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UNITED STATES DISTRICT COURT
EASTERN DISTRICT COURT OF NEW YORK

AMARJIT SINGH

Petitioner,

v.

Case No.

ANDREA QUARANTILLO,
In her official capacity as the Long Island Field Office Director, U.S. Citizenship & Immigration Services;

JUDITH ALMODOVAR;
In her official capacity as the New York Field Office Director, U.S. Immigration & Customs Enforcement

KRISTI NOEM,
In her official capacity as Secretary, U.S. Department of Homeland Security;

TODD M. LYONS,
In his official capacity as Acting Director Of Immigration & Customs Enforcement; and,

PAMELA BONDI,
In her official capacity as Attorney General, U.S. Department of Justice,

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS PURUANT TO 28 U.S.C. § 2241

INTRODUCTION

Petitioner, Amarjit Singh ("Mr. Singh", "Petitioner"), is a 56-year-old man from India who petitions for a writ of habeas corpus under 8 U.S.C. § 2241, challenging the lawfulness of his detention by the Immigration and Customs Enforcement ("ICE"). On November 18, 2025, ICE detained Mr. Singh at the U.S. Citizenship & Immigration Service's Long Island Field Office, 30 Barretts Ave, Holtsville, NY 11742 ("USCIS") office without an individualized assessment that he posed a flight risk or a danger to the community and, therefore, without due process. He therefore seeks immediate release from custody.

STATEMENT OF FACTS

1. Mr. Singh entered the U.S. on October 27, 2000, at Detroit, MI on a valid advance parole document.

2. At the time of his entry, the officers of the Customs and Border Protection ("CBP") mixed up Mr. Singh's immigration record with an unrelated individual, also named Amarjit Singh, who had a voluntary departure order issued by the San Francisco Immigration Court. Upon inquiry and review of the Petitioner's Freedom of Information Act ("FOIA") records, it was revealed that the Department of Homeland Security ("DHS") assigned one Alien Registration Number ("A number") to two separate individuals—one of which is the Petitioner, and the second is the Amarjit Singh with the voluntary departure order.

3. Mr. Singh is married to a U.S. citizen spouse, Kuldeep Kaur, who petitioned for Mr. Singh by filing Form I-130, petition for alien relative. Concurrently, Mr. Singh also applied Form I-485, Application to Register Permanent Residence with USCIS on July 9, 2025. In the concurrent petition, Mr. Singh explained the situation regarding his mistaken identity and a wrong A number assignment. The petition also explicitly requested USCIS and DHS to assign a new A number to

Mr. Singh and to separate his record from the other Amarjit Singh bearing a voluntary departure order. Following the filing of this petition, Mr. Singh and his wife were scheduled to appear for an initial I-485 interview at USCIS' Long Island Field Office for the adjudication of the I-130 and I-485 petitions. Mr. Singh and his wife were represented by undersigned counsel at the interview. Undersigned counsel again explained Mr. Singh's mistaken identity and the A number mix-up to the Adjudicating Officer ("Officer") conducting the interview. Despite being eligible for adjustment of status, the Officer did not issue a decision as to the application.

4. Upon the completion of his interview, Mr. Singh was taken into custody by Immigration and Customs Enforcement ("ICE") under allegations that Mr. Singh violated his voluntary departure order. At this stage, counsel for the Petitioner explained the ICE officers of the situation and clarified that Mr. Singh was in no violation because he was never issued a voluntary departure order. Despite this, ICE insisted upon detaining Mr. Singh and argued that the detention is valid because Mr. Singh has "no status". This is another lie—as by virtue of filing the I-485 application, Mr. Singh had valid status to remain in the U.S. until and unless USCIS denied the I-485 application.

5. Upon information and belief, Mr. Singh is currently at an undisclosed ICE detention center in Long Island, NY, which falls within the jurisdiction of this court.

6. Upon information and belief, ICE has detained Petitioner pursuant to ICE policy that began on or about May 20, 2025, directing agents, and granting them power under the One Big Beautiful Bill ("OBBB") to detain individuals at ICE check-in appointments or immigration courts, or upon general inquiry, without an individualized assessment of an individual's flight risk, dangerousness, or moral character.

7. Upon reasonable belief and experience, Petitioner will soon be moved to a detention center out of this Court's jurisdiction.

PARTIES

8. Petitioner Amarjit Singh is an Indian national who resided at [redacted] with his wife and 2 children prior to his ICE detention.

9. Respondent Andrea Quarantillo is the USCIS Long Island Field Office Director. She is responsible for the functioning of, and processing of, all interviews, applications and immigration matters within the purview of the Field Office. Mr. Singh was arrested by ICE while he appeared for an interview on his immigration petition. Therefore, Respondent Quarantillo is Mr. Singh's legal custodian who is sued in her official capacity.

10. Respondent Judith Almodovar is the ICE New York Acting Field Office Director. She is responsible for carrying out ICE's immigration detention operations across New York City and Long Island area. Respondent Almodovar is a legal custodian of Mr. Singh. She is sued in his official capacity.

11. Respondent Kristi Noem is named in her official capacity as the Secretary of DHS. In this capacity she is responsible for the administration of the immigration laws pursuant to Section 402 of the Homeland Security Act of 2002. 107 Pub. L. 296 (November 25, 2003); *see also* 8 U.S.C. § 1103(a); routinely transacts business in the District of New York; and is legally responsible for Mr. Singh's incarceration and removal. She is therefore a custodian of Mr. Singh. Respondent Noem's office is located at DHS headquarters in Washington, DC, 20528.

12. Respondent Todd M. Lyons is the Acting Director of ICE. As the head of ICE, he is responsible for decisions related to detaining and removing certain noncitizens. Director Lyons is a legal custodian of Mr. Singh and is sued in his official capacity.

13. Respondent Pamela Bondi is named in his official capacity as the Attorney General of the United States. She is responsible for the administration of the immigration laws as exercised by EOIR, pursuant to 8 U.S.C. § 1103(g). She routinely transacts business in the Southern District of New York and is legally responsible for administering Mr. Singh's removal proceedings as well as the procedural standards used in those proceedings. She is therefore a legal custodian of Mr. Patel. Respondent Bondi's office is at DHS of Justice, 950 Pennsylvania Avenue, NW, Washington, DC 20530.

JURISDICTION AND VENUE

14. Respondents incarcerated Mr. Singh on November 18, 2025, in Holtsville, NY, and he is under the direct control of the Respondents and their agents.

15. This action arises under the Constitution of the United States, and the Immigration and Nationality Act ("INA").

16. Federal Courts have subject matter jurisdiction under 28 U.S.C. § 2441(c)(1) and (c)(3) (habeas corpus) to determine whether people imprisoned in federal custody are held in violation of law. *INS v. St. Cyr*, 533 U.S. 289, 305 (2001).

17. Jurisdiction is proper pursuant to 28 U.S.C. § 1331 (federal question); 5 U.S.C. § 702 (waiver of sovereign immunity); 28 U.S.C. § 1346 (original jurisdiction); Article I, § 9, clause 2 of the U.S. Constitution (Suspension Clause); the All Writs Act, 28 U.S.C. § 1651; and 28 U.S.C. §§ 2201-2202 (Declaratory Judgment Act).

18. Further, the Court has jurisdiction to grant injunctive relief pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201—02, 1651, 2241, and the All Writs Act, 28 U.S.C. § 1651. Mr. Singh's detention constitutes a "severe restraint[] on his individual liberty" interest

such that Mr. Singh is "subject to restraints not shared by public generally" and "in custody in violation of the . . . laws . . . of the United States." *Hensley v. Municipal Court*, 411 U.S. 345 (1973)

19. The federal district courts have jurisdiction to hear habeas corpus claims by noncitizens challenging the lawfulness of their detention by DHS. *Jennings v. Rodriguez*, 583 U.S. 281, 292—95 (2018); *Denmore v. Kim*, 538 U.S. 510, 516—17 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

20. Venue properly lies in the Eastern District of New York, in Central Islip. 28 U.S.C. §§ 1391(b)(2), (e). This petition is filed while Mr. Singh is physically present within the district, as, upon information and belief, he is incarcerated in Long Island, NY.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

21. Exhaustion is not necessary because Congress did not codify a requirement that petitioners seeking a writ of habeas corpus exhaust administrative remedies. *McCarthy v. Madigan*, 503 U.S. 140, 144 (1992) ("Where Congress specifically mandates, exhaustion is required... But where Congress has not clearly required exhaustion, sound judicial discretion governs. ") (citation omitted).

22. Further, exhaustion of remedies is unnecessary if futile. Here, exhaustion would be futile because Mr. Singh was detained pursuant to an ICE policy that is defined by its systematic denial of the very administrative remedy Respondents will likely urge him to avail himself of a bond hearing and then conclude that the Petitioner is not eligible for one, or in the alternative, that the Immigration Courts do not have jurisdiction to issue a bond to noncitizens. *See Beharry v. Ashcroft*, 329 F.3d 51, 62 (2d Cir. 2003) (Sotomayor, J.) (as amended) (judicial exhaustion may be excused when "available remedies provide no genuine opportunity for adequate relief" or exhaustion "would be futile"). Such hearings are provided for the purpose of custody

redetermination— a hearing held by an immigration judge after ICE makes its initial decision to detain. 8 C.F.R. § 236.1(d). Such a hearing is no substitute for the requirement that ICE engage in a "deliberative process prior to, or contemporaneous with," the initial decision to strip a person of the freedom that lies at the heart of the Due Process Clause. *Lopez v. Sessions*, No. 18. Civ. 4189, 2018 WL 29327626, at *15 (S.D.N.Y. June 12, 2018); *Rampersaud v. Barr*, No. 19-16070 (D.N.J. Oct. 10, 2019).

23. Finally, even if meaningful administrative remedies were promptly available, Mr. Singh, as a noncitizen challenging the lawfulness of his ongoing immigration detention, is not required to exhaust those remedies under 8 U.S.C. § 2241. *Ashley v. Ridge*, 288 F. Supp. 2d 662, 666–69 (D.N.J. 2003).

ARGUMENT

24. Mr. Singh's detention violates his Fifth Amendment right to due process because ICE detained him without notice, an opportunity to respond, or an individualized determination that he poses a flight risk or a danger to the community. Moreover. ICE acted in ill faith and misapplied laws and fact despite knowing the whole picture. "[T]he Fifth Amendment entitles noncitizens to due process of law . . . whether their presence here is lawful, unlawful, temporary, or permanent." *Velasco Lopez v. Decker*, 978 F.3d 842, 850 (2d Cir. 2020). "Noncitizens are also entitled to challenge through habeas corpus the legality of their ongoing detention," including "the lawfulness of detention when it is first imposed." *Id.* "The Supreme Court has been unambiguous that executive detention orders, which occur without the procedural protections required in courts of law, call for the most searching review." *Id.*

25. The Second Circuit has held that the *Mathews v. Eldridge*, 424 U.S. 319 (1976), balancing test applies when determining the adequacy of process in the context of civil

immigration confinement." *Valdez v. Joyce*, No. 25 Civ. 4627 (GBD), 2025 WL 1707737, at *3 (S.D.N.Y. June 18, 2025) (*citing Velasco Lopez*, 978 F.3d at 851). "The determination of what procedures are required under the Fifth Amendment requires consideration of: (1) the private interest that will be affected by the official action; 2) More specifically, if ICE wishes to detain a noncitizen under the detention authority vested under 8 U.S.C. § 1226(a), ICE must allow meaningful opportunity to the noncitizen to "demonstrate to the satisfaction of the officer that [] release would not pose danger to property and persons [,] and that the [noncitizen] is likely to appear for any future proceeding. 8 C.F.R. §§ 1236.1(c)(8), 236.1(c)(8). Typically, the Board of Immigration Appeals, or Circuit Courts cannot circumvent a noncitizen's due process rights, and the authority provided by the Immigration and Nationality Act ("INA") to interpret that a noncitizen can be detained for no cause, without presentation of a warrant or official charge of violation under the INA, and without an opportunity afforded to the noncitizen to present his case diligently and to his benefit.

26. ICE's policy, and the following precedents by the BIA have severely restrained the immigration courts and stripped them off their power to grant a discretionary bond determination where an Immigration Judge deems appropriate. In practice, two most recent BIA precedents take away the immigration court's discretionary power to grant discretionary bonds to *all* noncitizens but for few exceptions as put in place by *Matter of Q-Li*, 29 I&N Dec. 66 (BIA 2025), and *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025)[2]

27. In the specific instance, Mr. Singh was detained by ICE pursuant to an ICE policy memorandum circulated,. granting overbroad powers to ICE to detain noncitizens without individualized screening, assessment, or notice to be heard. In fact, the record shows that Respondents used Mr. Singh's in-person interview to their benefit and detained him while he was

being procedurally appropriate. Petitioner also has reason to believe that the decision on his I-485 application was held under review to facilitate ICE's constitutionally overbroad arrests.

28. Up until now, since Mr. Singh's arrest, ICE and DHS have provided no reasonable cause for his continued detention. More specifically, if ICE wishes to detain a noncitizen under the detention authority provided by 8 U.S.C. § 1226(a), ICE must allow the noncitizen to "demonstrate to the satisfaction of the officer that [] release would not pose a danger to property or persons, and that the [noncitizen] is likely to appear for any future proceeding." 8 C.F.R. §§1236.1(c)(8), 236.1(c)(8); *Johnson v. Guzman Chavez*, 594 U.S. 523, 527 (2021).Under this binding authority, prolonged immigration detention becomes unreasonable and unconstitutional once it extends beyond the "brief" period Congress envisioned absent an individualized hearing at which the Government bears the burden to justify continued confinement. Recently, in *Valdez v. Joyce*, No. 25 Civ. 4627 (GBD), 2025 WL 1707737 (S.D.N.Y. June 18, 2025), the Southern District of New York applied the same constitutional principles in granting habeas relief to a noncitizen who was re-detained without any individualized determination of necessity. The *Valdez* court held that detention without a pre-deprivation hearing violates due process because it fails the *Mathews v. Eldridge*, 424 U.S. 319 (1976), balancing test.

29. In light of the deprivation of his liberty, formerly granted and approved by Respondents, [the] absence of any deliberative process prior to, or contemporaneous with the deprivation, and statutory constitutional rights implicated, a writ of habeas corpus is the only vehicle of relief. It is, in essence, the most appropriate remedy." *Lopez*, 2018 WL 2932726.

30. Respondents' detention of Mr. Singh is the fruit of poisonous tree, arising from misapplication of law and facts, in that, Respondents were responsible for rectifying their own mistake committed back in late 1990's or 2000, when Mr. Singh's immigration record was merged

with a person possessing a voluntary departure order. Despite all possible clarifications and requests, Respondents have failed to clear Mr. Singh's record and are now using their own mistakes and overbroad powers to unlawfully detain a noncitizen.

CAUSE OF ACTION

COUNT I

PROCEDURAL DUE PROCESS VIOLATION UNDER FIFTH AMENDMENT

31. ICE's arrest and detention of Petitioner at a routine check-in, without any predetermination hearing or individualized determination, violated the procedural due process protections of the Fifth Amendment.

32. Under the *Mathews v. Eldridge*, 424 U.S. 319 (1976), balancing test—applied repeatedly by the Third Circuit—Petitioner's strong liberty interest, the minimal risk of flight, and the Government's ability to provide notice and hearing make the absence of process unconstitutional.

33. Courts in this Circuit have found similar abrupt detentions unlawful. See *Lopez v. Sessions*, 2018 WL 2932726, at *5–6 (D.N.J. June 12, 2018)* (ordering release or bond hearing after prolonged detention without individualized review).

COUNT II

SUBSTANTIAL DUE PROCESS VIOLATION UNDER THE FIFTH AMENDMENT

34. The Fifth Amendment also prohibits arbitrary or conscience-shocking government conduct. Detaining a fully compliant, non-dangerous asylum seeker without cause after years of cooperation is arbitrary, irrational, and unconstitutional.

COUNT III

UNREASONABLE DETENTION UNDER 8 U.S.C. § 1226(A)

35. Petitioner's continued civil immigration detention under 8 U.S.C. § 1226(a) has become unreasonably prolonged and violates the Due Process Clause of the Fifth Amendment. Because § 1226(a) authorizes only discretionary initial custody determination

PRAYER FOR RELIEF

WHEREFORE, Mr. Singh prays that this Court grant the following relief:

1. Assume jurisdiction over this matter;

2. Enjoin Respondents from transferring Mr. Singh outside of the jurisdiction of the Eastern District of New York pending the resolution of this case;

3. Issue a writ of habeas corpus directing Respondents to provide his immediate release from custody.

4. Issue an Order directing Respondents to issue a decision on Mr. Singh's I-485 application within 7 days from the date this complaint was filed

5. Award Mr. Singh attorney's fees and costs under the Equal Access to Justice Act ("EAJA") as amended, 5 U.S.C. § 504 and 28 U.S.C. § 2412, and on any other basis justified under law; and

6. Grant any other and further relief that this Court deems just and proper.

Dated: November 18, 2025

Respectfully submitted,

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