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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

11 LOVEJEET SINGH,

12 Petitioner,

13 v.

14 Ernesto SANTACRUZ JR., *et al.*,

15 Respondents.
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Case No: 5:25-cv-03434-FLA(DSRx)

JOINT STATUS REPORT

Honorable Fernando L. Aenlle-
Rocha

JOINT STATUS REPORT

Pursuant to this Court's Order dated January 7, 2026, Petitioner and Federal Respondents respectfully submit this Joint Status Report.

Petitioner's Position:

- TRO Issued: On January 7, 2026, this Court granted Petitioner's Motion for Temporary Restraining Order (TRO) where Respondents are enjoined from (i) continuing to detain Petitioner unless he is provided with an individualized bond hearing before an immigration judge pursuant to 8 U.S.C. § 1226(a) within seven days of the order; and (ii) transferring, relocating, or removing Petitioner from the Central District of California pending the final resolution of this action, absent further order by this court. [Dkt. No. 7]
- Bond Hearing Status: A bond hearing was conducted before Immigration Judge White in Adelanto Immigration Court on January 14, 2026 at 8:30 a.m.
- Outcome of the Bond Hearing: The Immigration Judge's order states that Petitioner's request for a change in custody status is denied because the Petitioner "failed to meet his burden to establish that he is not a flight risk." Petitioner has reserved his right to appeal this decision to the Board of Immigration Appeals.
- Petitioner disputes Respondents' assertion that the habeas petition is now moot and that this Court lacks authority to consider the legality and constitutionality of his continued detention. Petitioner's habeas petition did

1 not seek a bond hearing as an end in itself; it challenged the government's
2 underlying authority to detain him under 8 U.S.C. § 1225(b), the absence of a
3 valid statutory basis for his custody under 8 U.S.C. § 1226(a), and the denial
4 of Due Process and a neutral decisionmaker in connection with his sudden
5 re-detention after years of lawful presence in the community. The January 14,
6 2026 bond hearing neither cured these defects nor rendered the case moot,
7 because it was conducted under the wrong legal standard, before a structurally
8 non-independent adjudicator, and without correcting the ultra vires statutory
9 basis of Petitioner's confinement.
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- 11 • First, Respondents' mootness argument fails because the "intervening event"
12 they rely on – the bond hearing – did not provide the complete relief the
13 habeas petition seeks: release from or lawful justification for detention.
14 Petitioner remains in custody under the same inapplicable statutory provision
15 (§ 1225(b)) that is challenged in the petition, and this Court's authority under
16 28 U.S.C. § 2241 to determine whether that detention is lawful is not
17 exhausted merely because an Immigration Judge has conducted a hearing and
18 denied bond. Numerous courts have continued to adjudicate habeas petitions
19 after bond hearings where the fundamental legality of detention and the
20 adequacy of the process remained in dispute. *See, e.g., Singh v. Barr*, 400 F.
21 Supp. 3d 1005 (S.D. Cal. 2019); *Jorge M.F. v. Jennings*, 534 F. Supp. 3d 1050
22 (N.D. Cal. 2021); *Perera v. Jennings*, 598 F. Supp. 3d 736 (N.D. Cal. 2022).

- 1 • Second, Respondents mischaracterize the nature of Petitioner's challenge.
2 Petitioner is not asking this Court to reweigh the evidence or second-guess the
3 IJ's discretionary assessment of flight risk. Rather, he challenges (1) the
4 Immigration Judge's application of an incorrect legal standard by placing the
5 burden of proof on Petitioner, in direct tension with due process principles
6 recognized in *Singh v. Holder* and subsequent district-court cases (*See Singh*
7 *v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011); *Martinez Hernandez v.*
8 *Andrews*, No. 1:25-CV-01035 JLT HBK, 2025 LX 386432, 36 (E.D. Cal.
9 Aug. 28, 2025); *Jorge M.F. v. Jennings*, 534 F. Supp. 3d 1050, 1057 (N.D.
10 Cal. 2021); *Pinchi v. Noem*, 792 F. Supp. 3d 1025 (N.D. Cal. 2025)); and (2)
11 the government's ongoing reliance on § 1225(b) to detain a long-time interior
12 resident who can only lawfully be detained, if at all, under § 1226(a). Such
13 legal and constitutional questions fall squarely within the scope of habeas
14 review and are not barred by 8 U.S.C. § 1226(e), which precludes review of
15 the discretionary weighing of factors in bond decisions but does not insulate
16 legal or constitutional errors. *See Jennings v. Rodriguez*, 583 U.S. 281, 295
17 (2018) (recognizing that § 1226(e) does not bar constitutional challenges to
18 the statutory framework); *Singh v. Barr*, 400 F. Supp. 3d 1005 (S.D. Cal.
19 2019).
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21 • Third, Respondents' reliance on *Rodriguez Diaz v. Garland*, 53 F.4th 1189,
22 1211 (9th Cir. 2022) is misplaced. *Rodriguez Diaz* addressed whether the Due
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1 Process Clause categorically requires the government to bear the burden of
2 proof by clear and convincing evidence at all § 1226(a) bond hearings, in a
3 case where § 1226(a) plainly applied, the petitioner had already received a full
4 merits hearing, and he had a substantial criminal and gang history. Here, by
5 contrast, Petitioner has never been lawfully detained under § 1226(a), has
6 been held under an inapplicable § 1225(b) mandatory-detention regime, and
7 was rearrested without pre-deprivation process after years of flawless
8 compliance on § 212(d)(5)(A) parole. The January 14 hearing followed a
9 sudden re-detention, was held in a structurally compromised tribunal, and
10 misallocated the burden of proof—all circumstances far removed from the
11 context in *Rodriguez Diaz* and squarely within this Court’s power to remedy
12 through habeas.

- 15 • Fourth, post-deprivation review cannot cure the absence of pre-deprivation
16 process in cases of sudden re-detention after prior community release. *See*
17 *e.g.*, *Gil v. Warden, Otay Mesa Det. Ctr.*, No. 3:25-cv-03279, 2025 WL
18 3675153, at *4 (S.D. Cal. Dec. 17, 2025) (ordering release where post-
19 deprivation bond hearing could not remedy lack of individualized assessment
20 before re-detention); *Sekhon v. Warden of Golden State Annex Det. Facility*,
21 No. 1:25-cv-1692, 2026 WL 74151, at *4 (E.D. Cal. Jan. 9, 2026) (immediate
22 release appropriate for due process violations in re-detention without pre-
23 deprivation process); *Alfaro Herrera v. Baltazar*, No. 1:25-cv-04014-CNS,

2026 LX 25042, at *44 (D. Colo. Jan. 13, 2026); *Qasemi v. Francis*, No. 25-cv-10029 (LJL), 2025 LX 560254, at *43 (S.D.N.Y. Dec. 17, 2025) (bond hearing inadequate for sudden arrest violations); *Crespo Tacuri v. Genalo*, No. 25-cv-06896 (NCM), 2026 LX 59191, at *21 (E.D.N.Y. Jan. 6, 2026) (post-deprivation review insufficient).

- Finally, Respondents' invocation of § 1226(e) does not deprive this Court of jurisdiction because Petitioner's claim is not that the IJ abused discretion in denying bond, but that his detention is unlawful as a matter of statute and Constitution, and that the IJ applied an incorrect legal standard under the Fifth Amendment. Courts have repeatedly held that § 1226(e) does not bar review of such claims. *See, e.g., Singh v. Barr*, 400 F. Supp. 3d 1005 (S.D. Cal. 2019); *Massingue v. Streeter*, 2020 U.S. Dist. LEXIS 64600 (D. Mass. Apr. 14, 2020).
- Petitioner therefore respectfully maintains that his habeas petition is not moot, that this Court retains jurisdiction to address the legality of his continued detention, and that supplemental briefing is warranted on the remaining statutory and constitutional issues identified above.

Respondents' Position:

In accordance with the Court's January 7, 2026, Order (Dkt. 7), Petitioner was provided an individualized bond hearing on January 14, 2026. Respondents have

1 fully complied with the Court's Order. By his habeas petition, Petitioner sought
2 release from custody or an individualized bond hearing before an Immigration
3 Judge. *See Dkt. 1*. Because Petitioner was provided with an individualized bond
4 hearing, his Petitioner is now moot.

6 Petitioner's disagreement with the Immigration Judge's determination is not
7 properly before the Court and contrary to controlling authority. *See Matter of*
8 *Guerra*, 24 I. & N. Dec. 37, 40 (BIA 2006) (Immigration detainees held in custody
9 under 8 U.S.C. § 1226(a) have "[t]he burden . . . to show to the satisfaction of the
10 Immigration Judge that he or she merits release on bond."); *Rodriguez Diaz v.*
11 *Garland*, 53 F.4th 1189, 1211 (9th Cir. 2022) ("We are aware of no Supreme Court
12 case placing the burden on the government to justify the continued detention of an
13 alien, much less through an elevated 'clear and convincing' showing.").

15 To the extent Petitioner complains that insufficient weight or consideration
16 was given to various items of evidence by the Immigration Judge, that is a
17 paradigmatic example of the type of complaint about a bond hearing decision that
18 cannot be reviewed in District Court due to the statutory bar on reviewing
19 Immigration Court bond decisions on their merits. 8 U.S.C. § 1226(e) (bond
20 decisions "shall not be subject to judicial review" and that "[n]o court may set aside
21 any action or decision . . . regarding the detention or release of any alien or the grant,
22 revocation, or denial of bond"); *Jennings v. Rodriguez*, 583 U.S. 281, 295 (2018)).
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1 *Kucana v. Holder*, 558 U.S. 233, 241-52 (2009) (citing 8 U.S.C. § 1252(a)(2)(B)(ii)).

2 Federal Respondents respectfully submit that Petitioner's request for
3 supplemental briefing and/or additional habeas relief be denied and the underlying
4 habeas petition be dismissed without prejudice.
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6 Dated: January 21, 2026

7 Respectfully Submitted,

8 /s/Gita B. Kapur

9 Gita B. Kapur

10 Attorney for Petitioner

11 Dated: January 21, 2026

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