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7 IN THE UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA
9

10 SANJIV KAKKAR,

11 Petitioner,

12 v.

13 CHRISTOPHER CHESTNUT, ET AL.,

14 Respondents.
15

CASE NO. 1:25-CV-1627-JLT-SAB

**RETURN TO PETITION FOR WRIT OF
HABEAS CORPUS**

16 Respondents hereby file this Return to Petition for Writ of Habeas Corpus and request that the
17 Court deny Petitioner Sanjiv Kakkar's habeas petition, for the reasons set forth below.

18 **I. FACTUAL AND PROCEDURAL BACKGROUND**

19 Petitioner is a national of India and citizen of the United Kingdom. (Doc. 1 at 2; Doc. 1-1 at 8.)
20 Petitioner entered the United States as a lawful permanent resident in 1992. *Id.* Following 2016
21 convictions under 18 U.S.C. §§ 1014 and 2 for making false statements to a bank and aiding and
22 abetting, and 18 U.S.C. § 1343 for wire fraud, Petitioner was sentenced to 48 months in federal prison
23 and was ordered to pay \$4,208,566.36 in restitution, along with three years of supervised release. (Doc.
24 11 at 1-2.) Due to the nature of Petitioner's convictions, he is an aggravated felon under the
25 Immigration and Nationality Act. 8 U.S.C. § 1101(a)(43)(M)(i). Based on his aggravated felonies, in
26 2018, the Department of Homeland Security placed Petitioner in removal proceedings. (Doc. 1 at 2;
27 Doc. 1-1 at 6.) In 2021, upon completing his sentence, Petitioner was released from custody. *See*
28 <https://www.bop.gov/inmateloc/>.

1 On August 20, 2025, Customs and Border Protection detained Petitioner at San Francisco
2 International Airport upon his return to the United States from the United Kingdom. Petitioner remains
3 detained at the California City Detention Facility. (Doc. 8-1, Ex. 3.)

4 Petitioner filed a petition for habeas corpus on November 24, 2025, in which he seeks
5 declaratory and injunctive relief in the form of: (1) his release from immigration detention; (2)
6 injunctive relief preventing Respondents from transferring him outside the jurisdiction of the Eastern
7 District of California pending resolution of his case; (3) a pre-deprivation hearing prior to any future re-
8 detention; and (4) declaratory relief finding that his detention violates the Fifth Amendment.¹ (Doc. 1.)
9 He concurrently filed a motion for a Temporary Restraining Order (TRO), in which he sought the same
10 relief. (Doc. 3.)

11 On December 15, 2025, the Court granted Petitioner's requested TRO in part, and ordered
12 Respondents to provide "a *substantive* parole revocation hearing no later than December 29, 2025, at
13 which the Immigration Judge will determine whether Petitioner poses a risk of flight or a danger to the
14 community if he is released." (Doc. 11 at 14 (emphasis in original).) As part of its analysis, the Court
15 determined that Petitioner was likely to succeed on his argument that he is entitled to a pre-deprivation
16 bond hearing under the Fifth Amendment due process clause, *id.* at 8-12, that he had established
17 irreparable harm, and that the balance of equities tipped in favor of granting injunctive relief. *Id.* at 12-
18 13. The Court concluded that Petitioner had "demonstrated a due process violation regarding the
19 applicable regulations sufficient to warrant a bond hearing." *Id.* at 13. The Court did not order
20 immediate release. *Id.*

21 In addition to requiring a bond hearing, the Court ordered the government to file a further brief
22 on the merits of the habeas petition within 45 days, or, alternatively, "as soon as it can within that 30-
23 day period, the government may file a notice that it does not intend to file further briefing." *Id.* The
24 Court further ordered that Petitioner may file a further brief within 30 days of the government's
25 additional brief, if the government files one. *Id.* Finally, the Court referred the matter to the assigned
26 magistrate judge to consider the merits of the petition as quickly as possible. *Id.*

27
28 ¹ Petitioner also seeks reasonable costs and attorney fees, and such further relief as the Court
deems just and proper. (Doc. 1.)

On December 29, 2025, the Immigration Judge handling Petitioner's immigration proceedings held Petitioner's bond hearing. *See* Exh. 1, Dec. 29, 2025 Order of Immigration Judge Jerome Rothschild.² The Immigration Judge denied Petitioner's requested change in custody status based on a finding that Petitioner was a danger to the community. *Id.* at 1. Petitioner reserved his right to appeal the Immigration Judge's decision, to the Board of Immigration Appeals. *See id.* at 2; *see also* 8 C.F.R. §§ 1236(d)(3) (providing for appeals of an immigration judge's custody decision to the Board of Immigration Appeals) and 1003.38 (requiring such appeals to be filed with the Board of Immigration Appeals within 30 days of an oral decision by an immigration judge).

Petitioner's merits hearing before the same Immigration Judge is scheduled for the morning of February 17, 2026. *See* Exh. 2, Automated Case Info for Petitioner.

II. DISCUSSION

The Court should deny Petitioner's habeas petition because he has not met his burden under 28 U.S.C. § 2241 of showing that he is entitled to relief beyond what the Court ordered in granting Petitioner's request for a TRO in part, and because Petitioner has now received the Court-ordered relief, a bond hearing. *See* Exh. 1. The government refers the Court to, and reincorporates in this Return, the arguments raised in Respondents' Opposition to Petitioner's request for a TRO. (Doc. 8.) However, even accepting the Court's findings from the Order granting Petitioner's TRO in part, Petitioner has received the bond hearing to which the Court determined he was entitled. During that hearing, the Immigration Judge determined Petitioner was a danger, and denied bond. Exh. 1 at 1.

While Petitioner seeks immediate release through his habeas petition, the Court did not grant that relief at the TRO stage. The Court also noted, "It is not the province of this Court to make a finding as to whether Petitioner is a flight risk or danger." Doc. 11 at 12 (citing *Perera v. Jennings*, No. 21-cv-04136-BLF, 2021 WL 2400981, at *4 (N.D. Cal. June 11, 2021); *Pham v. Becerra*, No. 23-cv-01288-

² Respondents respectfully request that the Court take judicial notice of the attached exhibits (Dec. 29, 2025 Order of the Immigration Judge, and automated case information for Petitioner pulled from the Executive Office for Immigration Review's Automated Case Information page on January 26, 2026) pursuant to Federal Rule of Evidence 201(b)(2), because their contents "can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned." *See also, e.g., Dent v. Holder*, 627 F.3d 365, 371 (9th Cir. 2010) (taking judicial notice of documents in an "A-file" on the basis that "they are official agency records"); *Da Cunha v. Freden*, 2025 WL 3280575, at *2 (W.D.N.Y. Nov. 25, 2025) (taking judicial notice of a habeas petitioner's Form I-213).

1 CRB, 2023 WL 2744397, at *6 (N.D. Cal. March 31, 2023)). While observing evidence in the record
2 demonstrating Petitioner's rehabilitation, the Court noted that the need for a bond hearing was high.

3 Petitioner's immigration case provides him additional process to seek release. For example,
4 Petitioner has reserved his right to appeal the Immigration Judge's custody determination, to the Board
5 of Immigration Appeals. *See* Exh. 1 at 2. In addition, Petitioner's merits hearing is scheduled to take
6 place on February 17, 2026. *See* Exh. 2 (showing Petitioner's merits hearing is scheduled for 8:30 am on
7 February 17, 2026).

8 Accordingly, Petitioner is not entitled to additional injunctive relief through a habeas writ, and
9 Petitioner can continue to pursue release through his immigration proceedings.

10 **III. CONCLUSION**

11 For the reasons stated above, Respondents request that the Court deny Petitioner's Petition for
12 Writ of Habeas Corpus.

13
14 Respectfully Submitted,

15 Dated: January 29, 2026

16 ERIC GRANT
United States Attorney

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18 By: /s/ Jennifer A. Deines
JENNIFER A. DEINES
19 Assistant United States Attorney
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EXHIBIT 1

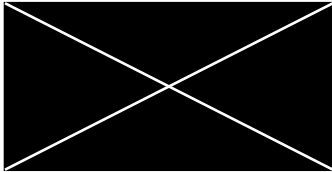


**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
ADELANTO IMMIGRATION COURT**

Respondent Name:

KAKKAR, SANJIV

To:



A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

12/29/2025

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

☒ Denied, because
DANGER.

☐ Granted. It is ordered that Respondent be:
☐ released from custody on his own recognizance.
☐ released from custody under bond of \$
☐ other:

☒ Other:
See my oral decision for further analysis.



Immigration Judge: Rothschild, Jerome 12/29/2025

Appeal: Department of Homeland Security: ☒ waived ☐ reserved
Respondent: ☐ waived ☒ reserved

Appeal Due: 01/28/2026

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [] Alien | [] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS

Respondent Name : KAKKAR, SANJIV | A-Number : 

Riders:

Date: 12/30/2025 By: ESCOBAR, ESMERALDA, Court Staff