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

9INDERJEET SINGH,

10 Petitioner,

11 v.

12 WARDEN OF THE GOLDEN STATE
13 ANNEX, et al.,

14 Respondents.
15

CASE NO. 1:25-CV-01632-SKO

MOTION TO DISMISS PETITION FOR WRIT OF
HABEAS CORPUS UNDER 28 U.S.C. § 2254 AND
RULE 4; RESPONSE TO PETITION FOR WRIT
OF HABEAS CORPUS

16 Petitioner is a citizen and national of India who entered the United States illegally. He argues
17 that he is entitled to a bond hearing before he may be detained by immigration authorities. Respondents'
18 position is that he is an "applicant for admission" who is subject to mandatory detention by ICE under 8
19 U.S.C. § 1225(b).

20 Respondents' position is that Petitioner is an "applicant for admission," pursuant to 8 U.S.C.
21 § 1225, and he is not entitled to a bond hearing, *See* 8 U.S.C. § 1225(b), and 8 C.F.R. §§ 1.2 (providing
22 that "[a]n arriving alien remains an arriving alien even if paroled pursuant to [8 U.S.C. § 1182(d)(5)],
23 and even after any such parole is terminated or revoked"), 1001.1(q) (same). "[A]n alien who 'arrives in
24 the United States,' or 'is present' in this country but 'has not been admitted,' is treated as 'an applicant
25 for admission.'" *Jennings v. Rodriguez*, 583 U.S. 281 (2018). Respondents' position is that, as an
26 applicant for admission, petitioner is subject to mandatory detention and thus ineligible for a bond
27 hearing.

28 This case is in the same procedural posture as the pending Ninth Circuit appeal in *Rodriguez v.*

1 *Bostock*, 779 F.Supp.3d 1239 (W.D. Wash. 2025), Ninth Circuit docket no. 25-6842.¹ Like Petitioner
2 here, the petitioner in *Rodriguez* argues that he was unlawfully detained under Section 1225(b)'s
3 mandatory detention authority and should instead be subject to Section 1226(a)'s discretionary detention
4 scheme. *See id.* at 1255. Because the issues in *Rodriguez* are likely to be dispositive of the issues in this
5 case, Respondents ask that any further briefing deadlines be held abeyance until the resolution of the
6 *Rodriguez* case. For the same reason, Respondents waive a hearing on the question of whether a
7 preliminary injunction should issue.

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9 Dated: January 21, 2026

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27 ¹ *Rodriguez* concerns mandatory detention under 8 U.S.C. § 1225(b)(2); the instant petition deals
28 with mandatory detention under a different subsection of § 1225(b), specifically detention of aliens
subject to expedited removal under subsection § 1225(b)(1).