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7
8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10

11 Mr. Gurdip Singh

12 Petitioner,

13 v.

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

17 Respondents/Defendants.
18

Case No. 5:25-cv-03024

Agency File A# 

**REPLY IN SUPPORT OF EX PARTE
APPLICATION FOR TEMPORARY
RESTRAINING ORDER FROM
DETAINING PETITIONER
FURTHER; OR, IN THE
ALTERNATIVE, FROM
DETAINING PETITIONER
WITHOUT A BOND HEARING**

19 Petitioner Mr. Gurdip Singh, by and through counsel of record, Ashwin J. Ram,
20 hereby files this reply in support of his request for a temporary restraining order enjoining
21 respondents from detaining him without a bond hearing.
22

23
24 Respectfully submitted,

25 BUCHALTER

26 DATED: December 7, 2025

By */s/ Ashwin Ram*

27 ASHWIN J. RAM
Attorneys for Petitioner,
28 Mr. Gurdip Singh

I. INTRODUCTION

Respondents do not dispute that the relief Mr. Gurdip Singh seeks—release unless he is provided a bond hearing immediately—is “what other Judges in this District have generally issued in similar cases.” (Dkt. 12 at 14.) Nonetheless, Respondents ask this Court to become an outlier by denying the instant application for a purported lack of jurisdiction. This Court should decline that request. Black-letter precedent defeats Respondents’ jurisdictional challenges, and their arguments on the merits fare no better. Contrary to the Respondents’ contention, there is no irreconcilable conflict between § 1225(b) and § 1226(a), because the statutes apply to different cohorts. Furthermore, although Respondents downplay its significance, they do not dispute that the unbroken agency practice from the passage of the 1996 statute until last month’s *Yajure Hurtado* decision was to provide the bond hearing that Mr. Gurdip Singh seeks.

In short, this Court should join the chorus in rejecting Respondents’ arguments and grant Mr. Singh’s immediate release.

II. ARGUMENT

A. This Court has jurisdiction to consider Mr. Singh’s challenge

Respondents argue that the Court lacks jurisdiction to consider Mr. Singh’s habeas petition and petition for a temporary restraining order. Contrary to the government’s argument, no portion of 8 U.S.C. § 1252 precludes Mr. Gurdip Singh’s requests here.

In his Application for a Temporary Restraining Order, Petitioner argued that Respondent lacks authority to detain him because U.S. Citizenship and Immigration

1 Services (“USCIS”) determined his U visa application was *bona fide* and, therefore,
2 awarded him deferred action.¹ [[ECF No. 3](#)]. *At least*, the following cases support the
3 Petitioner. *See Patel v. Hardin*, No. 2:25-cv-870, [2025 WL 3442706](#) (M.D. Fl. Dec. 1,
4 2025) (ordering bond hearing for detainee with U visa deferred action); *Maldonado v.*
5 *Noem*, No. 4:25-cv-2541, [2025 WL 1593133](#) (S.D. Tex. Jun. 5, 2025) (granting TRO
6 for detainee with U visa deferred action); *Velasco Gomez v. Scott*, No. 2:25-cv-522,
7 [2025 WL 1382855](#) (W.D. Wash. Apr. 29, 2025) (granting TRO for detainee with U
8 visa deferred action); *Cf. Velasco Santiago v. Noem*, No. 25-cv-361, [2025 WL 2792588](#)
9 (W.D. Tex. Oct. 2, 2025) (ordering immediate release for parolee with DACA deferred
10 action); *Inlago Tocagon v. Moniz*, —F. Supp. 3d—, 2025 WL 2778023 (D. Mass. Sep.
11 29, 2025) (ordering bond hearing for detainee with SIJ deferred action); *Sarmiento v.*
12 *Perry*, No. 1:25-cv-1644, [2025 WL 3091140](#) (E.D. Va. Nov. 5, 2025) (ordering bond
13 hearing for detainee with SIJ deferred action); *See F.R.P. v. Wamsley*, No. 3:25-CV-
14 01917-AN, [2025 WL 3037858](#), at *5 (D. Or. Oct. 30, 2025) (collecting cases);
15 *Sepulveda Ayala v. Bondi*, No. 2:25-CV-01063-JNW-TLF, [2025 WL 2084400](#) (W.D.
16 Wash. July 24, 2025) (holding ICE lacked authority to detain noncitizen with USCIS
17 approved deferred action); *Espinoza-Sorto v. Agudelo*, No. 1:25-CV-23201-GAYLES,
18 [2025 WL 3012786](#), at *6 (S.D. Fla. Oct. 28, 2025). Respondent does not respond to this
19 argument and, therefore, concedes it.

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¹ This Court can find USCIS’s bona fide determination policy here:
<https://www.uscis.gov/policy-manual/volume-3-part-c-chapter-5> (last visited Dec. 6, 2025)

1 Rather than counter Petitioner’s actual argument, Respondent argues that
2 Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b) during his
3 removal proceedings because he entered the United States unlawfully decades ago.
4 TRO Resp. at 9-13. But Petitioner has a removal order from 2002, and USCIS knew
5 about this removal order when it issued him deferred action. Respondent’s entire
6 argument related to *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025) is
7 inapposite because *Hurtado* relates to “pre-removal order” detention under 8 U.S.C. §§
8 1225 & 1226, but any detention of Petitioner is “post-removal order” detention
9 controlled by 8 U.S.C. § 1231. Respondent fails to recognize this fundamental
10 distinction and, therefore, fails to rebut the legion of courts that have granted habeas
11 petitions for noncitizens with unexpired, unrevoked, affirmative grants of deferred
12 action like Petitioner.

13 As such, this Court should order Respondent to immediately release Petitioner,
14 or, in the alternative, order Respondent to provide him a bond hearing immediately (as
15 more than two weeks have passed since November 21, when the U.S. Attorney’s Office
16 itself requested that DHS/ICE provide Petitioner with a bond hearing here).

17 **I. Respondent effectively concedes Petitioner’s detention is wholly**
18 **unauthorized because he has deferred action.**

19 Respondent wholly fails to address—and therefore concedes—Petitioner’s TRO
20 argument regarding courts across the country that have consistently granted habeas
21 petitions for noncitizens with deferred action and ordered them to be immediately
22 released. *See supra* at p. 1. The rationale in this long line of recent cases—several of

1 which are also in the Ninth Circuit—applies to Petitioner because he has deferred
2 action and, therefore, cannot be removed unless or until the grant of deferred action is
3 revoked or his U visa is denied. Again, it is undisputed that Petitioner has a removal
4 order and subsequently received deferred action. It is also undisputed that USCIS has
5 taken no steps to revoke, rescind, or alter his grant of deferred action. Because
6 Petitioner has deferred action and USCIS has taken no steps to revoke or rescind it,
7
8 Petitioner’s post-removal order detention can serve no valid purpose because he cannot
9 be removed. Simply stated, Petitioner’s grant of deferred action prevents Respondent
10 from demonstrating his removal is significantly likely in the reasonably foreseeable
11 future, and therefore, Petitioner’s continued detention is unlawful under *Zavdyas*.
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14 **II. Petitioner is entitled to a bond hearing under 8 U.S.C. § 1226(a).**

15 To the extent this Court finds Petitioner is in pre-removal order detention,
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17 Petitioner is entitled to a bond hearing because Petitioner’s 20+ year residence in the
18 United States prevents him from being an “alien seeking admission.” *See, e.g., Garcia*
19 *v. Noem, et. al.*, No. 1:25-CV-1271, 2025 WL 3017200, at *4 (W.D. Mich. Oct. 29,
20 2025); *Diaz v. Olson, et. al.*, No. 25 CV 12141, 2025 WL 3022170, at *5 (N.D. Ill. Oct.
21 29, 2025); *Rodriguez v. Noem, et. al.*, No. 1:25-CV-1196, 2025 WL 3022212, at *6
22 (W.D. Mich. Oct. 29, 2025); *Puga*, 2025 WL 2938369; *Lopez-Campos*, 2025 WL
23 2496379, at *8; *see also Rodriguez*, 779 F. Supp. 3d at 1256–61; *Singh v. Lewis*, No.
24 4:25-cv-96, 2025 WL 2699219, at *3–5 (W.D. Ky. Sept. 22, 2025); *Lopez-Arevelo v.*
25 *Ripa*, No. EP-25-CV-337, 2025 WL 2691828, at *7–12 (W.D. Tex. Sept. 22, 2025);
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1 *Campos Leon v. Forestal*, No. 1:25-cv-1774, 2025 WL 2694763, at *2–5 (S.D. Ind.
2 Sept. 22, 2025); *Hasan v. Crawford*, No. 1:25-cv-1408, 2025 WL 2682255, at *5–9
3 (E.D. Va. Sept. 19, 2025); *Garcia Cortes v. Noem*, No. 1:25-cv-2677-CNS, 2025 WL
4 2652880, at *2–3 (D. Colo. Sept. 16, 2025); *Kostak v. Trump et al.*, No. 3:25-cv-01093,
5 2025 WL 2472136, at *2–4 (W.D. La. Aug. 27, 2025); *Romero*, 2025 WL 2403827, at
6 *8–13 (D. Mass. Aug. 19, 2025); *Maldonado v. Olson*, No. 0:25-cv-03142, 2025 WL
7 2374411, at *9–16 (D. Minn. Aug. 15, 2025); *dos Santos v. Noem*, No. 1:25-cv-12052,
8 2025 WL 2370988, at *6–9 (D. Mass. Aug. 14, 2025); Lopez Benitez, 2025 WL
9 2371588, at *3–9; Rosado, 2025 WL 2337099, at *6–11, report and recommendation
10 adopted, 2025 WL 2349133 (D. Ariz. Aug. 13, 2025). These cases repeatedly rejected
11 Respondent’s jurisdictional arguments and unpersuasive interpretation of § 1225(b),
12 and this Court should do the same.

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17 Further, Respondent does not argue that Petitioner is not part of the class
18 certified in this District; rather Respondent argues that the court has yet to order a
19 remedy for class members. TRO Resp. at 1. This does not prevent this Court from
20 granting the instant TRO to stop the irreparable harm Petitioner is suffering while the
21 *Bautista* court considers Respondent’s motion to reconsider and clarify. And
22 Respondent fails to cite a single case rebutting this proposition.
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25 **B. Mr. Gurdip Singh is likely to prevail on the merits**

26 Respondent contests only the balance of hardships weighs in their favor. This too
27 is false. As detailed in Petitioner’s Ex Parte application the petitioner has a pending U-
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1 Visa application which he filed on May 30, 2017. USCIS issued a bona fide
2 determination on June 28, 2022. A final decision on this application remains pending.
3
4 Petitioner, in the interim, has not been accused of or charged with any crimes, or
5 exhibited any behavior that would allow USCIS to revoke the grant of deferred action
6 they previously accorded him.
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8 To the contrary, Petitioner and his spouse have called Eastvale, California home
9 for at least the last 15 years. Petitioner was arrested outside his home in Eastvale, where
10 he resided with his U.S. citizen spouse and child. He is a man with a home, family and
11 businesses that he operates in California. He is far from a flight risk, and his continued
12 detention without bond serves no legitimate purpose.
13

14 Petitioner's spouse has overcome a series of serious health setbacks since 2012.
15 She continues to deal with daily difficulties stemming from these health concerns
16 which include an ongoing battle with Fibromyalgia and severe back pain stemming
17 from a 2021 accident where she was hit by another car.
18

19 Mrs. Kaur was also diagnosed with cervical cancer in 2012 when she suffered an
20 ectopic pregnancy and had to have a portion of her uterus removed.
21

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

26 Petitioner legally adopted A [REDACTED] when he was thirteen years of age. A [REDACTED] has only
27 known the Petitioner to be his father.
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1 In short, Petitioner, in the entire time that he has been in the U.S., has exhibited
2 no behavior that would render him a flight risk, or a danger to society.

3
4 As to the balance of hardships, Ms. Singh does not ask that the government stop
5 enforcing immigration law. Rather, he simply asks that those laws be enforced as
6 written and that he be either be release or provided with the bond hearing to which he is
7 statutorily entitled. For that reason—and because he is likely to suffer irreparable harm
8 and is likely to succeed on the merits—he meets all requirements for a temporary
9 restraining order and is deserving of an order from this Court’s directing his immediate
10 release from detention.

11 **III. CONCLUSION**

12 Because Mr. Gurdip Singh has shown that he is likely to succeed on the merits
13 of his claim, that he is suffering irreparable harm, and that the equities and public
14 interest are in his favor, this Court should enter a temporary restraining order in favor
15 of his his immediate release from detention.

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17 Respectfully submitted,
18 BUCHALTER

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20 DATED: December 8, 2025 By /s/ Ashwin Ram
21 Attorney for Mr. Gurdip Singh
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CERTIFICATE OF COMPLIANCE

I, Ashwin Ram, counsel of record for the defendant, certify that this filing complies with the word limit requirements of L.R. 11-6.1.

DATED: December 08, 2025

By /s/ Ashwin Ram

Ashwin Ram
Attorney for Mr. Gurdip Singh