  
24

25 127. On March 15, 2023, DHS served Petitioner with a Notice to Appear charging him solely  
26 under INA § 212(a)(6)(A)(i). DHS thereafter permitted Petitioner to remain at liberty while participating  
27 in removal proceedings under 8 U.S.C. § 1229a, pursuing asylum before the Immigration Court, and  
28

1 possessing an approved Form I-360 Special Immigrant Juvenile ("SIJ") petition.

2 128. During the entire period of his release, Petitioner fully complied with every condition  
3 imposed by DHS. He appeared for every ICE appointment, complied with every ATD reporting  
4 requirement, maintained valid employment authorization based upon his pending asylum application,  
5 remained gainfully employed, maintained significant family and community ties, and never violated any  
6 condition of his release.  
7

8 129. Petitioner has never been arrested. On or about October 16, 2025, he received a citation  
9 arising from an alleged hit-and-run incident. That matter remains pending. At his next scheduled ICE  
10 reporting appointment in January 2026, Petitioner voluntarily informed ICE of the pending citation and  
11 placed DHS on notice of the matter. Despite having actual knowledge of the pending citation, DHS  
12 permitted Petitioner to remain at liberty under the same conditions of release.  
13

14 130. Throughout Petitioner's release, Respondents never alleged that Petitioner absconded,  
15 failed to report, violated any condition of release, failed to comply with the ATD program, or otherwise  
16 breached any condition imposed by DHS. Nor did Respondents advise Petitioner that he posed a danger  
17 to the community or a risk of flight.  
18

19 131. On July 8, 2026, Petitioner appeared for his regularly scheduled ICE reporting  
20 appointment, as he had done continuously since his release in March 2023.

21 132. Upon arriving at the ICE office, Petitioner attempted to check in using the electronic  
22 reporting kiosk customarily utilized for scheduled ICE appointments. The kiosk was not functioning.  
23 Petitioner therefore approached an ICE officer to request assistance with checking in.  
24

25 133. Rather than assisting Petitioner with the reporting process, ICE officers immediately placed  
26 him into custody without advance notice that DHS intended to revoke his previously granted release or  
27 otherwise deprive him of the liberty he had maintained through more than three years of complete  
28

1 compliance.

2 134. Petitioner repeatedly requested an explanation for his detention, but ICE officers failed to  
3 identify any legal basis for revoking his liberty or provide any meaningful explanation for his arrest.

4 135. Respondents did not identify any violation of Petitioner's release conditions, any failure to  
5 comply with the ATD program, any changed factual circumstances, or any individualized basis  
6 demonstrating that detention was necessary. Respondents likewise failed to identify any exigent  
7 circumstances requiring Petitioner's immediate detention without prior process.  
8

9 136. On information and belief, Respondents detained Petitioner pursuant to DHS's July 8, 2025  
10 Interim Guidance and the legal interpretations reflected in *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025),  
11 and *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), rather than any individualized assessment  
12 of Petitioner's conduct, compliance history, or present circumstances.  
13

14 137. By doing so, Respondents arbitrarily extinguished a liberty interest that DHS itself had  
15 created and permitted Petitioner to exercise for nearly three years, during which Petitioner established  
16 employment, family and community ties, pursued asylum, and continued pursuing humanitarian  
17 immigration relief through his approved SIJ petition.  
18

19 138. The Government's decision to revoke Petitioner's previously granted liberty based solely  
20 upon a revised agency interpretation of detention authority, without any individualized determination that  
21 Petitioner posed a danger, presented a flight risk, violated any condition of release, or otherwise warranted  
22 detention, bears no reasonable relationship to any legitimate governmental purpose.  
23

24 139. Respondents' actions are arbitrary, capricious, oppressive, and fundamentally inconsistent  
25 with the liberty interests protected by the Due Process Clause of the Fifth Amendment.

26 140. By revoking Petitioner's previously granted liberty without any individualized justification  
27 and continuing to detain him solely pursuant to a categorical interpretation of the immigration detention  
28

1 statutes, Respondents have violated Petitioner's substantive due process rights.

2 141. Petitioner's continued detention likewise interferes with Congress's humanitarian  
3 framework governing Special Immigrant Juveniles by unnecessarily restricting the liberty of an individual  
4 with an approved Special Immigrant Juvenile petition who has demonstrated complete compliance with  
5 every condition imposed by DHS and who remains physically present in the United States while pursuing  
6 immigration relief expressly authorized by Congress.

7  
8 142. Immediate release is the appropriate remedy because Respondents' constitutional violation  
9 occurred when they arbitrarily revoked Petitioner's previously granted liberty without lawful justification,  
10 and that violation continues for so long as Petitioner remains unlawfully detained.

11 **COUNT TWO**

12 **Violation of Petitioner's Procedural Due Process Rights**

13  
14 143. The allegations in the above paragraphs are realleged and incorporated herein.

15 144. The Fifth Amendment prohibits the Government from depriving any person of liberty  
16 without due process of law. Where the Government seeks to revoke a previously granted liberty interest,  
17 due process ordinarily requires notice and a meaningful opportunity to be heard before the deprivation  
18 occurs unless extraordinary circumstances justify immediate action. No such extraordinary circumstances  
19 existed here.  
20

21 145. In *Mathews v. Eldridge*, the Supreme Court identified three factors governing what process  
22 is constitutionally required before the Government deprives an individual of a protected liberty interest:  
23 (1) the private interest affected; (2) the risk of an erroneous deprivation through the procedures employed  
24 and the probable value of additional procedural safeguards; and (3) the Government's interest, including  
25 the administrative burdens associated with additional procedures. 424 U.S. 319, 335 (1976).  
26

27 146. Each of the *Mathews* factors overwhelmingly favors requiring pre-deprivation process  
28

1 before revoking Petitioner's previously granted liberty.

2 147. First, Petitioner's private interest is among the most fundamental protected by the  
3 Constitution—his freedom from physical restraint. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). That  
4 liberty interest was reinforced when DHS exercised its discretion to release Petitioner on an Order of  
5 Release on Recognizance and permitted him to remain at liberty under supervision for nearly three years.  
6

7 148. During that period, Petitioner fully complied with every condition imposed by DHS. He  
8 appeared for every ICE appointment, complied with every requirement of the Alternatives to Detention  
9 ("ATD") program, maintained valid employment authorization based upon his pending asylum  
10 application, remained gainfully employed, established significant family and community ties, continued  
11 pursuing asylum before the Immigration Court, possessed an approved Form I-360 Special Immigrant  
12 Juvenile ("SIJ") petition, and never violated any condition of his release. Although Petitioner received a  
13 citation arising from an alleged hit-and-run incident in October 2025, he was never arrested, voluntarily  
14 disclosed the pending citation to ICE during his January 2026 reporting appointment, and DHS  
15 nevertheless continued his release under the same conditions.  
16

17 149. Second, the risk of an erroneous deprivation under the procedures employed by  
18 Respondents was extraordinarily high because Respondents provided no meaningful procedures  
19 whatsoever before revoking Petitioner's liberty.  
20

21 150. Prior to detaining Petitioner, Respondents failed to provide:

- 22 a. notice that DHS considered him subject to mandatory detention;
- 23 b. notice of any alleged violation or changed circumstance;
- 24 c. an individualized custody review;
- 25 d. an opportunity to present evidence;
- 26 e. notice that DHS intended to revoke his release;
- 27
- 28

1 f. an opportunity to contest detention; or

2 g. a hearing before a neutral decisionmaker

3 151. Instead, on July 8, 2026, Petitioner appeared for his regularly scheduled ICE reporting  
4 appointment, as he had done continuously since March 2023. Upon arriving at the ICE office, Petitioner  
5 attempted to check in using the electronic reporting kiosk customarily utilized for scheduled ICE  
6 appointments. When the kiosk was not functioning, Petitioner approached an ICE officer to request  
7 assistance.  
8

9 152. Rather than assisting Petitioner with the reporting process, ICE officers immediately placed  
10 him into custody without advance notice that Respondents intended to revoke his previously granted  
11 liberty.  
12

13 153. Having faithfully complied with every ICE reporting requirement for more than three  
14 years, Petitioner voluntarily appeared for his scheduled appointment with every reason to believe it would  
15 proceed as it always had.  
16

17 154. Upon taking Petitioner into custody, ICE officers failed to identify any violation of his  
18 release conditions, any failure to comply with ATD supervision, any changed factual circumstances, or  
19 any individualized basis demonstrating that Petitioner posed either a danger to the community or a flight  
20 risk. They likewise failed to identify any exigent circumstances requiring his immediate detention without  
21 prior process.  
22

23 155. When Petitioner requested an explanation for his detention, ICE officers failed to identify  
24 any violation of his release conditions, any changed factual circumstance, or any individualized basis  
25 establishing that he posed either a danger to the community or a flight risk.  
26

27 156. Respondents therefore deprived Petitioner of his liberty without providing any pre-  
28 deprivation process whatsoever.

1 157. The probable value of additional procedural safeguards was substantial. Advance notice  
2 and an individualized hearing would have permitted Petitioner to present evidence of his his complete  
3 compliance with ATD supervision, his lack of any arrests or convictions, the fact that he voluntarily  
4 disclosed his pending citation to ICE months before his detention, his longstanding employment, his  
5 family and community ties, his pending asylum application, his approved SIJ petition, and any other facts  
6 demonstrating that continued detention was unnecessary.  
7

8 158. Third, requiring constitutionally adequate pre-deprivation procedures would have imposed  
9 little or no burden on Respondents. DHS knew Petitioner's residence, employment, and contact  
10 information, had supervised him successfully for nearly three years, and had no reason to believe he would  
11 flee or fail to appear if afforded notice and an opportunity to be heard.  
12

13 159. Petitioner had never absconded, never violated any reporting requirement, was never  
14 arrested, voluntarily disclosed the pending citation to ICE months before his detention, and consistently  
15 complied with every condition imposed by DHS.  
16

17 160. The constitutional violation was complete the moment Respondents revoked Petitioner's  
18 previously granted liberty without notice, without a meaningful opportunity to be heard, and without any  
19 individualized pre-deprivation process.  
20

21 161. Any subsequent custody review or bond hearing cannot retroactively cure the completed  
22 deprivation of liberty because due process required constitutionally adequate procedures before  
23 Respondents revoked Petitioner's previously granted liberty.  
24

25 162. By revoking Petitioner's liberty without providing constitutionally adequate pre-  
26 deprivation procedures, Respondents violated Petitioner's procedural due process rights guaranteed by the  
27 Fifth Amendment.  
28

163. Immediate release is the appropriate remedy because it restores the status quo ante and

remedies Respondents' ongoing constitutional violation.

**COUNT THREE**

**Violation of the Immigration and Nationality Act**

164. The allegations in the above paragraphs are realleged and incorporated herein.

165. Petitioner was placed in removal proceedings under 8 U.S.C. § 1229a and released on order of release on Recognizance. Under the statutory structure of the INA, detention in such proceedings is governed by 8 U.S.C. § 1226(a), absent a separate mandatory detention provision not applicable here.

166. Section 1226(a) authorizes discretionary detention and expressly permits release on bond. Nothing in the statute authorizes DHS to retroactively reclassify a noncitizen already placed in § 1229a proceedings and previously released under § 1226(a) as subject to mandatory detention under § 1225(b).

167. Neither Matter of Q. Li nor Matter of Yajure-Hurtado authorizes DHS to revoke long-standing liberty interests previously granted through discretionary release where the noncitizen remained fully compliant and committed no violation of release conditions.

168. Respondents' categorical denial of bond eligibility and reliance on § 1225(b) exceed statutory authority and are contrary to law.

169. Because Petitioner's detention is not authorized by the INA, habeas relief under 28 U.S.C. § 2241 is warranted.

**COUNT FOUR**

**Violation of the Administrative Procedure Act**

170. The allegations above are incorporated herein. This Court has jurisdiction under 28 U.S.C. § 1331 and 5 U.S.C. §§ 702 and 706 to review final agency action for which there is no other adequate remedy in a court.

171. DHS's determination that Petitioner is subject to mandatory detention under 8 U.S.C. §

1 1225(b), and its re-detention of him on July 8, 2026 based solely on that interpretation, constitute final  
2 agency action within the meaning of 5 U.S.C. § 704. The custody determination is definitive, determines  
3 Petitioner's rights and obligations, and has immediate legal consequences—namely, his continued  
4 physical detention and categorical ineligibility for bond.

5 172. The Administrative Procedure Act directs courts to “hold unlawful and set aside agency  
6 action” that is contrary to law; in excess of statutory jurisdiction, authority, or limitations; or arbitrary,  
7 capricious, or otherwise not in accordance with law. 5 U.S.C. § 706(2).

9 173. DHS's application of § 1225(b) to Petitioner—who was arrested pursuant to a Form I-200,  
10 released on an Order of Release on Recognizance, and placed in removal proceedings under 8 U.S.C. §  
11 1229a—is contrary to the structure and plain language of the Immigration and Nationality Act. Petitioner  
12 is subject, if at all, to detention under 8 U.S.C. § 1226(a), which authorizes discretionary detention and  
13 eligibility for release on bond.  
14

15 174. By reclassifying Petitioner as subject to mandatory detention under § 1225(b), DHS has  
16 acted in excess of its statutory authority and effectively nullified the bond eligibility expressly provided  
17 under § 1226(a).  
18

19 175. DHS's action is also arbitrary and capricious. The agency:  
20  
21 a. provided no individualized custody determination;  
22 b. relied solely on a revised legal interpretation rather than any new conduct or changed factual  
23 circumstance;  
24 c. disregarded Petitioner's more than three years of full compliance with supervision;  
25 d. failed to account for Petitioner's reliance interests created through years of government-authorized  
26 liberty; and  
27  
28

1 e. failed to meaningfully consider Petitioner's lawful employment authorization, family ties, approved  
2 Form I-360 Special Immigrant Juvenile petition, and pending asylum proceedings.

3 176. An agency must provide a reasoned explanation when it changes course, particularly where  
4 prior action has created reliance interests. DHS offered no individualized or reasoned explanation for  
5 reversing its earlier custody determination that detention was unnecessary.  
6

7 177. Because Respondents' custody determination is contrary to law, in excess of statutory  
8 authority, arbitrary and capricious, and retroactively applies a new legal interpretation to extinguish an  
9 existing liberty interest, it must be set aside pursuant to 5 U.S.C. § 706(2).

10 178. Petitioner respectfully requests declaratory and injunctive relief vacating the unlawful  
11 custody determination and restoring his eligibility for release under 8 U.S.C. § 1226(a), including access  
12 to a bond hearing before an Immigration Judge.  
13

14 **COUNT FIVE**

15 **Violation of the Fourth Amendment**

16 179. Petitioner realleges and incorporates by reference all preceding paragraphs as though fully  
17 set forth herein.  
18

19 180. The Fourth Amendment protects individuals against unreasonable searches and seizures.

20 181. For more than three years before his re-detention, Petitioner remained at liberty pursuant  
21 to DHS's discretionary decision to release him on an Order of Release on Recognizance ("ROR").  
22 Throughout that period, Petitioner fully complied with every condition imposed by DHS.  
23

24 182. During that period, Petitioner appeared for every ICE appointment, complied with every  
25 requirement of the Alternatives to Detention ("ATD") program, maintained valid employment  
26 authorization based upon his pending asylum application, remained gainfully employed, continued  
27 pursuing asylum before the Immigration Court, and possessed an approved Form I-360 Special Immigrant  
28

1 Juvenile ("SIJ") petition.

2 183. Petitioner has never been arrested. On or about October 16, 2025, he received a citation  
3 arising from an alleged hit-and-run incident. That matter remains pending. At his January 2026 ICE  
4 reporting appointment, Petitioner voluntarily informed ICE of the pending citation. DHS nevertheless  
5 continued Petitioner's release and permitted him to remain at liberty under the same reporting conditions.  
6

7 184. At all relevant times, DHS knew Petitioner's identity, residence, employment information,  
8 immigration history, supervision history, approved SIJ classification, pending asylum application, and  
9 continuous compliance with every condition of release.

10 185. DHS likewise knew that Petitioner had never absconded, never failed to report, never  
11 violated any condition of release or ATD supervision, and had remained continuously available to  
12 immigration authorities whenever requested.  
13

14 186. On July 8, 2026, Petitioner voluntarily appeared for his regularly scheduled ICE reporting  
15 appointment, as he had done continuously since March 2023.

16 187. Upon arriving at the ICE office, Petitioner attempted to check in using the electronic  
17 reporting kiosk customarily utilized for scheduled ICE appointments. When the kiosk was not functioning,  
18 Petitioner approached an ICE officer to request assistance.  
19

20 188. Rather than assisting Petitioner with the reporting process, ICE officers immediately seized  
21 and detained him.

22 189. ICE officers did not identify any violation of Petitioner's conditions of release or any failure  
23 to comply with the Alternatives to Detention program.  
24

25 190. ICE officers did not identify any newly discovered fact, changed circumstance, or  
26 intervening event warranting Petitioner's immediate arrest.

27 191. ICE officers did not identify any individualized basis establishing that Petitioner posed a  
28

1 danger to the community, presented a risk of flight, or otherwise required immediate detention.

2 192. ICE officers did not provide Petitioner with any meaningful explanation for his seizure or  
3 identify any legal or factual basis supporting the warrantless revocation of his previously granted liberty.

4 193. On information and belief, Petitioner's seizure was based solely upon DHS's July 8, 2025  
5 Interim Guidance and Respondents' reliance upon *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), and *Matter*  
6 *of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), rather than any individualized factual determination  
7 concerning Petitioner.  
8

9 194. The Fourth Amendment requires that civil immigration seizures be reasonable under the  
10 totality of the circumstances. Here, Respondents seized Petitioner despite knowing that he had faithfully  
11 complied with every condition of release for more than three years, had voluntarily disclosed his pending  
12 citation months earlier, maintained stable employment, possessed valid employment authorization,  
13 maintained substantial family and community ties, and had voluntarily appeared at the ICE office in  
14 response to his regularly scheduled reporting obligation.  
15

16 195. Respondents relied upon a categorical interpretation of the immigration detention statutes  
17 rather than any individualized assessment demonstrating that Petitioner's warrantless arrest was  
18 reasonably necessary under the circumstances.  
19

20 196. At the time of his seizure, Petitioner maintained a fixed residence known to DHS, remained  
21 gainfully employed pursuant to valid employment authorization, maintained significant family and  
22 community ties, continued pursuing asylum before the Immigration Court, possessed an approved SIJ  
23 petition, and had consistently demonstrated through more than three years of perfect compliance that he  
24 would appear whenever directed by immigration authorities.  
25

26 197. Under these circumstances, Respondents lacked an individualized factual basis rendering  
27 Petitioner's warrantless civil immigration arrest and continued detention reasonable under the Fourth  
28

Amendment.

198. Respondents possessed no new information on July 8, 2026 that they did not already possess for months before the seizure, further confirming that Petitioner's warrantless arrest was not supported by any individualized or exigent basis.

199. Petitioner's seizure was therefore unreasonable and violated the Fourth Amendment.

200. Petitioner's continued detention is the direct and ongoing result of that unconstitutional seizure.

201. Because Petitioner's seizure and continued detention violate the Fourth Amendment, habeas relief is warranted.

202. Petitioner respectfully requests that this Court order his immediate release from custody.

**PRAYER FOR RELIEF**

WHEREFORE, Petitioner respectfully requests that this Court:

1. Grant the Petition for Writ of Habeas Corpus;
2. Declare that Respondents' re-detention of Petitioner on July 8, 2026, without pre-deprivation process, violates the Fifth Amendment, the INA, the APA, and the Fourth Amendment;
3. Declare that Petitioner's detention, if authorized at all, is governed by 8 U.S.C. § 1226(a), not § 1225(b);
4. Order Respondents to immediately release Petitioner from custody under his prior conditions of supervision;
5. Enjoin Respondents from re-detaining Petitioner absent constitutionally adequate pre-deprivation process;
6. Vacate Respondents' unlawful custody determination pursuant to 5 U.S.C. § 706(2);

1 7. Award attorneys' fees and costs pursuant to the Equal Access to Justice Act;

2 8. Grant such other relief as the Court deems just and proper.

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4 Respectfully,

5 /s/Gurpreet Kaur

6 Gurpreet Kaur, Esq.

7 Attorney for Petitioner

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

13 I represent Petitioner, and I submit this verification on his behalf. Because Petitioner is detained  
14 at the Golden State Annex Facility and immediate relief is sought, counsel verifies this petition on his  
15 behalf pursuant to 28 U.S.C. § 2242. I hereby verify that the factual statements made in the foregoing  
16 Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.  
17

18  
19 Dated this 13<sup>th</sup> day of July, 2026.

20  
21 /s/ Gurpreet Kaur

22 Gurpreet Kaur, Esq.

23 Attorney for Petitioner  
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