IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

GURMEET SINGH,	§	
	§	
Petitioner,	§	
	§	**Case No. 3:26-cv-155-DB**
	§	
v.	§	
	§	
CURTIS TAYLOR, *et al.*,	§	
	§	
Respondents.	§	

PETITIONER'S MOTION FOR LEAVE TO FILE AMENDED PETITION

COMES NOW Petitioner, through counsel, and respectfully requests this Court grant him leave to file an Amended Petition for Writ of Habeas Corpus on or before **February 3, 2026**. In support thereof, Petitioner respectfully suggests the following:

1. Petitioner Gurmeet Singh, a citizen of India, filed his Petition for Writ of Habeas Corpus on January 26, 2026, alleging that his detention by ICE violates the Immigration and Nationality Act and his due process rights.

2. As noted in the Petition, documents related to Mr. Singh's immigration case were taken from him at the May 28, 2025, ICE check-in when he was arrested. *See* Dkt. 1 at ¶ 7, n.1. The only document provided to his counsel in this case is the one filed as ECF No. 1-1, which states that Mr. Singh was to attend an "OREC Appointment" and to "BRING WITH [him] … Order of Recognizance Release Documents." Dkt. 1-1 at 1. An order of release on recognizance is only available to those discretionarily detained pursuant to 8 U.S.C. § 1226(a), not those mandatorily detained under § 1225(b) or other statutes. *See* Dkt. 1 at ¶ 7.

3. Prior to filing, counsel checked the EOIR Automated Case Information System (https://acis.eoir.justice.gov/en/caseinformation/), which did not contain any indication that Mr.

Singh had already been ordered removed. Dkt. 1 at ¶ 3 (also noting that neither Mr. Singh nor his immigration attorney had a copy of a Notice to Appear in his immigration case).

4. Based on the totality of the information available to counsel at the time of filing, this case appeared to be indistinguishable from dozens of others that the undersigned counsel and other lawyers around the country have filed, involving statutory interpretation of 8 U.S.C. §§ 1225 and 1226 and a noncitizen's right to a bond hearing.

5. Late yesterday evening, Respondents filed a Response (Dkt. 4), which attaches a Notice and Order of Expedited Removal (Dkt. 4-1). The undersigned counsel first saw this document at approximately 6:30 a.m. this morning. Until that time, counsel had no idea that a removal order had been entered in this case. Mr. Singh apparently does not have a copy of this document, his current immigration lawyer was unaware of its existence, and communications with Mr. Singh, which were conducted through an intermediary, a Punjabi-speaking paralegal at his immigration law firm, did not disclose the existence of the document, probably because Mr. Singh is either unaware of its existence or its meaning.

6. It is now apparent from Respondents' Response that this is actually a case involving prolonged detention under *Zadvydas v. Davis*, 533 U.S. 678 (2001). Mr. Singh has apparently been subject to a removal order since December 11, 2024, a period of over 13 months, long beyond the presumptively reasonable six-month period in *Zadvydas*. It appears from the declaration filed with Respondents' Response (Dkt. 4-2) that the Government intended to deport Mr. Singh on December 14, 2025, but for some reason did not do so. Respondents' declaration does not contain any information from which it can be conclusively said when Mr. Singh may be removed, only that it will happen on "a date to be determined." As such, it is unclear whether his removal is significantly likely to occur in the reasonably foreseeable future, as required by *Zadvydas*.

7. It also appears from the declaration filed with Respondents' Response (Dkt. 4-2) that the required 90-day and 180-day post-order custody reviews have not been conducted in this case, which may be further grounds for an award of habeas relief in this case. *See, e.g., Misirbekov v. Venegas*, 796 F. Supp. 3d 436, 439-40 (S.D. Tex. 2025).

8. Counsel sincerely apologizes to the Court for the fact that the relief sought in the Petition does not conform to the facts as they have now been revealed by Respondents. Counsel takes his responsibilities under Fed. R. Civ. P. 11 with the utmost seriousness and investigated the circumstances with all the diligence that was possible prior to filing this case. Counsel had no reason to believe that a removal order had been entered in this case, particularly given the language of the OREC document (Dkt. 1-1), nor are there any additional reasonable steps counsel believes he could have taken prior to filing that would have uncovered its existence.

9. Mr. Singh respectfully requests until February 3, 2026, to file an amended petition that takes into account the facts and documents brought forth by Respondents and argues for his release under *Zadvydas*.

10. Counsel has conferred with counsel for Respondents and understands that Respondents do not oppose this motion, provided that Respondents are accorded a reasonable time to respond to an amended petition.

WHEREFORE, Petitioner prays this Court grant him until February 3, 2026, to file an amended habeas petition, with Respondents' response due at a reasonable time thereafter, and for such other relief as the Court deems proper.

Dated: January 30, 2026

Respectfully submitted,

/s/ James D. Jenkins
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was filed via the Court's CM/ECF system this 30th day of January, 2026, which sent notice of such filing to all parties receiving electronic notice.

/s/ James D. Jenkins
Attorney for Petitioner