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5 Attorney for Petitioner,
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7
8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 Mr. Gurdip Singh,

11 Petitioner/Plaintiff,

12 v.

13 Warden of Adelanto ICE Processing Center and
14 Joseph Edlow, Director, U.S. Citizenship and
Immigration Services,

15 Respondents/Defendants.
16

Civil Case No. 5:25-cv-03024

Agency File: A: 

**REPLY TO ANSWER TO PETITION
HABEAS CORPUS**

17
18 Petitioner filed a Petition for Writ of Habeas Corpus on November 11, 2025 (“the Petition”),
19 seeking relief including: (A) immediate release from detention; (B) review of custody status; and
20 (C) any further relief that Court deems just and proper.

21 The government’s Opposition ([dkt. 10](#)) suggests that the requested relief is moot. Far from
22 it, Petitioner remains in ICE custody with no scheduled bail hearing and no legal basis for his
23 detention. Accordingly, Petitioner requests that this Court enter an order directing Petitioner’s
24 immediate release from ICE custody pending adjudication of his U-Visa.

25 Petitioner is likely to prevail on his Petition. He is the spouse of a US Citizen, the father of
26 a US Citizen, and is essential to the daily handling and operations for three trucking/freight
27 companies that are owned by his wife, Mrs. Mandeep Kaur Bhatti.
28

PETITIONER IS NOT A DANGER TO SOCIETY & POSES NO FLIGHT RISK

The petitioner has a pending U-Visa application which he filed on May 30, 2017. USCIS issued a bona fide determination on June 28, 2022. Based on this bona fide determination, Petitioner sought, and was granted, an Employment Authorization Document (EAD), which he has been using to work. The grant of the EAD subsequent to the determination of a bona fide U-Visa application is a form of deferred action.

Petitioner and his spouse have called Eastvale, California home for at least the last 15 years. Petitioner was arrested outside his home in Eastvale, where he resided with his U.S. citizen spouse and child. He is a man with a home, family and businesses that he operates in California. He is far from a flight risk, and his continued detention without bond serves no legitimate purpose.

Petitioner's spouse has overcome a series of serious health setbacks since 2012. She continues to deal with daily difficulties stemming from these health concerns which include an ongoing battle with Fibromyalgia and severe back pain stemming from a 2021 accident where she was hit by another car whilst driving.

Mrs. Kaur was also diagnosed with cervical cancer in 2012 when she suffered an ectopic pregnancy and had to have a portion of her uterus removed.

The couple are parents to a U.S. Citizen child, A[REDACTED] who is the biological child of Mrs. Kaur Bhatti and her prior husband. [REDACTED]

[REDACTED] Petitioner legally adopted A[REDACTED] when he was thirteen years of age. A[REDACTED] has only known the Petitioner to be his father.

Petitioner, in the entire time that he has been in the U.S., has exhibited no behavior that would render him a flight risk, or a danger to society.

Petitioner is currently detained in Adelanto presumably because of an in absentia order that was entered against him for failure to appear at a Immigration Hearing in San Francisco, CA in 2003. Petitioner never received notice of this hearing, and has repeatedly sought, with the help of legal counsel, to reopen his prior immigration hearing.

Prior counsel first filed a Motion to Reopen Immigration proceedings with the Board of Immigration Appeals in 2007, but that motion was denied as time-barred, given that the application

1 was filed more than one year from the date of the removal order. Prior counsel sought to re-open
2 the case again in 2011, but this application was also dismissed.

3 **UNLAWFUL DETENTION OF A NON-CITIZEN WITH DEFERRED ACTION**

4 1. Petitioner is the recipient of an Employment Authorization Document (EAD) based
5 on USCIS finding that he has provided sufficient evidence required to find that he has a bona fide
6 application for relief as the victim of a crime. The granting of an EAD under such circumstances is
7 part of USCIS's ability to grant deferred action, in which case Immigration and Customs
8 Enforcement (ICE) lacks authority to detain Mr. Singh. *F.R.P. v. Wamsley*, No. 3:25-CV-01917-
9 AN, 2025 WL 3037858, at *5 (D. Or. Oct. 30, 2025) (collecting cases); *Sepulveda Ayala v. Bondi*,
10 No. 2:25-CV-01063-JNW-TLF, 2025 WL 2084400 (W.D. Wash. July 24, 2025) (holding ICE
11 lacked authority to detain noncitizen with USCIS approved deferred action); *Espinoza-Sorto v.*
12 *Agudelo*, No. 1:25-CV-23201-GAYLES, 2025 WL 3012786, at *6 (S.D. Fla. Oct. 28, 2025)
13 (restraining ICE from removing someone with USCIS approved deferred action).

14 2. Deferred action is an enforceable promise that no federal agency will take any action
15 to proceed against an apparently deportable noncitizen. *Sepulveda*, 2025 WL 2084400.

16 3. USCIS in their public facing website section on U-Visas makes this position
17 unequivocally clear:

18 “By statute, USCIS has discretion to provide employment
19 authorization to aliens with pending, bona fide U nonimmigrant
20 status petitions. In June 2021, USCIS implemented the bona fide
21 determination process. The bona fide determination process was
22 created with the goal of conducting initial reviews of U
23 nonimmigrant status petitions more efficiently and providing eligible
24 victims of qualifying crimes with employment authorization and
25 deferred action while they await a final adjudication of their petition
26 for U nonimmigrant status under the annual statutory cap. This will
27 provide victims with stability and better equip them to cooperate with
28 and assist law enforcement.” See USCIS website, U.S. Citizenship
& Immigration Services, National Engagement: U Visa and Bona Fide
Determination Process – Frequently Asked Questions (June 2021),
[https://www.uscis.gov/records/electronic-reading-room/national-
engagement-u-visa-and-bona-fide-determination-process-
frequently-asked-questions/](https://www.uscis.gov/records/electronic-reading-room/national-engagement-u-visa-and-bona-fide-determination-process-frequently-asked-questions/).

1 4. The United States Supreme Court described “deferred action” as meaning that “no
2 action will thereafter be taken to proceed against an apparently deportable alien, even on grounds
3 normally regarded as aggravated.” *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471,
4 482, 484 (1999).

5 5. ICE seeks to detain Petitioner under § 1225 or § 1226 but he cannot be removed.
6 And if he cannot be removed, his detention serves no legitimate purpose.

7 6. Various courts have considered this argument and granted habeas. (citations below)

8 7. In *Primero v. Mattivelo*, the District of Massachusetts granted habeas relief to a
9 deferred action recipient, finding no “significant likelihood of his removal in the reasonably
10 foreseeable future” and holding that the government could not rely on the *Zadvydas* presumptive
11 detention period. No. 1:25-CV-11442-IT, 2025 WL 1899115, at *4–5 (D. Mass. July 9, 2025).

12 8. Likewise, in *Sepulveda Ayala v. Bondi*, the Western District of Washington
13 enjoined ICE from detaining or removing a deferred action recipient, holding that “established
14 precedent defines deferred action as the Government’s decision not to proceed with removal.” No.
15 2:25-CV-01063-JNW-TLF, 2025 WL 2084400, at *1, *6, *8 (W.D. Wash. July 24, 2025).

16 9. In *Maldonado v. Noem*, the Southern District of Texas granted a temporary
17 restraining order, finding that ICE’s attempt to remove a deferred action recipient “effectively
18 nullif[ied] his deferred action” and likely violated due process. No. 4:25-CV-2541, 2025 WL
19 1593133, at *1 (S.D. Tex. June 5, 2025).

20 10. Similarly, in *Santiago v. Noem*, the Western District of Texas held that “[w]here an
21 individual is protected from removal through deferred action, their detention serves no valid
22 purpose,” and partially granted habeas relief to a DACA recipient. No. EP-25-CV-361-KC, 2025
23 WL 2792588, at *6, *12 (W.D. Tex. Oct. 2, 2025).

24 11. Finally, in *Gamez Lira v. Noem*, the District of New Mexico granted a TRO to a
25 DACA recipient, finding a likelihood of success on both substantive and procedural due process
26 grounds. No. 1:25-CV-00855-WJ-KK, 2025 WL 2581710, at *2–3 (D.N.M. Sept. 5, 2025). The
27 court held that petitioner reasonably relied on his DACA status and that his detention bore no
28 relation to any legitimate government purpose. *Id.*

12. Here, Petitioner was granted an Immigration benefit, i.e., Employment Authorization Document (EAD), as a grant of deferred action by USCIS.

13. ICE cannot simply ignore its sister agency's decision and detain Mr. Singh who it cannot remove because its sister agencies have deemed his presence necessary and important.

14. Mr. Singh has established his eligibility for a U-Visa. He is merely awaiting availability of Visas; a process he has no control over, but one he expects will be available to him within the next approximatively 4 years.

15. Until or unless USCIS revokes his deferred action, ICE cannot use it as a basis for detention when Mr. Singh could not be removed.

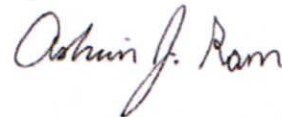
16. This Court should join the chorus of courts opining on this issue and refuse to permit the detention of noncitizens with valid, unexpired, grants of deferred action.

17. Petitioner prays that the Court order him released on bond pending adjudication of his U-Visa application.

Respectfully submitted,

DATED: November 24, 2025

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By: _____

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Mr. Gurdip Singh