IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

PARMVIR SINGH,

Petitioner,

v.

MARKWAYNE MULLIN, Secretary of the U.S. Department of Homeland Security; **DAVID J. VENTURELLA**, Acting U.S. Immigration and Customs Enforcement Director; **TODD BLANCHE**, Attorney General of the United States; **KENNETH HOOVER**, Warden of the Northeast Ohio Correctional Center; and **KEVIN RAYCRAFT**, ICE Detroit Field Office Director;

Respondents.

Case No: 4:26-cv-2140

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF

PARMVIR SINGH ("Petitioner"), brings forth this Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief ("Petition") pursuant to 28 U.S.C. § 2241; 28 U.S.C. § 1651; the Immigration and Nationality Act ("INA") and regulations thereunder, Article I, Section 9, Clause 2 of the United States Constitution ("Suspension Clause") and the Fifth Amendment right to substantive and procedural due process. Petitioner hereby requests that an immediate hearing be set on this urgent matter, further requests that he be released from detention. In support of such, Petitioner states as follows:

PRELIMINARY STATEMENT

1. This habeas petition challenges the process employed by the above captioned Respondents in the efforts to remove Petitioner from the United States and cut short his effort to explore lawful processes available to remedy his immigration status.

2. Petitioner respectfully requests that this Court assume jurisdiction over this matter and compel the above captioned Respondents to immediately release him on his own recognizance, pending his exploration of all immigration remedies available to him.
3. Petitioner seeks seventy-two (72) hours' notice of any transfer solely to preserve his access to undersigned counsel and to this Court during the pendency of these proceedings. Such notice imposes no burden on Respondents and safeguards Petitioner's opportunity to be heard in a meaningful manner and at a meaningful time.

JURISDICTION AND VENUE

4. This action arises under the Constitution of the United States, the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101 et seq.
5. This Court has subject matter jurisdiction over this Petition pursuant to 28 U.S.C. § 2241, 28 U.S.C. § 1331, and Article I, § 9, cl. 2 of the United States Constitution; the All Writs Act, 28 U.S.C. § 1651; declaratory relief pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201, and injunctive relief pursuant to 28 U.S.C. § 2202 and Fed. R. Civ. P. 65.
6. Federal district courts have jurisdiction to hear habeas claims by noncitizens challenging the lawfulness or constitutionality of DHS's conduct. Federal courts are not stripped of jurisdiction under 8 U.S.C. § 1252. *See, e.g., Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).
7. The jurisdiction-channeling provisions of the REAL ID Act under 8 U.S.C. § 1252 do not foreclose this Court's jurisdiction over Petitioner's claims. *See Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999) (holding that § 1252(g), reaches only "three discrete actions that the Attorney General may take: her decision or action to 'commence proceedings, adjudicate cases, or execute removal orders.'")
8. If 8 U.S.C. § 1252 did strip jurisdiction from this case, that statute would be unconstitutional

as applied to Petitioner. The Suspension Clause of the U.S. Constitution states, "The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it." U.S. Const. art. I, § 9, cl. 2. This protects the right to the writ of habeas corpus where no adequate or effective alternative remedy exists. *See Boumediene v. Bush*, 553 U.S. 723 (2008).

9. Therefore, this court may properly exercise jurisdiction over all of Petitioner's claims.
10. Under 28 U.S.C § 1391, venue is proper in the Northern District of Ohio given a substantiale part of the events giving rise to these claims are actively occurring in Northeast Ohio Correctional Center, which falls within this Court's jurisdiction.

PARTIES

11. Petitioner is in the custody of, and under the direct control, of Respondents and their agents; Petitioner is currently under threat of imminent harm and restraint of his liberty while in the custody of the Respondents.
12. Respondent Markwayne Mullin ("Respondent Mullin") is the Secretary of Homeland Security and is sued in his official capacity. The Department of Homeland Security is responsible for the implementation and enforcement of the INA and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner's detention. Secretary Mullin is a legal custodian of the Petitioner.
13. Respondent David J. Venturella ("Respondent Venturella") is the Acting Director of the U.S. Immigration and Customs Enforcement and is sued in his official capacity. ICE is responsible for the implementation and enforcement of the INA and for Petitioner's detention. Respondent Venturella is a legal custodian of the Petitioner.

14. Respondent Todd Blanche ("Respondent Blanche") is sued in his official capacity as the Attorney General of the United States. In his capacity, he has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review ("EOIR"), which administers the immigration courts and the Board of Immigration Appeals ("BIA"). Respondent Blanche is a legal custodian of the Petitioner.

15. Respondent Kevin Raycraft ("Respondent Raycraft") as the ICE Detroit Field Office Director is sued in his official capacity as the ICE official responsible for Petitioner's custody and detention. Respondent Raycraft and ICE are the legal custodians of the Petitioner.

16. Respondent Kenneth Hoover, as the Warden of the Northeast Ohio Correctional Center, the facility in which Petitioner is detained, and is sued in his official capacity. As the person having immediate physical custody of Petitioner, the Warden is Petitioner's immediate custodian.

REQUIREMENTS UNDER 28 U.S.C. § 2243

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

18. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 83 S. Ct. 822 (1963) (emphasis added; overruled in part on other grounds by Coleman v. Thompson,

501 U.S. 722 (1991); quoting *Sec'y of State for Home Affairs v. O'Brien*, [1923] A.C. 603, 609 (H.L.)).

EXHAUSTION OF REMEDIES

19. Petitioner's claims of receiving a constitutionally inadequate process to justify the intrusions into his liberty interests are not subject to any statutory requirement of administrative exhaustion. *See McCarthy v. Madigan*, 503 U.S. 140, 144 (1992); *Howell v. INS*, 72 F.3d 288, 291 (2d Cir. 1995) (*superseded* by statute on other grounds as recognized in Booth v. Churner, 532 U.S. 731 (2001)).
20. To the extent that prudential concerns lead the Court to require exhaustion as a discretionary matter, administrative remedies available have been exhausted.
21. Moreover, neither the Immigration Judge nor the BIA, as administrative agencies, can rule on the constitutional nature of Petitioner's due process and procedural claims. Nor would the claims Petitioner has brought forth in the herein Petition be properly decided before either administrative body.
22. Finally, Petitioner is threatened with irreparable harm in his ability to pursue his constitutional claims, such that exhaustion of administrative remedies should not be required.

REQUEST FOR ORAL ARGUMENT

23. Petitioner requests oral argument on this Petition.

STATEMENT OF FACTS

24. Upon information and belief, Petitioner sets forth the following facts.
25. Petitioner has resided in the United States since he last entered on or about July 22, 2023.
26. On or about July 24, 2023, DHS placed Petitioner in removal proceedings before the Cleveland Immigration Court. ICE has charged Petitioner with, *inter alia*, being inadmissible

as someone who entered the United States without admission or parole, or who arrived in the United States at any time or place other than as designated by the Attorney General.

27. Petitioner has a pending U-Visa case with USCIS as the victim of a crime and has also filed an Asylum case.

28. On or about December 16, 2025, Petitioner was arrested at his ICE check-in. Petitioner is currently detained at the Northeast Ohio Correctional Center. Petitioner was arrested while complying with immigration laws; ICE had requested that he appear for a check in, Petitioner did so and was detained as a result.

29. To date, the Petitioner has been in the custody of the Respondents for 255 days.

30. Following Petitioner's arrest and transfer to Northeast Ohio Correctional Center, ICE issued a baseless custody determination to continue Petitioner's detention without an opportunity to post bond or be released on other conditions.

31. Petitioner subsequently requested a bond redetermination hearing before an IJ.

32. On January 22, 2026, a Cleveland Immigration Judge issued a decision that the court lacked jurisdiction to conduct a bond redetermination hearing.

33. Petitioner remains in detention to date. Without relief from this court, he faces the prospect of months, or even years, in immigration custody.

34. On April 24, 2026, Petitioner was ordered removable by Immigration Judge Richard Drucker. The Petitioner has filed an appeal with the Board of Immigration Appeals of this decision which remains pending to date.

35. The Petitioner's BIA appeal remains pending; the removal order is therefore not administratively final under 8 C.F.R. § 1241.1, the removal period under 8 U.S.C. §

1231(a)(1)(B)(i) has not begun, and Petitioner's detention continues to be governed by 8 U.S.C. § 1226.

36. This Court should find that the prolonged detention of the Petitioner is unlawful, inhumane and unnecessary.

LEGAL FRAMEWORK

37. Immigration detention should not be used as a punishment and should only be used when, under an individualized determination, a noncitizen is a flight risk because they are unlikely to appear for immigration court or a danger to the community. *Zadvydas v. Davis*, 533 U.S. 678, 690-91 (2001).

Forms of Detention for Noncitizens in Removal Proceedings

38. The Immigration and Nationality Act prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings.

39. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an immigration judge. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

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

41. Last, the INA also provides for detention of noncitizens who have been ordered removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).

42. This case concerns the detention provisions at INA § 1226(a).

43. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104–208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Section 1226 was most recently amended in 2025 by the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025), which amended § 1226(c) by adding § 1226(c)(1)(E) and (c)(3).

44. Following the enactment of the 1996 IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

45. Thus, in the decades that followed, most people who entered without inspection and were placed in standard removal proceedings received bond hearings, unless their criminal history rendered them ineligible pursuant to 8 U.S.C. § 1226(c). That practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed "arriving" were entitled to a custody hearing before an immigration judge or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see* also H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply "restates" the detention authority previously found at § 1252(a)).

46. On July 8, 2025, ICE, "in coordination with" the Department of Justice, announced a new policy that rejected well-established understanding of the statutory framework and reversed decades of practice.

47. The new policy, entitled "Interim Guidance Regarding Detention Authority for Applicants for Admission," claims that all persons who entered the United States without inspection shall now be subject to mandatory detention provision under § 1225(b)(2)(A). The policy

applies regardless of when a person is apprehended and affects those who have resided in the United States for months, years, and even decades.

48. Section 1226(a) applies by default to all persons "pending a decision on whether the [noncitizen] is to be removed from the United States." These removal hearings are held under § 1229a, to "decid[e] the inadmissibility or deportability of a[] [noncitizen]."

49. The text of § 1226 also explicitly applies to people charged as being inadmissible, including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)'s reference to such people makes clear that, by default, such people are afforded a bond hearing under subsection (a). As the Rodriguez Vazquez court explained, "[w]hen Congress creates 'specific exceptions' to a statute's applicability, it 'proves' that absent those exceptions, the statute generally applies." *See Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239, 1257 (W.D. Wash. 2025), aff'd, No. 25-6842 (9th Cir. July 30, 2026) (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins.* Co., 559 U.S. 393, 400 (2010)); see also Gomes v. Hyde, 2025 WL 1869299, at *7 (D. Mass. July 7, 2025). The D. Mass. line was affirmed in Guerrero Orellana v. Moniz, Nos. 25-2152, 26-1094 (1st Cir. Aug. 13, 2026).

50. Section 1226 therefore leaves no doubt that it applies to people who face charges of being inadmissible to the United States, including those who are present without admission or parole.

51. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who recently entered the United States. The statute's entire framework is premised on inspections at the border of people who are "seeking admission" to the United States. 8 U.S.C. § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme applies "at the Nation's borders and ports of entry, where the Government must

determine whether a[] [noncitizen] seeking to enter the country is admissible." *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

52. Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does not apply to people like Petitioner, who have already entered and were residing in the United States at the time they were apprehended.

53. The United States Court of Appeals for the Sixth Circuit has squarely resolved this question in Petitioner's favor. In Lopez-Campos v. Raycraft, the court held that noncitizens who entered without inspection and were arrested in the interior of the United States are not "seeking admission" under § 1225(b)(2)(A) and therefore "could have been detained pursuant to only § 1226," entitling them to individualized bond hearings. *Lopez-Campos v. Raycraft*, 175 F.4th 713 (6th Cir. 2026); *Jennings v. Rodriguez*, 583 U.S. 281, 138 S. Ct. 830 (2018).

54. A court in this District has already applied this framework to a detainee held at the same facility in which Petitioner is confined. In Gong v. Mullin, the court granted habeas relief to a Northeast Ohio Correctional Center detainee who had entered without inspection and was detained at an ICE check-in, ordering Respondents to afford him a bond hearing consistent with § 1226 within five days or release him. *Xuan Gong v. Mullin*, No. 4:26-cv-00488, 2026 LX 193339 (N.D. Ohio Apr. 13, 2026).

CLAIMS FOR RELIEF

FIRST CAUSE OF ACTION
UNLAWFUL DETENTION IN VIOLATION OF 8 U.S.C. § 1226(a)
(Detention Governed by § 1226(a), Not § 1225(b)(2)(A))

55. Petitioner repeats and realleges the foregoing paragraphs as if fully set forth herein and incorporates them by reference.

56. Petitioner entered the United States without inspection and was arrested in the interior of the United States, at an ICE check-in he attended. He is therefore not "seeking admission" within the meaning of 8 U.S.C. § 1225(b)(2)(A), and his detention is governed by 8 U.S.C. § 1226(a), which entitles him to an individualized bond hearing.

57. The Immigration Judge's January 22, 2026 ruling that the immigration court lacked jurisdiction to conduct a bond redetermination hearing was legal error.

58. Because Petitioner has been detained under the wrong statutory provision and denied the individualized bond hearing that § 1226(a) requires, his continued detention is unlawful, and he is entitled to release or to an immediate bond hearing consistent with § 1226(a).

SECOND CAUSE OF ACTION
VIOLATION OF FIFTH AMENDMENT RIGHT
TO PROCEDURAL AND SUBSTANTIVE DUE PROCESS

59. Petitioner repeats and realleges the foregoing paragraphs as if fully set forth herein and incorporates them by reference.

60. The Due Process clause applies to all persons in the United States, "whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). Procedural due process constrains governmental decisions that deprive individuals of property or liberty interests within the meaning of the Due Process Clause of the Fifth Amendment. *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976); *see also Perry v. Sindermann*, 408 U.S. 593, 601–03 (1972) (reliance on informal policies and practices may establish a legitimate claim of entitlement to a constitutionally-protected interest). Infringing upon a protected interest triggers a right to a hearing before that right is deprived. *Board of Regents of State Colleges v. Roth*, 408 U.S. 564, 569–70 (1972).

61. Due process requires "adequate procedural protections" to ensure that the government's

asserted justification for its conduct infringing on protected interests "outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Zadvydas*. 533 U.S. at 690-91 (internal quotation marks omitted).

62. The substantive component of the Due Process Clause of the Fifth Amendment to the United States Constitution protects Petitioner's liberty interests.

63. Petitioner also has a protected due process interest in his ability to pursue motion practice before immigration court; pursuit of this process would be unlawfully terminated by removal.

64. Respondents' policies and actions, as set forth above, have infringed upon Petitioner's substantive liberty interest in being free from confinement.

65. Furthermore, Respondents' policies and actions have caused the Petitioner to be subjected to a period of prolonged confinement under custody, which has resulted in grave harm to him emotionally and physically.

66. Petitioner's Fifth Amendment claim does not rest on the duration of his detention alone, but on the absence of any individualized custody determination. See Lopez-Campos v. Raycraft, 175 F.4th 713 (6th Cir. 2026).

67. Respondents' detention and removal of Petitioner from the United States without allowing him to exhaust his options in the United States either before an immigration judge– whether successful or not – will violate the INA and the applicable regulations. Any efforts by Respondents to remove Petitioner, without allowing him to avail himself of the procedures created by the INA and its regulations, would violate due process.

68. As a result of the violation of his right to procedural and substantive due process, the Petitioner has suffered harm, and continues to suffer harm to date, that being emotional,

physical and psychological damages, all of which warrant the issuance of a writ and the immediate release of the Petitioner on his own recognizance.

THIRD CAUSE OF ACTION
HABEAS CORPUS
28 U.S.C. § 2241

69. Petitioner repeats and realleges the foregoing paragraphs as if fully set forth herein and incorporates them by reference.

70. As set forth above, Respondents are holding Petitioner in federal custody, in violation of multiple federal statutes, the U.S. Constitution and Petitioner's basic human rights.

71. Accordingly, the Petitioner seeks a writ of habeas corpus compelling Respondents to immediately release him.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

1. Assume jurisdiction over this matter and all attendant proceedings;
2. Restrain and enjoin Respondents from transferring Petitioner outside of his current detention center, Northeast Ohio Correctional Center located at 2240 Hubbard Rd, Youngstown, OH 44505, and/or any other detention center the Petitioner may have been and/or will be transferred to without undersigned counsel's knowledge, and further restrain and enjoin the Respondents from transferring the Petitioner to any other detention facility, not including his release, pending the resolution of this matter;
3. Restrain and enjoin Respondents from taking any action regarding the transfer of the Petitioner into custody for the purposes of deportation without providing 72-hour notice to all undersigned counsel;

4. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three (3) days;
5. Declare that the process as applied to Petitioner by Respondents violates the Due Process Clause of the Fifth Amendment, the INA, and federal regulations;
6. Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately from custody, or order the Respondents to schedule a custody redetermination hearing before a neutral arbiter within three (3) days, at which time Respondents bear the burden of establishing by clear and convincing evidence that Petitioner is a danger to the community or a flight risk. Petitioner further requests that he, this Court, and undersigned counsel be notified in writing and three (3) days in advance once a custody redetermination hearing has been scheduled, and that they also be notified in writing and immediately of the results of said hearing;
7. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
8. Any other further relief this Court deems just and proper.

Dated: August 31, 2026

Respectfully submitted,

s/ Jennifer Nimer
Jennifer Nimer, Esq. (0079475)
NIMER LAW, LLC
6500 Emerald Pkwy, Suite 100
Dublin, OH 43016
Tel: (614) 927-0550
Email: jnimer@nimerlaw.com
Counsel for Petitioner

Mohammad Akif Saleem, Esq.
N.Y. Bar No. 4842753
DAVIS NDANUSA IKHLAS & SALEEM LLP
26 Court Street, Suite 603
Brooklyn, NY 11242
Tel: (718) 783-6819
Email: msaleem@dnislaw.com
Counsel for Petitioner
(Pro hac vice motion to be filed)

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

I, Mohammad Akif Saleem, declare as follows:

1. I am an attorney duly licensed to practice law in the State of New York and am counsel for Petitioner Parmvir Singh in this matter. I submit this verification on Petitioner's behalf pursuant to 28 U.S.C. § 2242, which provides that an application for a writ of habeas corpus shall be "signed and verified by the person for whose relief it is intended or by someone acting in his behalf."

2. Petitioner is presently detained in the custody of U.S. Immigration and Customs Enforcement at the Northeast Ohio Correctional Center, 2240 Hubbard Road, Youngstown, Ohio 44505. Because of his detention and the resulting constraints on attorney-client communication, Petitioner was unable to execute a verification in advance of the filing of this Petition. In light of the urgency of the relief sought and the ongoing deprivation of Petitioner's liberty, undersigned counsel submits this verification on his behalf

3. My knowledge of the matters set forth in the foregoing Petition derives from my representation of Petitioner, including my communications with Petitioner, my review of his immigration and administrative records, my review of the proceedings before the Cleveland Immigration Court and the Board of Immigration Appeals, and the files maintained by counsel in the ordinary course of that representation.

4. I have read the foregoing Verified Petition for Writ of Habeas Corpus. The factual statements contained therein are true and correct, except as to those matters expressly alleged on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. 28 U.S.C. § 1746.

Executed on August 31, 2026, at Brooklyn, New York.

s/ Mohammad Akif Saleem
Mohammad Akif Saleem, Esq.
Counsel for Petitioner