

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE, WASHINGTON**

Parminderpal SINGH,

Petitioner,

United States Immigration and
Customs Enforcement;
Caleb VITELLO, Acting Director of U.S.
Immigration and Customs Enforcement,
Department of Homeland Security;
Russell HOTT, Acting Executive Associate
Director, Enforcement and Removal Operations;
Terrance DICKERSON, Warden, Stewart Detention
Center; and
Bruce SCOTT, Warden, Northwest Detention
Center

Civil Case No. 25-131


PETITION FOR WRIT OF
HABEAS CORPUS

UNDER 28 USC 2241

PETITION FOR WRIT OF HABEAS CORPUS

This is a petition for a writ of habeas corpus filed on behalf of Parminderpal SINGH seeking relief to remedy his unlawful detention. Respondents are detaining Mr. SINGH pending the execution of his final removal order issued by Immigration Judge Tammy L. Fitting on June 27, 2013, in Tacoma, Washington. Mr. SINGH has fully cooperated with Respondents in their efforts to remove him. To date, Respondents have been unable or unwilling to remove Mr. SINGH and thus, he has been detained for more than eleven (11) months. Mr. SINGH is not a flight risk or a danger to the community. Prior to his detention, he was reporting with the U.S. Immigration and Customs Enforcement (ICE) and had committed no new crimes since his removal order was

entered. His prolonged detention is no longer justified under the Constitution or the Immigration and Nationality Act (INA).

On or about February 16, 2024, Respondent ICE through the Seattle Field Office Officer Hicks arrested Mr. SINGH and placed him in the custody of the Northwest Detention Center in Tacoma, Washington. Mr. SINGH's detention was for the purpose of executing his 2013 removal order. On February 16, 2024, Mr. SINGH presented himself for a check-in with ICE in Seattle, Washington and it was determined that he should be detained to execute his removal order.

Undersigned counsel's office began working with Congressman Adam Smith's office as undersigned counsel's office was not able to reach or obtain information from ICE directly regarding Mr. SINGH's case despite repeated attempts via telephone and email to reach ICE. Congressman Adam Smith's office, to the best counsel's knowledge, works with a congressional liaison with ICE to get updated information. Sometime thereafter, Mr. SINGH was in detention for 90 days, and by letter dated August 28, 2024, from Congressman Adam Smith's office, ICE indicated Mr. SINGH was provided a notice to continue detention decision at the Northwest Detention Center. *Exhibit 1*. By letter dated September 16, 2024, through Congressman Adam Smith's office, ICE indicated they reached out to the Indian consulate for a travel document and were working on the request, and the decision to continue detention is under ERO headquarters as he had been in custody over 180 days. The letter also stated, "If at any point India informs ERO that they decline to issue a travel document, then ERO will reconsider Mr. Singh's detention status." *Exhibit 2*.

Around October of 2024, Mr. SINGH was transferred to several different facilities, including the Florence Detention Center in Arizona, a detention center in Louisiana, and the Prairieland Detention Center in Texas, prior to returning to the Northwest Detention Center in Tacoma, Washington in November. At that time, Deportation Officer Steven Lopez at the Florence

Detention Center in Arizona informed undersigned counsel's office Mr. SINGH's case was still under the prevue of the Tacoma ICE office with Officer Chavez assigned to his case, and he could not make any determinations with regard to Mr. SINGH's case. Mr. SINGH was later informed while in Prairieland Detention Center in Texas he would be returning to Tacoma at the Northwest Detention Center. Undersigned counsel attempted to reach ICE Officers in Tacoma, Washington during this time, but was unsuccessful at leaving a voicemail with full voicemail boxes and unreturned emails. During this time, it is unclear whether another 90-day review occurred by ICE, despite requests to do so.

By letter dated October 30, 2024, from Congressman Adam Smith's Office, it stated in part, "The Indian Consulate has refused to issue a travel document for Mr. Singh. As such, he is being returned to NWIPC in the next few days. We will re-assess his custody once he returns." *Exhibit 3.* Mr. SINGH was returned to the Northwest Detention Center on or about November 19, 2024. An attorney, Jill Nedved, from Undersigned Counsel's office went to the facility on November 20, 2024, and provided documentation directly to ICE Officer Chavez. Officer Chavez stated he had no knowledge of a travel document being refused by the Indian Consulate. When provided the letter, he said he did not know where the information came from or who the Congressman was. Ms. Nedved indicated to Mr. Chavez our office expected his custody would be reassessed, and if we received no response from ICE our office would need to initiate a Habeas petition. Undersigned counsel's office tried repeatedly to reach ICE after that date with no response until December 11, 2024, when our office was informed Mr. SINGH was in route to a different facility awaiting removal. Undersigned counsel's office never received information as to whether Mr. SINGH's custody was re-assessed.

Mr. SINGH currently is being held at the Stewart Detention facility in Georgia, after transferring several facilities including at least one in Texas, the El Valle Detention Facility. By

letter dated January 3, 2025, from Congressman Adam Smith's office, it indicated he was transferred to the Stewart Detention Facility and will not be released at this time. *Exhibit 4*. To date, Respondents have not been able or are unwilling to remove Mr. SINGH despite already having been denied a travel document by the Indian Consulate sometime prior to October 30, 2024.

Mr. SINGH has fully cooperated with Respondents' requests to complete the necessary paperwork to secure his travel documents on multiple occasions. Respondents, however, have not secured the necessary paperwork to remove Mr. SINGH. In fact, Respondents have indicated as of October 30, 2024, the Indian Consulate has refused to issue a travel document for Mr. SINGH. Respondents have consistently failed to respond to Undersigned Counsel's office about the status of Mr. SINGH's custody review determinations and the status of obtaining a travel document. Undersigned Counsel's office contacted Congressman Adam Smith's office to assist with inquiries with Respondents. It was only through this congressional inquiry that Mr. SINGH was able to get information that the Indian Consulate refused his travel document. Mr. SINGH has repeatedly been moved facilities only after inquiries have been made regarding his prolonged detention, and he has not yet been removed. Additionally, Mr. SINGH has been denied medications at the Stewart Detention Facility, and his cell has leaking water and moss growing on the walls, exacerbating Mr. SINGH's medical conditions.

Mr. SINGH submits that his detention is in violation of his constitutional rights. His prolonged detention is no longer justified under the Constitution or the Immigration and Nationality Act (INA). Petitioner seeks an order from this Court declaring his continued and prolonged detention unlawful and ordering Respondents to release Mr. SINGH from their custody.

CUSTODY

1. Mr. SINGH is in the physical custody of Respondent, Caleb VITELLO, acting director of U.S. Immigration and Customs Enforcement (ICE), the Department of Homeland Security

(DHS), and Respondent Terrance DICKERSON, Warden of the Stewart Detention Center in Lumpkin, Georgia. However, Mr. SINGH's originating and previous facility of custody, is the Northwest Detention Center in Tacoma, Washington, of which Bruce SCOTT is the Warden. Both detention centers contract with the DHS to detain aliens such as Petitioner. Mr. SINGH is under the direct control of Respondents and their agents.

JURISDICTION

2. This action arises under the Constitution of the United States, the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101 et. seq., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA"), Pub. L. No. 104-208, 110 Stat. 1570. This Court has jurisdiction under 28 U.S.C. 2241, art. I, § 9, cl. 2 of the United States Constitution ("Suspension Clause") and 28 U.S.C. § 1331, as Petitioner is presently in custody under color of authority of the United States and such custody is in violation of the U.S. Constitution, laws, or treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. § 2241, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

3. Venue lies in the United States District Court for the Western District of Washington. Although Mr. SINGH is currently physically located in Lumpkin, Georgia, his removal order was issued in Tacoma, Washington, and the ICE custody officer, Officer Chavez, making determinations on his case is in Tacoma, Washington, 28 U.S.C. 28 § 2241(d) and 28 U.S.C. § 1391(e).

PARTIES

4. Petitioner Parminderpal SINGH is a national and citizen of India who was ordered removed on June 27, 2013. He is detained by Respondents pursuant to 8 U.S.C. § 1231, which permits the DHS to detain aliens, such as Petitioner, pending the execution of the alien's removal order.

5. Respondent Caleb VITELLO is the acting Director of Immigration and Customs Enforcement (ICE), DHS. Respondent Vitello is a custodial official acting within the boundaries of the judicial district of the United States Court for the Western District of Washington. Pursuant to Respondent's orders, Petitioner remains detained.

6. Respondent Russell HOTT is the Acting Executive Associate Director of Enforcement and Removal Operations. Pursuant to Respondent's orders, Petitioner remains detained.

7. Respondent Terrance DICKERSON is the warden of the Stewart Detention Center in Lumpkin, Georgia. He is Petitioner's immediate custodian and resides in the judicial district of the United States for the Northern District of Georgia, Atlanta Division.

8. Respondent Brue SCOTT is the warden of the Northwest Detention Center in Tacoma, Washington. He is was Petitioner's previous and originating custodian and resides in the judicial district of the United States for the Western District of Washington.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

9. Mr. SINGH has exhausted his administrative remedies to the extent required by law.
10. He has fully cooperated with Respondents and has not delayed or obstructed his detention.
11. Mr. SINGH has received information the Indian Consulate has refused to issue a travel document for him but is still being detained by Respondents.
12. Mr. SINGH's only remedy is by way of this judicial action.

STATEMENT OF FACTS

13. Petitioner SINGH is a national and citizen of India who was ordered removed on June 27, 2013, after submitting an I-589 application for asylum, withholding of removal and protection under the Convention Against Torture. On January 14, 2012, a conspiracy to distribute drug conviction was found to disqualify him from asylum and withholding removal. Subsequently, Mr. SINGH's application for deferral of removal under the Convention Against Torture was denied on

June 27, 2013.

14. After being ordered removed, Mr. SINGH appealed his case to the Board of Immigration Appeals. On January 21, 2015, Mr. SINGH's appeal was dismissed. On April 20, 2015 ICE issued an Order of Supervision for Mr. SINGH and he was ordered to report as of June 3, 2015. The Department of Homeland Security (DHS) allowed Mr. SINGH to report since that date, and he did so without any problems up until January of 2024 when his father failed to receive a letter to deliver Mr. SINGH to ICE.

15. Mr. SINGH received a letter date January 18, 2024, titled "Notice -- Immigration Bond Breached." After receiving this letter, Mr. SINGH, through prior counsel, immediately contacted Respondents and notified them no prior letter was received and requested a time be scheduled where Mr. SINGH could come in if needed. Respondent sent an email to counsel that a call-in letter would be sent to Mr. SINGH to report on a future date.

16. Mr. SINGH was asked to report by Officer Hicks of the ICE Seattle Field Office on February 16, 2024, at which time Respondent's took Mr. SINGH into custody. The stated reason for his arrest was to execute his removal order.

17. However, Respondents have been unable or unwilling to remove Mr. SINGH.

18. Mr. SINGH has fully cooperated with Respondents' efforts to obtain his travel documents on multiple occasions.

19. Respondents have supposedly reviewed Mr. SINGH's custody status thrice and have determined that he should be detained because his removal is likely.

20. Mr. SINGH received information prior to the most recent review that the Indian Consulate had already refused to issue a travel document prior to October 30, 2024.

21. Mr. SINGH has now been in detention for more than ten (11) months pending his removal. Respondents continue to detain Mr. SINGH even though it is now clear that Respondents cannot remove him.

22. Mr. SINGH has been moved to multiple facilities during the time in which he has been detained. On or around October 17, Mr. SINGH was transferred to several different facilities in different states but was returned to the Northwest Detention Center in November of 2024.

23. Undersigned counsel's office requested a custody review of Mr. SINGH's detention on November 20, 2024. Undersigned counsel's office also indicated to officer George Chavez a Habeas action would be filed if a custody review was not undertaken. Undersigned counsel's office followed up by email and telephone on numerous occasions and received no response until December 11, 2024, that Mr. SINGH was in route to a different facility awaiting removal. Respondents never responded to the custody determination review request, and provided no information as to why Mr. SINGH was again transferred facilities away from his family and his counsel.

24. Mr. SINGH is not a danger to the community or a flight risk. He has no pending criminal cases and he long ago completed his community supervision sentence relating to his conspiracy drug conviction.

25. Mr. SINGH has deep roots in this community. He is married to a U.S. Citizen has three U.S. citizen children. His wife has significant health problems that have been exacerbated by his prolonged absence.

26. Prior to his arrest, Mr. SINGH was working, paying his taxes, and providing for his family. Mr. SINGH was also regularly checking in with ICE for approximately 9 years without issue. His continued detention deprives his family of his companionship and income. His transfer to an out of state detention center removes all in person visitation possibilities from his family and counsel.

27. Respondents' decision to detain Mr. SINGH is no longer legally justifiable and is capricious and arbitrary. There is no better time for the Court to consider the merits of Mr. SINGH's request for release.

CLAIMS FOR RELIEF

**COUNT ONE
CONSTITUTIONAL CLAIM**

28. Petitioner alleges and incorporates by reference paragraphs 1 through 27 above.
29. Petitioners' detention violates his right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.

**COUNT TWO
STATUTORY CLAIM**

30. Petitioner alleges and incorporates by reference paragraphs 1 through 29 above.
31. Petitioner's continued detention violates the Immigration and Nationality Act and the U.S. Constitution.

COUNT THREE

32. If he prevails, Petitioner requests attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

1. Assume jurisdiction over this matter;
2. Issue an order directing Respondents to show cause why the writ should not be granted;
3. Issue a writ of habeas corpus ordering Respondents to release Mr. SINGH on his own recognizance or under parole, a low bond or reasonable conditions of supervision show;
4. Award Petitioner reasonable costs and attorney's fees; and,

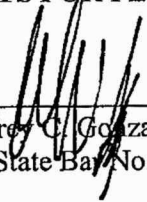
5. Grant any other relief which this Court deems just and proper.

Respectfully submitted,

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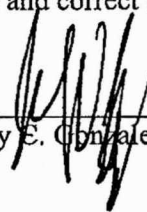
ATTORNEYS FOR PETITIONER

By: _____


Jeffrey C. Gonzales
WA State Bar No. 13864

VERIFICATION OF COUNSEL

I, Jeffrey C. Gonzales, hereby certify that I am familiar with the case of the named petitioner and that the facts as stated above are true and correct to the best of my knowledge and belief.



Jeffrey C. Gonzales