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9
10 **IN THE UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**
12

13 KARANDEEP SINGH

14 Petitioner,

15 v.

16 TONYA ANDREWS, Administrator of Golden
17 State Annex; TODD LYONS, Acting Director of
18 Immigration and Customs Enforcement;
19 MARKWAYNE MULLIN, Secretary of the U.S.
20 Department of Homeland Security; TODD
21 BLANCHE, Attorney General of the United States

22 Respondents.
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Case No. 1:26-cv-5448-KES-EGC

REPLY TO RESPONDENTS' RESPONSE TO ORDER TO SHOW CAUSE

**I. RESPONDENTS DO NOT IDENTIFY ANY FACTUAL OR LEGAL DISTINCTION
FROM THIS COURT'S PRIOR ORDERS.**

The Court specifically ordered Respondents to identify any factual or legal distinction between this case and the Court's prior decisions granting habeas relief to previously released noncitizens whose liberty was revoked without constitutionally adequate process. (ECF No. 4).

Respondents do not even attempt to do so. Rather than identify any factual or legal distinction from this Court's prior decisions—as the Minute Order expressly required—Respondents simply repeat their statutory arguments and ask the Court to decide the petition on the existing record.

Instead, Respondents simply repeat their statutory argument regarding § 1225(b), state that they would not oppose a bond hearing if the Court concludes § 1226 applies, and then expressly request that the Court "rule on the Petition in its entirety."

That response effectively concedes there is no meaningful distinction between Petitioner's constitutional claim and the Court's prior decisions. Respondents identify no additional process provided before Petitioner's liberty was revoked, no changed circumstance justifying immediate detention without notice, and no authority permitting DHS to dispense with pre-deprivation due process after allowing Petitioner to remain at liberty for years.

Accordingly, Respondents have failed to satisfy the Court's Order to Show Cause.

II. THE TRAFFIC CITATION DOES NOT DISTINGUISH THIS CASE.

Respondents repeatedly characterize Petitioner as having a "criminal history." That characterization is misleading.

Petitioner was never arrested in connection with the underlying incident. Rather, on October 16, 2025, Petitioner received only a citation arising out of a traffic accident. DHS nevertheless allowed Petitioner to remain at liberty for approximately nine additional months.

During that entire period, Petitioner continued appearing for every required ICE check-in, fully complied with his conditions of release, maintained his known residence, and never attempted to evade

1 DHS. DHS therefore had every opportunity during those nine months to reassess Petitioner's custody if it
2 believed continued release posed any public safety concern. It did not. Instead, DHS repeatedly reaffirmed
3 Petitioner's release by permitting him to continue reporting and remain in the community.

4 If the October 2025 citation truly demonstrated that Petitioner posed a danger or justified
5 immediate detention, DHS would not have waited until July 8, 2026 to revoke Petitioner's liberty.

6 The Government's own conduct therefore refutes any assertion that exigent circumstances justified
7 dispensing with constitutionally required pre-deprivation process. Instead, the nine-month delay confirms
8 that Petitioner's detention resulted solely from DHS's later decision to revoke previously granted liberty
9 without providing notice, an individualized determination, or any meaningful opportunity to be heard.
10

11 **III. RESPONDENTS CONTINUE TO IGNORE PETITIONER'S ACTUAL**
12 **CONSTITUTIONAL CLAIM.**

13 Respondents again devote their entire opposition to arguing that Petitioner is subject to mandatory
14 detention under 8 U.S.C. § 1225(b). That argument does not address the constitutional question presented
15 in this case. In fact, Respondents never dispute any of the facts establishing the procedural due process
16 violation.
17

18 Petitioner does not principally challenge DHS's interpretation of the Immigration and Nationality
19 Act or merely dispute which detention statute governs his custody. Rather, Petitioner challenges the
20 manner in which DHS revoked his previously granted liberty. For nearly three years, DHS exercised its
21 discretion to permit Petitioner to remain at liberty under an Order of Release on Recognizance while his
22 removal proceedings remained pending. During that period, Petitioner complied with DHS supervision,
23 appeared for every required ICE appointment, maintained a known residence, and remained continuously
24 available to immigration authorities.
25

26 The constitutional violation occurred when DHS abruptly revoked that liberty and detained
27 Petitioner on July 8, 2026 without providing advance notice, an individualized custody determination, or
28 any meaningful opportunity to be heard. That is the deprivation challenged in this habeas action.

1 Respondents never contend that Petitioner received any pre-deprivation process. They identify no
2 notice of DHS's intent to revoke his release, no hearing before a neutral decisionmaker, no opportunity to
3 present evidence, and no exigent circumstance that justified dispensing with those constitutional
4 safeguards. Instead, Respondents simply assert that § 1225(b) authorizes detention. But statutory detention
5 authority does not answer whether the Fifth Amendment permits the Government to extinguish an
6 individual's established liberty interest without due process of law.

7
8 Nor does Respondents' reliance on Petitioner's October 2025 traffic citation alter the constitutional
9 analysis. Petitioner was not arrested at the time of the incident. He received only a citation arising from a
10 traffic accident, after which DHS knowingly permitted him to remain at liberty for approximately nine
11 months. During those nine months, Petitioner continued to report for every scheduled ICE check-in and
12 fully complied with DHS supervision. If the citation truly created an immediate public safety concern or
13 justified summary detention, DHS would not have waited nine months before revoking Petitioner's release.
14 The Government's own conduct demonstrates that no emergency existed that could excuse compliance
15 with the Due Process Clause.

16
17 Because Respondents never rebut Petitioner's procedural due process claim, they have failed to
18 identify any basis upon which this Court should depart from its prior decisions recognizing that previously
19 released noncitizens possess a constitutionally protected liberty interest that cannot be revoked without
20 adequate pre-deprivation process. The Petition should therefore be granted.

21 **IV. IMMEDIATE RELEASE—NOT A POST-DEPRIVATION BOND HEARING—IS**
22 **THE APPROPRIATE HABEAS REMEDY.**
23

24 Respondents' willingness to accept a bond hearing underscores that they have abandoned any
25 argument that this case is materially distinguishable from the Court's prior decisions. But a post-
26 deprivation bond hearing is not the relief Petitioner seeks because it cannot remedy a constitutional
27 violation that has already occurred.
28

1 The constitutional injury occurred when DHS extinguished Petitioner's previously granted liberty
2 without first providing the process the Fifth Amendment required.

3 A bond hearing conducted only after months of unconstitutional detention cannot retroactively
4 provide the notice, hearing, and opportunity to be heard that should have preceded the deprivation of
5 liberty.

6 Moreover, the Court's Minute Order indicates that it will consider the merits of the habeas petition
7 after reviewing the parties' submissions. Because Respondents have failed to distinguish this case from
8 the Court's prior decisions and have never justified dispensing with pre-deprivation process, the
9 appropriate habeas remedy is restoration of Petitioner's liberty through immediate release.
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11 **V. THE COURT SHOULD ORDER IMMEDIATE RELEASE**

12 Respondents failed to comply with the Court's Order to Show Cause. They identify no factual
13 distinction from this Court's prior habeas decisions, no emergency justifying summary detention, and no
14 constitutionally adequate process preceding the revocation of Petitioner's liberty. Instead, they simply
15 reiterate statutory arguments that do not address Petitioner's Fifth Amendment claim and invite the Court
16 to decide the merits of the Petition.
17

18 Because the material facts are undisputed and establish that DHS revoked Petitioner's previously granted
19 liberty without constitutionally required pre-deprivation process, the only remedy that fully restores
20 Petitioner's constitutional rights is immediate release.

21 **CONCLUSION**

22 For the foregoing reasons, Petitioner respectfully requests that the Court:
23

- 24 1. Grant the Petition for Writ of Habeas Corpus;
- 25 2. Order Petitioner's immediate release from ICE custody;
- 26 3. Enjoin transfer outside this District pending compliance with the Court's order; and
- 27 4. Grant any further relief the Court deems just and proper.

28 Respectfully submitted,

1 /s/ Gurpreet Kaur

2 Gurpreet Kaur

3 Attorney for Petitioner

Dated this 17th day of July, 2026.