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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; KRISTI NOEM, Secretary of the
U.S. Department of Homeland Security; PAMELA
BONDI, Attorney General of the United States

Respondents.

Civil Action No.

**MOTION FOR TEMPORARY
RESTRAINING ORDER**

**MOTION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE
PRELIMINARY INJUNCTION**

I. INTRODUCTION

Petitioner Singh respectfully moves for a Temporary Restraining Order to halt Respondents' ongoing and unconstitutional deprivation of his liberty and restore the status quo that existed before Respondents summarily revoked the release they had previously granted. This case arises from Respondents' decision to re-detain Petitioner after more than three years of complete compliance with every condition imposed by the Department of Homeland Security ("DHS"), without advance notice, without any individualized determination, and without any meaningful opportunity to be heard.

Petitioner entered the United States without inspection on or about March 13, 2023. Shortly thereafter, DHS briefly detained him pursuant to a Form I-200 but exercised its discretionary custody authority by releasing him on an Order of Release on Recognizance ("ROR"), subject to Alternatives to Detention ("ATD") supervision and periodic ICE reporting requirements. DHS thereafter permitted Petitioner to remain at liberty while his removal proceedings remained pending.

For more than three years, Petitioner faithfully complied with every condition imposed by DHS. He appeared for every ICE appointment, complied with every ATD reporting requirement, maintained valid employment authorization based upon his pending asylum application, remained continuously employed, established substantial family and community ties, and never violated any condition of his release.

Petitioner has never been arrested. On or about October 16, 2025, he received a citation arising from an alleged hit-and-run incident that remains pending. At his next scheduled ICE reporting appointment in January 2026, Petitioner voluntarily disclosed the pending citation to ICE. Despite having actual knowledge of that citation, DHS continued Petitioner's release under the same conditions of supervision for another six months.

1 Petitioner also possesses an approved Form I-360 Special Immigrant Juvenile ("SIJ") Petition, a
2 humanitarian protection Congress created for vulnerable immigrant youth who have suffered abuse,
3 abandonment, or neglect. Congress intended SIJ beneficiaries to remain physically present in the United
4 States while completing the statutory process leading to adjustment of status. Respondents were fully
5 aware of Petitioner's approved SIJ classification before revoking his liberty. Petitioner's continued
6 detention unnecessarily interferes with Congress's carefully crafted humanitarian framework by impairing
7 his ability to pursue both his pending asylum application and adjustment of status based upon his approved
8 SIJ petition.
9

10 On July 8, 2026, Petitioner voluntarily appeared for his regularly scheduled ICE reporting
11 appointment, as he had done continuously since March 2023. Upon arriving at the ICE office, Petitioner
12 attempted to check in using the electronic reporting kiosk customarily used for scheduled reporting. When
13 the kiosk was not functioning, Petitioner approached an ICE officer to request assistance.
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15 Rather than assisting Petitioner with the reporting process, ICE officers immediately placed him
16 into custody. ICE officers did not identify any violation of Petitioner's conditions of release, any changed
17 factual circumstances, or any individualized basis demonstrating that Petitioner posed a danger to the
18 community or a flight risk. Petitioner repeatedly requested an explanation for his detention but was
19 provided none. ICE officers likewise failed to provide any warrant, custody determination, or meaningful
20 explanation establishing the legal basis for revoking Petitioner's previously granted liberty.
21

22 Before depriving Petitioner of his liberty, Respondents provided no advance notice, no
23 individualized custody determination, no opportunity to consult with counsel, no opportunity to present
24 evidence, and no individualized pre-deprivation hearing before a neutral decisionmaker. Nor did
25 Respondents identify any exigent circumstance requiring immediate detention without first providing
26 constitutionally adequate process.
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1 Respondents' actions violate the Fifth Amendment, exceed their statutory authority under the
2 Immigration and Nationality Act, are arbitrary and capricious under the Administrative Procedure Act,
3 and constitute an unreasonable seizure under the Fourth Amendment. Unless this Court grants immediate
4 injunctive relief, Petitioner will continue to suffer the irreparable loss of his physical liberty, remain unable
5 to fully pursue the humanitarian protections Congress afforded through his approved SIJ petition and
6 pending asylum application, and face the continuing risk of transfer outside this District, thereby
7 frustrating this Court's jurisdiction.
8

9 Accordingly, Petitioner respectfully requests that this Court restore the status quo ante by ordering
10 his immediate release pending final resolution of his Petition for Writ of Habeas Corpus.
11

12 **II. FACTUAL BACKGROUND**

13 1. Petitioner is a native and citizen of India. He entered the United States without inspection on or
14 about March 13, 2023. Shortly after his entry, DHS briefly detained Petitioner pursuant to a Form I-200
15 but exercised its discretionary custody authority by releasing him on an Order of Release on
16 Recognizance ("ROR"), subject to Alternatives to Detention ("ATD") supervision and periodic ICE
17 reporting requirements.
18

19 2. On March 15, 2023, DHS served Petitioner with a Notice to Appear charging him solely under
20 INA § 212(a)(6)(A)(i). Petitioner remains in removal proceedings before the Immigration Court, where
21 his asylum application remains pending. Petitioner also possesses an approved Form I-360 Special
22 Immigrant Juvenile ("SIJ") Petition, of which DHS was fully aware before revoking his liberty.
23

24 3. Following his release, Petitioner fully complied with every condition imposed by DHS. He
25 appeared for every ICE appointment, complied with every ATD requirement, maintained continuous
26 communication with immigration authorities, remained at his known residence, maintained lawful
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1 employment pursuant to valid employment authorization, established substantial family and community
2 ties, and never violated any condition of release.

3 4. Petitioner has never been arrested. On or about October 16, 2025, he received a citation arising
4 from an alleged hit-and-run incident that remains pending. At his next scheduled ICE reporting
5 appointment in January 2026, Petitioner voluntarily informed ICE of the pending citation and placed
6 DHS on notice of the matter. Despite having actual knowledge of the pending citation, DHS continued
7 Petitioner's release under the same conditions of supervision.
8

9 5. Throughout Petitioner's release, DHS continuously knew Petitioner's residence, employment,
10 contact information, immigration history, approved SIJ classification, pending asylum application, and
11 supervision history. Respondents never advised Petitioner that he had violated any condition of
12 supervision, never alleged that he posed a danger to the community or a flight risk, and never suggested
13 that his previously granted release was subject to revocation.
14

15 6. On July 8, 2026, Petitioner voluntarily appeared for his regularly scheduled ICE reporting
16 appointment, as he had done continuously since March 2023. Upon arriving at the ICE office, Petitioner
17 attempted to check in using the electronic reporting kiosk customarily utilized for scheduled ICE
18 appointments. When the kiosk was not functioning, Petitioner approached an ICE officer to request
19 assistance.
20

21 7. Rather than assisting Petitioner with the reporting process, ICE officers immediately placed him
22 into custody. Petitioner repeatedly requested an explanation for his detention. ICE officers did not
23 identify any violation of Petitioner's release conditions, any changed factual circumstances, any failure
24 to comply with the ATD program, or any individualized basis establishing that Petitioner posed a danger
25 to the community or a flight risk. ICE officers likewise failed to provide any warrant, custody
26 determination, or meaningful explanation identifying the legal or factual basis for revoking Petitioner's
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1 liberty. Petitioner reminded ICE officers that he possessed valid employment authorization based upon
2 his pending asylum application, had fully complied with every reporting requirement imposed by DHS,
3 and possessed an approved Form I-360 SIJ Petition. ICE nevertheless detained Petitioner without
4 providing any opportunity to respond before revoking his liberty.

5 8. Prior to detaining Petitioner, Respondents provided no advance notice that they intended to
6 revoke his previously granted release, no notice of the factual basis for detention, no individualized
7 custody determination, no opportunity to consult with counsel, no opportunity to present evidence, and
8 no individualized pre-deprivation hearing before a neutral decisionmaker. Respondents likewise
9 identified no exigent circumstances that justified dispensing with constitutionally required pre-
10 deprivation process.
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12 9. Petitioner remains detained despite more than three years of complete compliance with every
13 condition imposed by DHS, despite DHS's prior decision to continue his release even after learning of
14 his pending citation, despite his valid employment authorization, substantial family and community ties,
15 pending asylum application, and approved SIJ Petition. His continued detention serves no legitimate
16 governmental purpose, causes ongoing irreparable harm through the loss of his physical liberty, and
17 substantially interferes with the humanitarian protections Congress specifically afforded to Special
18 Immigrant Juveniles while they pursue adjustment of status.
19

20 21 **III. LEGAL STANDARD**

22 The standards governing a TRO and a preliminary injunction are “substantially identical.”
23 *Stuhlbarg Int’l Sales Co. v. John D. Bush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001).
24

25 A TRO may issue where the movant demonstrates: A likelihood of success on the merits, a
26 likelihood of irreparable harm absent relief, that the balance of equities tips in his favor, and that an
27 injunction is in the public interest. *Winter v. NRDC*, 555 U.S. 7, 20 (2008).
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1 Alternatively, a TRO may issue where serious questions go to the merits and the balance of
2 hardships tips sharply in the movant's favor. *Friends of the Wild Swan v. Weber*, 767 F.3d 936, 942 (9th
3 Cir. 2014).

4 **IV. ARGUMENT**

5 **A. Petitioner Is Likely to Succeed on the Merits**

6
7 Petitioner is likely to succeed on the merits because Respondents violated the Fifth Amendment
8 when they revoked Petitioner's previously granted liberty without providing the constitutionally required
9 pre-deprivation process. Although the parties dispute whether Petitioner's detention is governed by 8
10 U.S.C. § 1225(b) or § 1226(a), Petitioner's principal claim is constitutional, not statutory. Regardless of
11 which detention provision ultimately applies, Respondents could not extinguish Petitioner's established
12 liberty interest without first providing advance notice, an individualized determination, and a meaningful
13 opportunity to be heard.
14

15 Petitioner entered the United States without inspection on or about March 13, 2023. Shortly
16 thereafter, DHS briefly detained him pursuant to a Form I-200 but exercised its discretionary custody
17 authority by releasing him on an Order of Release on Recognizance ("ROR"), subject to Alternatives to
18 Detention ("ATD") supervision and periodic ICE reporting requirements. DHS thereafter permitted
19 Petitioner to remain at liberty while his removal proceedings remained pending.
20

21 For more than three years, Petitioner fully complied with every condition imposed by DHS. He
22 appeared for every ICE appointment, complied with every ATD reporting requirement, maintained valid
23 employment authorization based upon his pending asylum application, remained continuously employed,
24 established substantial family and community ties, continued pursuing asylum before the Immigration
25 Court, and possessed an approved Form I-360 Special Immigrant Juvenile ("SIJ") Petition.
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1 Petitioner has never been arrested. On or about October 16, 2025, he received a citation arising
2 from an alleged hit-and-run incident that remains pending. At his January 2026 ICE reporting
3 appointment, Petitioner voluntarily informed ICE of the pending citation. DHS nevertheless continued
4 Petitioner's release under the same reporting conditions and permitted him to remain at liberty for another
5 six months.
6

7 On July 8, 2026, Petitioner voluntarily appeared for his regularly scheduled ICE reporting
8 appointment, just as he had done continuously since March 2023. Upon arriving at the ICE office,
9 Petitioner attempted to check in using the electronic reporting kiosk customarily used for scheduled
10 reporting. When the kiosk malfunctioned, Petitioner approached an ICE officer to request assistance.
11

12 Rather than assisting Petitioner with the reporting process, ICE officers immediately placed him
13 into custody. Respondents identified no violation of Petitioner's release conditions, no changed factual
14 circumstances, no individualized basis demonstrating that Petitioner posed a danger to the community or
15 a flight risk, and no exigent circumstances requiring immediate detention. ICE officers likewise failed to
16 provide any warrant, custody determination, or meaningful explanation identifying the legal basis for
17 revoking Petitioner's previously granted liberty.
18

19 The Fifth Amendment does not permit the Government to grant liberty, supervise an individual
20 successfully for more than three years, continue that liberty after learning of a pending citation, and then
21 summarily revoke that liberty without advance notice, a meaningful opportunity to be heard, and an
22 individualized pre-deprivation determination. *Mathews v. Eldridge*, 424 U.S. 319 (1976); *Morrissey v.*
23 *Brewer*, 408 U.S. 471, 482 (1972). The constitutional violation was complete the moment Respondents
24 revoked Petitioner's liberty without constitutionally adequate procedures.
25

26 Petitioner is also likely to succeed on his statutory claims. On information and belief, Respondents
27 rely upon DHS's July 8, 2025 Interim Guidance, together with *Matter of Q. Li*, 29 I&N Dec. 66 (BIA
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2025), and *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), to assert that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b). Petitioner maintains that his custody remains governed by § 1226(a) and that Respondents' contrary interpretation is inconsistent with the structure of the INA, Congress's intent, and DHS's own discretionary custody determination. Regardless of which statutory provision ultimately governs, neither the INA nor the Constitution authorizes Respondents to revoke previously granted liberty without individualized pre-deprivation process.

This conclusion is consistent with the growing body of decisions from this District. Numerous judges within the Eastern District of California have recognized that noncitizens previously released into removal proceedings possess a protected liberty interest that cannot be summarily revoked without constitutionally adequate procedures and have rejected Respondents' attempt to eliminate individualized custody determinations through post-release application of § 1225(b).

Petitioner's approved SIJ Petition further reinforces his likelihood of success. Congress created the SIJ program to protect vulnerable immigrant youth who have suffered abuse, abandonment, or neglect. By approving Petitioner's Form I-360, Congress recognized him as eligible for humanitarian protection and contemplated that he would remain physically present in the United States while pursuing adjustment of status when an immigrant visa became available. As recognized in *Osorio-Martínez v. Attorney General*, 893 F.3d 153 (3d Cir. 2018), Congress afforded SIJ beneficiaries significant statutory protections that meaningfully constrain DHS's enforcement authority. Although Petitioner's constitutional claims do not depend upon his approved SIJ Petition, Congress's humanitarian framework further demonstrates why Respondents were required to conduct an individualized assessment before revoking Petitioner's liberty.

Finally, Respondents cannot justify dispensing with pre-deprivation process based upon any claim of urgency. DHS successfully supervised Petitioner for more than three years, knew where he lived, knew where he worked, knew of his pending citation for months before his detention, knew he possessed valid

1 employment authorization and an approved SIJ Petition, and had every reason to believe he would
2 continue complying with every directive issued by DHS—as demonstrated by his voluntary appearance
3 for his scheduled ICE reporting appointment on July 8, 2026. No exigent circumstances existed that
4 justified summarily revoking Petitioner's liberty without due process.

5 **B. Petitioner Is Suffering Irreparable Harm**

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7 Petitioner is suffering ongoing irreparable harm that cannot be remedied absent immediate
8 injunctive relief. The loss of physical liberty constitutes irreparable injury as a matter of law. *Melendres*
9 *v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012).

10 The harm here extends far beyond ordinary immigration detention. DHS previously determined
11 that Petitioner could safely remain at liberty under supervision and reaffirmed that determination for more
12 than three years by permitting him to continue living and working in the community. During that period,
13 Petitioner fully complied with every reporting obligation, maintained lawful employment pursuant to valid
14 employment authorization, established significant family and community ties, pursued asylum before the
15 Immigration Court, and obtained approval of his Form I-360 SIJ Petition. Respondents never alleged that
16 Petitioner violated any condition of release, posed a danger to the community, or presented a flight risk.
17 Petitioner was never arrested, voluntarily disclosed the pending citation to ICE months before his
18 detention, and DHS nevertheless continued his release for another six months.

21 Rather than acting on any newly discovered facts or individualized circumstances, Respondents
22 detained Petitioner when he voluntarily appeared for his regularly scheduled ICE reporting appointment,
23 after he sought assistance because the electronic reporting kiosk was not functioning. Rather than acting
24 on any newly discovered facts or individualized circumstances, Respondents detained Petitioner when he
25 voluntarily appeared for his regularly scheduled ICE reporting appointment after seeking assistance
26 because the electronic reporting kiosk was not functioning. ICE immediately placed him into custody
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1 without advance notice, without any meaningful explanation, and without any opportunity to be heard.
2 The Constitution does not permit the Government to transform a routine reporting appointment into a
3 summary revocation of previously granted liberty without constitutionally adequate process.

4 Petitioner's continued detention also substantially interferes with Congress's humanitarian
5 framework governing Special Immigrant Juveniles. Petitioner has already obtained approval of his SIJ
6 Petition and is entitled to pursue adjustment of status when eligible while continuing to prosecute his
7 asylum application. Continued detention unnecessarily impairs his ability to communicate with counsel,
8 gather evidence, respond to agency requests, maintain employment, preserve community and family ties,
9 and effectively pursue the immigration relief Congress has made available.
10

11 Each additional day of detention inflicts continuing constitutional injury that cannot be remedied
12 through monetary damages. It deprives Petitioner of his physical liberty, disrupts his employment and
13 community relationships, interferes with his pursuit of humanitarian immigration relief, and exposes him
14 to transfer outside this District, thereby threatening this Court's ability to provide meaningful relief.
15

16 A subsequent bond hearing cannot cure these injuries. The constitutional violation occurred when
17 Respondents revoked Petitioner's previously granted liberty without constitutionally required pre-
18 deprivation procedures. Only immediate release restores the status quo ante and prevents the continuing
19 deprivation of Petitioner's constitutional rights.
20

21 **C. The Balance of Equities and Public Interest Strongly Favor Relief**

22 The balance of equities overwhelmingly favors Petitioner. Respondents themselves determined
23 that Petitioner could safely remain at liberty and allowed him to remain in the community for more than
24 three years without incident. During that entire period, Petitioner faithfully complied with every condition
25 of supervision, maintained lawful employment, established significant family and community ties,
26 voluntarily appeared whenever ICE instructed him to report, and accumulated an exemplary record of
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1 compliance. Even after DHS learned of Petitioner's pending citation in January 2026, it nevertheless
2 continued Petitioner's release under the same conditions for another six months, confirming that DHS
3 itself did not view the citation as requiring immediate detention or demonstrating that Petitioner posed
4 either a danger or a flight risk.

5 Respondents cannot plausibly claim prejudice from restoring the very conditions of release they
6 previously determined were appropriate. Immediate release merely restores the status quo that existed
7 before Respondents' unconstitutional conduct.

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9 The public interest likewise strongly favors relief. The public has a compelling interest in ensuring
10 that federal agencies comply with the Constitution, the Immigration and Nationality Act, and the
11 humanitarian protections Congress enacted for Special Immigrant Juveniles. There is no legitimate public
12 interest in continuing detention imposed without due process, without an individualized determination,
13 and without any showing that Petitioner presents a danger, a flight risk, or any other circumstance
14 warranting detention.
15

16 Because the requested injunction merely halts unconstitutional government action and restores
17 Petitioner's previously granted liberty, no security should be required under Federal Rule of Civil
18 Procedure 65(c). Respondents suffer no cognizable monetary injury from complying with the Constitution
19 and federal law.
20

21 **D. Immediate Release—Not a Post-Hoc Bond Hearing—Is the Appropriate Remedy**

22 Immediate release is the only remedy capable of restoring the status quo ante.

23
24 This case does not challenge the adequacy of a future custody hearing. Rather, it challenges
25 Respondents' completed constitutional violation in revoking Petitioner's previously granted liberty
26 without advance notice, without any individualized pre-deprivation process, and without identifying any
27 violation of his release conditions, changed factual circumstance, or exigent circumstance requiring
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1 immediate detention. That completed constitutional violation cannot be retroactively cured through a later
2 bond hearing. As the Supreme Court recognized in *Morrissey v. Brewer*, once the Government grants
3 conditional liberty, that liberty cannot be withdrawn without constitutionally adequate procedures. 408
4 U.S. at 482.

5 Nor would a later custody hearing remedy the continuing statutory injury. Congress has already
6 recognized Petitioner as eligible for humanitarian protection by approving his Form I-360 SIJ Petition.
7 Continued detention unnecessarily interferes with Congress's humanitarian framework by impairing
8 Petitioner's ability to pursue adjustment of status and continue litigating his asylum application.
9

10 Federal courts possess broad habeas authority to restore unlawfully deprived liberty. *Boumediene*
11 *v. Bush*, 553 U.S. 723, 779 (2008). Where, as here, DHS granted liberty, successfully supervised Petitioner
12 for more than three years, continued that release even after learning of Petitioner's pending citation, and
13 then summarily revoked that liberty when Petitioner voluntarily appeared for his regularly scheduled ICE
14 reporting appointment—without advance notice, without an individualized determination, and without
15 constitutionally required pre-deprivation procedures—immediate release, not a delayed custody hearing,
16 is the only remedy capable of fully vindicating Petitioner's constitutional rights and restoring the status
17 quo ante.
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19 Accordingly, the Court should immediately order Petitioner's release under the same conditions
20 previously imposed by DHS, or grant such other relief as restores Petitioner's liberty pending final
21 resolution of this habeas proceeding.
22

23 **V. REQUESTED RELIEF**

24 Petitioner respectfully requests that the Court:

- 25 1. Order Petitioner's immediate release from ICE custody;
- 26 2. Enjoin Respondents from re-detaining Petitioner absent constitutionally adequate pre-
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1 deprivation process and an individualized custody determination consistent with the Fifth
2 Amendment, the Immigration and Nationality Act, and Congress's statutory protections
3 governing Special Immigrant Juveniles;

4 3. Prohibit transfer outside this District; and

5 4. Grant any further relief necessary to protect Petitioner's statutory and constitutional
6 rights.
7

8 **V. CONCLUSION**

9 Respondents' continued detention of Petitioner violates the INA, the Fifth Amendment, the
10 Administrative Procedure Act, and the Fourth Amendment because Respondents revoked Petitioner's
11 previously granted liberty without constitutionally required pre-deprivation process. Immediate
12 injunctive relief is necessary to restore the status quo ante, prevent continuing irreparable harm, and
13 preserve this Court's jurisdiction.
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16 Respectfully,

17 /s/ Gurpreet Kaur
18 Gurpreet Kaur, Esq.
19 Attorney for Petitioner

20 Dated this 13th day of July, 2026.
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