

1 Steven K. Ridgill (SBN 338535)
2 LAW OFFICE OF JUDITH L. WOOD
3 201 S. Santa Fe Avenue, Suite 101
4 Los Angeles, CA 90012
5 Tel : (213) 680-7801
6 Email : Steven@judy-wood.com
7 *Attorney for Petitioner, GURDEEP SINGH*

DETAINED

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

10 GURDEEP SINGH, an individual,

Case No.:

11 Petitioner,

**PETITIONER'S EMERGENCY
MOTION FOR TEMPORARY
RESTRAINING ORDER**

12 v.
13

14 TODD M. LYONS, Acting Director, U.S.
15 Immigration and Customs Enforcement;
16 MARCOS CHARLES, Acting Executive
17 Associate Director, Enforcement and
18 Removal Operations, U.S. Immigration
19 and Customs Enforcement; KRISTI
20 NOEM, Secretary, U.S. Department of
21 Homeland Security; PAMELA BONDI,
22 U.S. Attorney General; and DOE 1,
23 Warden of ICE Desert View Facility,

Agency file no.:



24 Respondents.

1 **TO THE HONORABLE COURT AND TO THE PARTIES AND THEIR**
2 **COUNSEL OF RECORD:**

3 **PLEASE TAKE NOTICE** that Pursuant to FRCP 65 and 5 U.S.C. § 705,
4
5 Petitioner GURDEEP SINGH (“Petitioner”), hereby moves this Court for an
6 Emergency Temporary Restraining Order, requiring his immediate release or a
7 bond hearing within 10 days.

8
9 Petitioner respectfully requests that the Court regard the concurrently filed
10 Petition for Writ of Habeas Corpus, with its exhibits, as being fully incorporated
11 herein in support of this request for emergency relief.

12
13 **MOTION**

14 1. In his habeas petition, Mr. Singh seeks release from confinement due
15 to Respondents’ warrantless and illegal arrest of Respondent on or around
16 December 18, 2025, which initiated the detention.

17
18 2. Mr. Singh seeks immediate release from custody at the California City
19 Corrections Center, at ICE Desert View Facility, 10450 Rancho Road, Adelanto,
20 California on the basis that his continued detention violates the Due Process Clause
21 of the Fifth Amendment and the Immigration and Nationality Act (INA).

22
23 **ARGUMENT**

24
25 ***A. Standards for Temporary Restraining Order***

26 3. To grant a Temporary Restraining Order, the plaintiff must meet one
27
28

1 of two tests. The more recent test, known as the *Winter* test, requires the plaintiff to
2 prove as follows:

- 3 [1] that he is likely to succeed on the merits,
4 [2] that he is likely to suffer irreparable harm in the absence of
5 preliminary relief,
6 [3] that the balance of equities tips in his favor, and
7 [4] that an injunction is in the public interest.

8 *Sherley v. Sibelius*, 644 F.3d 388, 392 (D.C. Cir. 2011) (alteration in original,
9 quoting *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008)). “The
10 same standard applies to both temporary restraining orders and to preliminary
11 injunctions.” *Sterling Commercial Credit-Michigan, LLC v. Phoenix Industries I,*
12 *LLC*, 762 F. Supp. 2d 8, 12 (D.D.C. 2011) (quoting *Hall v. Johnson*, 599 F. Supp.
13 2d 1, 3 n.2 (D.D.C. 2009)).

14
15 4. The traditional test, which remains viable in the Ninth Circuit, is
16 known as the “sliding scale” test and requires the plaintiff to prove “serious
17 questions going to the merits” and “a hardship balance that tips sharply toward the
18 plaintiff.” *Alliance For The Wild Rockies v. Cottrell*, 632 F.3d 1127 (9th Cir. 2011).
19 As under the *Winter* test, the plaintiff must also show a likelihood of irreparable
20 injury and that the injunction is in the public interest. “Under this approach, the
21 elements of the preliminary injunction test are balanced, so that a stronger showing
22 of one element may offset a weaker showing of another.” *Alliance For The Wild*
23 *Rockies*, 632 F.3d at 1131.
24
25

26
27 5. Mr. Singh meets both of these tests.
28

1 ***B. Mr. Singh is likely to succeed on the merits and has raised serious legal***
2 ***questions.***

3 6. Immigration detention is civil in nature and must not be punitive. The
4 U.S. Supreme Court has made clear in *Zadvydas v. Davis*, 533 U.S. 678, 690
5 (2001), that the government's power to detain is limited by constitutional
6 principles. When removal is not reasonably foreseeable, detention becomes
7 constitutionally suspect.
8

9
10 7. Here, on September 27, 2012, an Immigration Judge granted Mr.
11 Singh Withholding of Removal to India. On March 13, 2025, Petitioner became the
12 beneficiary of an approved Form I-130 Petition for Alien Relative filed by his U.S.
13 citizen wife.
14

15 8. On December 18, 2025, while appearing for his scheduled check-in
16 appointment with U.S. Immigration and Customs Enforcement (ICE), ICE agents
17 suddenly detained him without explanation, warrant, or notice. He was transported
18 to the ICE Desert View Facility, 10450 Rancho Road, Adelanto, California, where
19 he remains detained.
20

21
22 9. Under 8 U.S.C. § 1357(a)(2), ICE officers may arrest a noncitizen
23 without a warrant if they (1) have reason to believe the noncitizen is in the United
24 States in violation of law and (2) the noncitizen is likely to escape before a warrant
25 can be obtained. Here, however, Petitioner's arrest was conducted without a
26
27
28

1 warrant *and* with no flight risk evaluation and was thus unlawful, raising statutory
2 *and* constitutional issues. *Cf. Molina v. DHS*, No. 1:22-cv-00876, slip op. at 21
3 (D.D.C. 2025) (not published).

4
5 10. Here, there is no averment or proof that any such warrant was
6 provided to Petitioner. In fact, Petitioner states that he was not served with a
7 warrant upon his arrest. Petition at ¶ 23, Doc. 1.

8
9 11. Petitioner’s warrantless arrest and resulting confinement inflicts
10 irreparable harm that cannot be remedied by later judicial review. *See, e.g.,*
11 *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (Concerning a preliminary
12 injunction inquiry, “[i]t is well established that the deprivation of constitutional
13 rights ‘unquestionably constitutes irreparable injury.’”)

14
15 ***C. Mr. Singh faces irreparable harm, and the hardship balance tips sharply***
16 ***toward him.***

17
18 12. Mr. Singh faces substantial hardships and irreparable harm if he is not
19 immediately released.

20
21 13. Under *Zadvydas v. Davis*, 533 U.S. 678, 690–701 (2001), immigration
22 detention is limited in duration and purpose; it must bear a reasonable relation to
23 effectuating removal. Where removal is not reasonably foreseeable, detention
24 violates due process.

25
26 14. Every day of unlawful detention is an ongoing constitutional violation,
27
28

1 which is in itself an irreparable injury. *See, e.g., Melendres v. Arpaio*, 695 F.3d 990,
2 1002 (9th Cir. 2012) (Concerning a preliminary injunction inquiry, “[i]t is well
3 established that the deprivation of constitutional rights ‘unquestionably constitutes
4 irreparable injury.’”)

5
6 15. Mr. Singh’s detention deprives him and his U.S. citizen wife, and
7 children of emotional and financial support, inflicting harm that monetary damages
8 cannot repair. *See Leiva-Perez v. Holder*, 640 F.3d 962, 968 (9th Cir. 2011) (family
9 separation and deprivation of liberty constitute irreparable injury in the context of
10 stay of removal inquiry).

11
12
13 16. While detained, Mr. Singh’s ability to communicate with counsel,
14 gather evidence, and prosecute his intended Form I-485 and motion to reopen
15 proceedings is severely impeded, further jeopardizing his fundamental right to seek
16 humanitarian protection.

17
18 17. Lastly, prolonged detention without cause has caused escalating
19 anxiety, depression, and sleep disturbance to Petitioner’s wife who suffers from
20 sensitive mental conditions. Courts recognize that even short-term civil detention
21 can cause lasting psychological trauma.

22
23 18. Because these harms are immediate, ongoing, and not compensable by
24 money damages, the Court’s intervention is necessary to prevent continuing and
25 irreparable injury to Petitioner and his family.
26
27
28

1 ***D. The balance of equities tips in favor of Mr. Singh, and an injunction is in***
2 ***the public interest.***

3 19. The remaining two factors for an injunction are the same under both
4 legal tests, and they both favor Mr. Singh.

6 20. As to the balance of equities, these are clearly in Mr. Singh's favor.
7 Mr. Singh is a law abiding, working man with a stable career. Mr. Singh is also a

8 [REDACTED]
9 [REDACTED] He is married
10 to a U.S. citizen and is the father of two minor U.S. citizen children. He suffers
11 from diabetes and a back injury. He poses no danger and no flight risk, and has
12 deep family and community ties in the region. Upholding Respondents' warrantless
13 and unnecessary arrest of Mr. Singh offends the humanitarian principles underlying
14 both the Refugee Act of 1980 and domestic due-process jurisprudence.

18 ***E. Procedural Due Process Requires an Immediate Bond Hearing at Least.***

19 21. Even if statutory authority were somehow implied, the prolonged
20 unlawful commencement and opacity of Mr. Singh's detention demand procedural
21 protections. The Ninth Circuit has repeatedly held that immigration detainees are
22 entitled to individualized custody determinations.

24 22. Petitioner has received no notice of custody determination and no bond
25 hearing, violating due process and the fundamental liberty interest in freedom from
26

1 arbitrary imprisonment.

2 **PRAYER FOR RELIEF**

3 WHEREFORE, for the reasons set forth in his Petition for Writ of Habeas Corpus,
4 and in this Motion the Petitioner respectfully requests this Court:
5

6 1. Grant a Temporary Restraining Order (1) immediately enjoining
7 Respondents from continuing to detain Petitioner; and (2) ordering Respondents to
8 either release Petitioner immediately, or to release him to home confinement if
9 deemed necessary; and
10

11 2. Grant such other and further relief as justice may require.
12

13 Respectfully submitted,

14 Dated December 30, 2025.
15

16
17 /s/ [Steven Ridgill]
18 Steven Ridgill, SBN 338535
19 LAW OFFICE OF JUDITH L. WOOD
20 201 South Santa Fe Ave., Suite 101
21 Los Angeles, CA 90012
22 (213) 680-7801
23 steven@judy-wood.com
24 *Attorney for Petitioner*
25
26
27
28

CERTIFICATE OF WORD COUNT

The undersigned, counsel of record for Petitioner, certifies that the preceding TRO Request contains 1,335 words in compliance with L.R. 11-6.1.

Certified this date of December 30, 2025, at Los Angeles, California.

/s/ [Steven K. Ridgill]

Steven K. Ridgill, attorney for
Petitioner