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DETAINED

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**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
SEATTLE, WASHINGTON**

JATINDER SINGH

Petitioner,

v.

KRISTI NOEM, Secretary of U.S. Department
of Homeland Security;
PAMELA BONDI, United States Attorney
General;
TODD LYONS, Acting Director, U.S.
Immigration and Customs Enforcement;
LAURA HERMOSILLO, Acting Seattle Field
Office Director, Immigration and Customs
Enforcement;
BRUCE SCOTT, Warden, Northwest ICE
Processing Center;
Respondents.

Case No.:

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

Agency File Number:



PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

PETITION FOR WRIT OF HABEAS CORPUS
(CASE NO.)
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- 1 1. This case challenges the unlawful re-detention of Mr. Jatinder Singh (“Mr. Singh”), a
2 citizen of India, who entered the United States in or about May 19, 2022. He was apprehended
3 upon entry, detained, and placed in removal proceedings.
- 4 2. On June 2, 2022, Mr. Singh was released by the Department of Homeland Security
5 (DHS) on a \$3,000.00 bond. *See* Exh A.
- 6 3. On July 15, 2022, Mr. Singh filed his application for asylum with EOIR San Francisco,
7 CA. His case was scheduled for a final merits hearing in December 2027.
- 8 4. Mr. Singh was subsequently re-detained on December 12, 2025 while waiting at a truck
9 stop in Montana. Petitioner was told that the licensing for the truck he was driving was not visible
10 and he would therefore not be allowed to continue driving. He contacted his employer to inform
11 them of the issue and then called friends to come and pick him up. While waiting for his relatives
12 the Montana Sherrif arrived and arrested Mr. Singh without probable cause and without charging
13 him with a crime. As they were arresting him Petitioner informed the Sherrif that he was released
14 on a Bond, had valid work authorization and had shown up for all of his court hearing. The
15 Sherrif then told him that a work permit was not sufficient to stop them from “doing what they
16 were going to do.” Mr. Singh was held overnight by the Sherrif who then transferred him into
17 ICE custody. Before re-detaining him, Respondents did not provide Petitioner with any written
18 notice explaining the basis for the revocation of his release. Nor did they provide him with a
19 hearing before a neutral decision-maker where DHS was required to justify the basis for re-
20 detention or explain why Petitioner is a flight risk or a danger to the community. By failing to
21 provide such a hearing, Respondents have violated Petitioner’s constitutional right to due
22 process.
23

1 5. This Court has recently held in multiple cases that due process demands a hearing *prior* to
2 the government's decision to terminate a person's liberty. *See E.A. T.-B. v. Wamsley*, --- F. Supp.
3 3d --- No. C25-1192-KKE, 2025 WL 2402130 (W.D. Wash. Aug. 19, 2025); *Ramirez Tesara v.*
4 *Wamsley*, --- F. Supp. 3d ---, No. 2:25-CV-01723-MJP-TLF, 2025 WL 2637663 (W.D. Wash.
5 Sept. 12, 2025); *Kumar v. Wamsley*, No. 2:25-CV-01772-JHC-BAT, 2025 WL 2677089 (W.D.
6 Wash. Sept. 17, 2025). Many other courts have recently held the same.

7 6. Accordingly, this Court should grant the instant petition for a writ of habeas corpus and
8 order his immediate release. *See E.A. T.-B.* 2025 WL 2402130, at *6 (ordering immediate release
9 because "a post-deprivation hearing cannot serve as an adequate procedural safeguard because it
10 is after the fact and cannot prevent an erroneous deprivation of liberty"); *Ramirez Tesara*, at *4
11 (similar); *Kumar*, 2025 WL 2677089, at *3-4 (similar).

12 **PARTIES**

13 7. Petitioner Jatinder Singh is a citizen of India who is presently detained at the Northwest
14 ICE Processing Center in Tacoma, Washington.

15 8. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the
16 United States. The Immigration Judges who decide removal cases and applications for relief
17 from removal do so as her designees.

18 9. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S.
19 Department of Homeland Security. She is the cabinet-level secretary responsible for all
20 immigration enforcement in the United States and has ultimate custodial authority over
21 Petitioner.

10. Respondent Todd Lyons is sued in his official capacity as the Acting Director of U.S. Immigration and Customs Enforcement ("ICE"). He is the head of the federal agency responsible for all immigration enforcement in the United States.

11. Respondent Laura Hermosillo is sued in her official capacity as Acting Field Office Director for the Seattle office of Immigration and Customs Enforcement, an agency of the Department of Homeland Security. She is responsible for overseeing ICE operations pertaining to noncitizens within its territorial jurisdiction, such as Petitioner, including detentions, enforcement, and removal operations. She is the immediate legal custodian of the petitioner for purposes of a federal habeas petition.

12. Respondent, Bruce Scott, is sued in his official capacity as the Warden of the Northwest ICE Processing Center, the privately-operated immigration detention center where the Petitioner is being detained. Mr. Scott has immediate physical custody of Petitioner.

JURISDICTION

13. This Court has jurisdiction over this matter under 18 U.S.C. § 1331 (federal question jurisdiction); 28 U.S.C. § 2241 (habeas corpus); and 28 U.S.C. § 1651 (All Writs Act).

14. Further, this Court has jurisdiction under the Suspension Clause of Article I, § 9, cl. 2, of the U.S. Constitution. *See INS v. St. Cyr*, 533 U.S. 289 (2001).

15. No other petitions, appeals, or motions regarding habeas corpus have been filed with any other court.

VENUE

16. Venue in the Western District of Washington is appropriate under 28 U.S.C. § 1391(e)(1) because the Petitioner is currently detained in this judicial district.

1 17. Venue is further appropriate under 28 U.S.C. § 1391(e)(1) because the Respondents live,
2 work, and/or operate within this judicial district and because the actions which gave rise to this
3 Petition took place in Tacoma, Washington, which falls within this judicial district. Though
4 petitioner is detained in Pierce County Washington, the Seattle sub office has local jurisdiction
5 over habeas petitions filed in Washington State.

6
7 **REQUIREMENTS OF 28 U.S.C. § 2243**

8 18. The Court must grant the petition for writ of habeas corpus or issue an order to show cause
9 (OSC) to the Respondents “forthwith,” unless Petitioner is not entitled to relief. 28 U.S.C. §
10 2243. Because the issue of re-detaining Mr. Singh without any process is such a clear violation
11 of his Fifth Amendment Rights, the Court should require Respondents to file a return “within
12 three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

13 19. Habeas corpus is “perhaps the most important writ known to the constitutional law . . .
14 affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.”
15 *Fay v. Noia*, 372 U.S. 391, 400 (1963). “The application for the writ usurps the attention and
16 displaces the calendar of the judge or justice who entertains it and receives prompt action from
17 him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir.
18 2000) (citation omitted); *see also Van Buskirk v. Wilkinson*, 216 F.2d 735, 737–38 (9th Cir. 1954)
19 (Habeas corpus is “a speedy remedy, entitled by statute to special, preferential consideration to
20 insure expeditious hearing and determination.”).

21 **FACTUAL BACKGROUND**

22 20. Mr. Singh is a 34-year-old citizen and national of India.

21. Mr. Singh entered that United States on or about May 19, 2022, somewhere near San Luis, AZ.

22. Mr. Singh was thereafter apprehended by DHS, detained, and was issued a Notice to Appear, initiating removal proceedings under section 240 of the INA.

23. On June 2, 2022, ICE determined that Mr. Singh was not a danger of a flight risk and released him on a \$3,000 cash bond. They simultaneously transferred his case to a non-detained Immigration Court.

24. On July 15, 2022, Mr. Singh timely filed an I-589 Application for Asylum, Withholding of Removal, and Protection Under the Convention Against Torture. He attended all of his court dates and was scheduled for a final merits hearing in December 2027.

25. As part of his asylum proceedings Mr. Singh was granted work authorization in the United States. He was employed by [REDACTED] as a truck driver and was driving semi-trucks interstate.

26. As part of his employment Petitioner was delivering cargo in Montana. When he initially passed the state weigh station there were no issues. On December 10, 2025, after the cargo had been delivered, as he was returning with an empty load, he was stopped at the MM15 Haugan Scale weigh station on I-90 West and informed that the sticker on his truck was not visible. Petitioner believes that the sticker may have been obscured by the rain, but maintained that his employer had updated the information for the truck. The individual then claimed Mr. Singh failed an English language test. He was informed by the individuals at the weigh station that he would not be allowed to continue and would have to leave the truck. Petitioner contacted his

1 employer to inform them of the issue and also called a friend to come and pick him up. He then
2 went to sleep in the cabin of the truck.

3 27. After three hours Petitioner was woken by the local Sherrif knocking on the door of the
4 truck. He opened the door and was immediately told the exit the vehicle and place his phone in
5 airplane mode. The Sherriff then, without a warrant, looked through his wallet and saw that he
6 had a Social Security Card and a valid work authorization document. Mr. Singh told the Sherrif
7 that he was authorized to stay in the United States, but the Sherrif told him that the work
8 authorization document, and the Social Security Card were not sufficient to stop them from
9 doing what they were going to do.

10 28. Without charging Mr. Singh with a crime the Sherrif proceeded to place him in handcuffs
11 and transport him to the local station where he was held overnight. He was then transferred to
12 ICE custody and sent to the Northwest ICE Processing Center in Tacoma Washington.

13 29. Without notice or hearing, on December 12, 2025, Mr. Singh was officially re-detained
14 by ICE and held at the Northwest ICE Processing Center (NWIPC) in Tacoma, Washington
15 where he remains today.

16 30. Prior to Mr. Singh's re-detention, he did not receive written notice of the reason for his
17 re-detention, written notice of termination of his bond or any information about why he was
18 being re-detained. To date ICE has provided no justification for why he should not be at liberty
19 and refuses to release him on the previous \$3,000 bond that he paid.

20 31. Prior to Mr. Singh's re-detention, ICE made no assessment whether he presented a flight
21 risk or danger to the community and made no allegations that anything had changed since the
22 time that they issued the bond to him in 2022.

32. Prior to Mr. Singh's re-detention, he never received a hearing before a neutral decision-maker to determine if his re-detention is justified.

33. Mr. Singh has now been detained for nearly one month without justification.

MEMORANDUM OF LAW

Due Process Principles

34. Due process requires that if DHS seeks to re-arrest a person like Mr. Singh—who has previously been granted—the government must afford the individual a hearing before a neutral decisionmaker to determine whether any re-detention is justified, and whether the person is a flight risk or danger to the community. Courts have held that a liberty interest attaches when individuals are released from immigration custody, whether that be on conditional parole or bond. *See Naveen v. LaRose*, No. 25-CV-3689 JLS (AHG), 2025 LX 621850, at *3-4 (S.D. Cal. Dec. 31, 2025).

35. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty protected by the Due Process Clause.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). This court recently recognized that freedom from confinement is one of the most elemental or liberty interests. *EA. T.B.*, 2025 WL 240213, at *3 (citation modified); *see also Ramirez Tesara*, 2025 WL 2637663, at *3 (stating that petitioner had “an exceptionally strong interest in freedom from physical confinement”).

36. Consistent with this principle, individuals released on bond or other forms of conditional release have a liberty interest in their “continued liberty.” *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972).

1 37. Such liberty is protected by the Fifth Amendment because, “although indeterminate, [it]
2 includes many of the core values of unqualified liberty,” such as the ability to be gainfully
3 employed and live with family, “and its termination inflicts a ‘grievous loss’ on the [released
4 individual] and often on others.” *Id.*

5 38. To protect against arbitrary re-detention and to ensure the right to liberty, due process
6 requires “adequate procedural protections” that test whether the government’s asserted
7 justification for a noncitizen’s physical confinement “outweighs the individual’s
8 constitutionally protected interest in avoiding physical restraint.” *Zadvydas*, 533 U.S. at 690
9 (citation modified).

10 39. Due process thus guarantees notice and an individualized hearing before a neutral
11 decisionmaker to assess danger or flight risk before the revocation of an individual’s release.
12 *Goldberg v. Kelly*, 397 U.S. 254, 267 (1970) (“The fundamental requisite of due process of law
13 is the opportunity to be heard... at a meaningful time in a meaningful manner.” (citation
14 modified)); *see also, e.g., Morrissey*, 408 U.S. at 485 (requiring “preliminary hearing to
15 determine whether there is probable cause or reasonable ground to believe that the arrested
16 parolee has committed... a violation of parole conditions” and that such determination be made
17 “by someone not directly involved in the case” (citation modified)).

18 40. Several courts, including this one, have recognized that these principles apply with
19 respect to the re-detention of the many noncitizens that DHS has recently begun taking back
20 into custody, often after such persons have been released for months or years.

21 41. Courts often apply the *Mathews v. Eldridge*, 424 U.S. 319 (1976), framework to grant the
22 temporary restraining orders, and issue orders restraining the Respondents from re-detaining
23

petitioners unless they demonstrate, by clear and convincing evidence at a pre-deprivation hearing before a neutral arbiter, that Petitioner is a danger or flight risk hearing

42. In applying the three *Mathews* factors to grant the Petitioner's motion for TRO, in *E.A. T.B.*, the court held that the petitioner had "undoubtedly [been] deprive[d] ... of an established interest in his liberty." 2025 WL 2402130 at *3. The court noted this is the most elemental of liberty interests. *Id.* The Court further explained that the risk of erroneous deprivation of liberty without a hearing was "considerable" because a hearing serves to ensure that the purposes of detention—the prevention of danger and flight risk—are properly served. *Id.* Finally, the Court explained that "the Government's interest in re-detaining non-citizens previously released without a hearing is low because the "effort and cost to provide Petitioner with procedural safeguards is minimal." *Id.* As a result, this Court ordered the petitioner's immediate release. *Id.* at *12.

43. This Court's decisions in *Domingo* is consistent with many other district court decisions addressing similar situations. *See, e.g., Valdez v. Joyce*, No. 25 CIV. 4627 (GBD), 2025 WL 1707737 (S.D.N.Y. June 18, 2025) (ordering immediate release due to lack of pre-deprivation hearing); *See, e.g., Francois v. Wamsely*, No. C25-2122-RSM-GJL, 2025 LX 486587 (W.D. Wash. Nov. 3, 2025) (similar); *E.A.T.-B. v. Wamsley*, --- F. Supp. 3d --- No. C25-1192-KKE, 2025 WL 2402130 (W.D. Wash. Aug. 19, 2025) (similar); *Ramirez Tesara v. Wamsley*, --- F. Supp. 3d ---, No. 2:25-CV-01723-MJP-TLF, 2025 WL 2637663 (W.D. Wash. Sept. 12, 2025) (similar); *Kumar v. Wamsley*, No. 2:25-CV-01772-JHC-BAT, 2025 WL 2677089 (W.D. Wash. Sept. 17, 2025) (similar); *Otero v. Kaiser*, No. 25-cv-06536 (EKL), 2025 LX 335274 (N.D. Cal. Aug. 3, 2025) (similar); *Pinchi v. Noem*, --- F. Supp. 3d ---, No. 5:25-CV-05632-PCP,

2025 WL 2084921 (N.D. Cal. July 24, 2025) (similar); *Maklad v. Murray*, No. 1:25-CV-00946 JLT SAB, 2025 WL 2299376 (E.D. Cal. Aug. 8, 2025) (similar); *Garcia v. Andrews*, No. 1:25-CV-01006 JLT SAB, 2025 WL 2420068 (E.D. Cal. Aug. 21, 2025) (similar).

44. Even in cases where a noncitizen has been charged with or convicted of a crime after being granted a bond by an immigration judge, courts in the Northern District of California found that those noncitizens were entitled to a pre-deprivation hearing and ordered the petitioners' immediate release. *See Guillermo M.R. v. Kaiser*, No. 25-cv-05436-RFL, 2025 U.S. Dist. LEXIS 138205 (N.D. Cal., July 16, 2025); *Domingo v. Kaiser*, No. 25-cv-058933-RFL, 2025 WL 1940179 (N.D. Cal., July 14, 2025).

45. The same framework and principles apply here and compel Mr. Singh's immediate release.

CLAIM FOR RELIEF

Violation of Fifth Amendment Right to Due Process Procedural Due Process

46. Mr. Singh restates and realleges all paragraphs as if fully set forth here.

47. Due process does not permit the government to strip Mr. Singh of his liberty without written notice and a hearing before a neutral decisionmaker to determine whether re-detention is warranted based on danger or flight risk. *See Morrissey*, 408 U.S. at 487–88. Such written notice and a hearing must occur *prior* to any re-detention.

48. Respondents revoked Mr. Singh's release on bond and deprived him of liberty without affording him any written notice or meaningful opportunity to be heard by a neutral decisionmaker prior to his re-detention.

1 49. Accordingly, Mr. Singh's re-detention violates the Due Process Clause of the Fifth
2 Amendment.

3 **IRREPARABLE INJURY**

4 50. Mr. Singh has suffered irreparable injury as a result of his detention. He has been in
5 custody for more than a month, despite his release on bond four years ago. His physical liberty
6 continues to be restrained, and no just cause for doing so can be specified.

7
8 **PRAYER FOR RELIEF**

9 WHEREFORE, Petitioner prays that this Court grant the following relief:

- 10 (1) Assume jurisdiction over this matter;
- 11 (2) Issue an Order to Show Cause ordering Respondents to show cause within three days
12 as to why this Petition should not be granted as required by 28 U.S.C. § 2243;
- 13 (3) Issue a Writ of Habeas Corpus ordering Respondents to immediately release Mr.
14 Singh from custody and permanently enjoin his re-detention during the pendency of
15 his case absent written notice and a hearing prior to re-detention where Respondent
16 must prove by clear and convincing evidence that he is a flight risk or a danger to the
17 community and that no alternatives to detention would mitigate those risks;
- 18 (4) Declare that Mr. Singh's re-detention while removal proceedings are ongoing without
19 first proving an individualized determination before a neutral decisionmaker violates
20 the Due Process Clause of the Fifth Amendment;
- 21 (5) Issue an order providing for an award of attorney's fees and costs; and
- 22 (6) Grant such other relief as may be just and reasonable.
- 23

1
2 Dated: January 8, 2026.

3 /s/ Adam Boyd

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