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

GURMEET SINGH,	§	
	§	
Petitioner,	§	
	§	**Case No. 26-cv-155-DB**
	§	
v.	§	
	§	**AMENDED PETITION FOR WRIT**
CURTIS TAYLOR, Major General, U.S. Army, Commander, Ft. Bliss, in his official capacity as Warden of the Camp East Montana Detention Center; **MARISA FLORES**, in her official capacity as Field Office Director, El Paso Field Office, Immigration and Customs Enforcement; **TODD M. LYONS**, in his official capacity as Acting Director of Immigration and Customs Enforcement; **KRISTI NOEM**, in her official capacity as Secretary of the Department of Homeland Security; and **PAMELA BONDI**, in her official capacity as Attorney General of the United States,	§	**OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241**
	§	
Respondents.	§	

INTRODUCTION

1. Petitioner Gurmeet Singh is an Indian national who was ordered deported nearly 14 months ago, but whom Respondents have thus far failed to remove. He is presently being detained under horrific conditions at Camp East Montana in El Paso, Texas, where three detainees have died in the past two months, one of them apparently the victim of a homicide, and where detainees have reported violent physical and sexual abuse, as well as spoiled or partially frozen food, squalid and unsafe living conditions, and a lack of access to basic hygiene products and medical care. Jeff Abbott, *Nicaraguan man arrested by ICE in Minnesota dies at Camp East Montana*, El Paso Times (Jan. 18, 2026), https://www.elpasotimes.com/story/news/immigration/2026/01/18/third-

immigrant-dies-at-ice-camp-east-montana-in-el-paso-victor-manuel-diaz-of-nicaragua/88243759007/; Haddy Gassama, *Detained Immigrants Detail Physical Abuse and Inhumane Conditions at Largest Immigration Detention Center in the U.S.*, ACLU (Dec. 8, 2025), https://www.aclu.org/news/immigrants-rights/detained-immigrants-detail-physical-abuse-and-inhumane-conditions-at-largest-immigration-detention-center-in-the-u-s.

2. In this Amended Petition, he presents three arguments for relief. First, he contends that under *Zadvydas v. Davis*, 533 U.S. 678 (2001), his detention has become unconstitutionally prolonged because Respondents cannot show that his removal is significantly likely to occur in the reasonably foreseeable future. Second, Respondents violated Mr. Singh's due process rights when they arbitrarily re-detained him without notice or a hearing after having previously granted him parole. Finally, he contends that Respondents have failed even to comply with their own regulations with respect to mandatory post-order custody reviews.

JURISDICTION

3. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

4. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

5. Federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear habeas petitions by noncitizens challenging the lawfulness or constitutionality of their detention. *Demore v. Kim*, 538 U.S. 510, 516-17 (2003); *Jennings v. Rodriguez*, 583 U.S. 281, 292-293 (2018).

VENUE

6. Pursuant to *Braden v. 30th Judicial Circuit Court of Ky.*, 410 U.S. 484, 493- 500

(1973), venue lies in the United States District Court for the Western District of Texas, the judicial district in which Petitioner is currently detained.

7. Venue is also proper in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees or officers of the United States and because a substantial part of the events or omissions giving rise to the claims occurred in this district.

PARTIES

8. Petitioner is a citizen of India who came to the United States on or about December 10, 2024. He is currently being held at the ERO El Paso Camp East Montana detention facility in El Paso, Texas.

9. Respondent Marisa Flores is the ICE El Paso Field Office Director. As such, Respondent Flores is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. She is named in her official capacity.

10. Respondent Todd Lyons is the Acting Director of ICE. As the head of ICE, he is responsible for decisions related to the detention and removal of certain noncitizens, including Petitioner. As such, he is also a legal custodian of Petitioner. He is sued in his official capacity.

11. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

12. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates is a component agency. She is sued in her official capacity.

13. Respondent Major General Curtis Taylor is being sued in his official capacity as the Commanding General responsible for the ERO El Paso Camp East Montana Detention Center within the U.S. Army Fort Bliss. Because Petitioner is detained in the ERO El Paso Camp East Montana Detention Center, Respondent Taylor has immediate day-to-day control over Petitioner.

FACTUAL BACKGROUND

14. Petitioner is a citizen of India, who entered the United States without inspection on or about December 10, 2024. Dkt. 4-2 at ¶ 6.

15. On December 11, 2024, Mr. Singh was served with a "Notice and Order of Expedited Removal." Dkt. 4-2 at ¶ 7.

16. Nonetheless, Respondents apparently decided not to proceed with expeditious removal, since they chose to release him from custody on January 7, 2025. *See* Dkt. 4-2 at ¶ 8 (erroneously stating "2024").

17. There is some dispute as to the nature of Mr. Singh's release. He was provided with a document (Dkt. 9-1) indicating that his release was pursuant to an Order of Release on Recognizance, which is only available to those discretionarily detained under 8 U.S.C. § 1226(a). Respondents, by contrast, claim he was released on "interim parole." This presumably refers to parole under 8 C.F.R. § 212.5(b), which provides for parole on a "case-by-case basis for 'urgent humanitarian reasons' or 'significant public benefit,'" provided that the noncitizen does not pose a danger or a flight risk.

18. This sort of "interim parole" is typically granted for a period of one year. *See, e.g., Wang v. Lyons*, 2026 WL 147703, at *1 (N.D. Cal. Jan. 20, 2026); *J-C-R-M v. Wamsley*, 2025 WL 3527108, at *3 (D. Or. Dec. 9, 2025). It terminates automatically at the end of the one-year period, and can only be terminated early under certain conditions, including that the purpose of the parole

has been accomplished, or humanitarian reasons and the public benefit no longer warrant parole; moreover, such termination can only be accomplished "upon written notice to the alien." 8 C.F.R. § 212.5(e)(1)-(2).

19. As part of the terms of Mr. Singh's release, he was required to attend periodic check-ins at the ICE office in New York City. At one such appointment, on May 28, 2025, he was taken into custody. At that appointment, he claims his immigration-related documents were taken from him; as a result, the only document he was able to provide to counsel is the one filed as Dkt. 9-1.

20. At the time of his detention, his one-year parole had not expired, and Mr. Singh states that no written notice was given to him revoking his parole as mandated by § 212.5(e)(2).

21. If a noncitizen placed in expedited removal proceedings states that he intends to apply for asylum or that he fears persecution, immigration officials are required to refer that person to an asylum officer for a credible fear interview. *See, e.g., Valencia Zapata v. Kaiser*, 801 F. Supp. 3d 919, 927 (N.D. Cal. 2025) (describing regulations and procedures). If the noncitizen's fear is deemed credible, they are put in full removal proceedings under 8 U.S.C. § 1229a; if not, they can appeal the denial to an immigration judge. *Id.*

22. Shortly after his May 28, 2025 re-detention, in June 2025, an ICE officer came to Mr. Singh and asked him if he was afraid to return to India. Mr. Singh stated that he was.

23. On August 4, 2025, a deportation officer informed Mr. Singh that a credible fear interview was being scheduled. Dkt. 4-2 at ¶ 11. However, no credible fear interview was ever scheduled.

24. An ICE official came to Mr. Singh in detention bearing a document which stated that Mr. Singh wished to be returned to India. The ICE officer told Mr. Singh he had to sign the

document. Mr. Singh is aware of other detainees who were put in handcuffs and physically forced to sign such a document. Under duress and compulsion from ICE, Mr. Singh signed the document. To date, he never received a credible fear interview.

25. Mr. Singh still asserts a credible fear of removal to India, and on January 31, 2026, his current immigration attorney mailed him a Form I-589 for his signature, in order to seek withholding of removal or protection under the Convention Against Torture.

26. On September 9, 2025, Respondents claim that a deportation officer "added Singh to a spreadsheet listing Indians who need travel documents and submitted the spreadsheet to the POC for Indian travel documents." Dkt. 4-2 at ¶ 14.

27. Months passed without issuance of travel documents or any indication of progress. By November 6, 2025, a case officer stated that he was still trying to obtain travel documents and noted that ICE had no passport for Mr. Singh. Dkt. 4-2 at ¶ 17.

28. In fact, Mr. Singh had surrendered his passport to ICE at the New York City ICE office, and ICE somehow lost it.

29. Respondents' declaration claims that "Houston ERO emailed Indian Travel Document information to Detention and Deportation Officer for review" (Dkt. 4-2 at ¶ 18), however, there are a significant number of lacunae in that statement, including when this email was sent, what the result of the "review" was, and whether travel documents or a passport were ever actually obtained.

30. On or about December 12, 2025, Mr. Singh was transferred to Camp East Montana in El Paso, Texas. Dkt. 4-2 at ¶ 19. As noted *supra* at ¶ 1, this detention facility has been the subject of numerous serious complaints as well as the site of several recent deaths.

31. Respondents claim that they intended to deport Mr. Singh on a charter flight scheduled for December 14, 2025, but failed to do so. Dkt. 4-2 at ¶¶ 19-20.

32. Respondents claim that "Singh is currently pending rescheduling for the next India charter flight which is currently a date to be determined." Dkt. 4-2 at ¶ 21. But to say that someone is "pending rescheduling" for something that will occur on "a date to be determined" provides no clarity on how likely that event is to happen within the reasonably foreseeable future. Respondents offer no indication of how often these charter flights occur or what the likelihood is of Mr. Singh receiving a spot on any particular flight within any particular period of time.

33. Mr. Singh filed his Petition for Writ of Habeas Corpus (Dkt. 1) on January 26, 2026, mistakenly believing that he was detained pursuant to § 1226(a) and not understanding that Respondents had entered an expedited removal order against him, since most or all of his documents were taken from him at the ICE check-in. *See* Dkt. 5.

ARGUMENT

I. Mr. Singh has met his burden – lessened in this case because of his long detention – to show that his removal is not significantly likely to occur in the reasonably foreseeable future, and Respondents' declaration has not rebutted that showing.

34. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court held that noncitizens cannot be detained indefinitely on the off chance that the government might someday be able to remove them. Resolution of this case is governed by two words from *Zadvydas*: "significant" and "reasonably." Once a petitioner shows that "there is no *significant* likelihood of removal in the *reasonably* foreseeable future," the Government must produce evidence to rebut that showing. *Zadvydas*, 533 U.S. 678, 701 (2001) (emphasis added).

35. 8 U.S.C. § 1231(a) permits ICE to detain noncitizens during the "removal period," which is defined as the 90-day period during which "the Attorney General shall remove the alien

from the United States." 8 U.S.C. § 1231(a)(1)(A). The removal period begins on the date the order of removal becomes administratively final. 8 U.S.C. § 1231(a)(1)(B)(i).

36. In this case, Mr. Singh had an administratively final removal order as of December 11, 2024, when his expedited order of removal was entered. The 90-day removal period therefore ended on March 11, 2025.

37. After the expiration of the 90-day removal period, 8 U.S.C. § 1231(a)(3) provides that ICE may release noncitizens on an order of supervision. Alternatively, a noncitizen "may be detained beyond the removal period" if they meet certain criteria, such as being inadmissible or deportable under specified statutory categories. 8 U.S.C. § 1231(a)(6).

38. Constitutional limits on detention beyond the removal period are well established. Government detention violates due process unless it is reasonably related to a legitimate government purpose. *Zadvydas*, 533 U.S. at 701. "[W]here detention's goal is no longer practically attainable, detention no longer 'bear[s] [a] reasonable relation to the purpose for which the individual [was] committed.'" *Id.* at 690 (quoting *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). Here, Respondents previously determined that Mr. Singh was neither a danger nor a flight risk when they released him from custody in January 2025, and there is no evidence that any circumstances have changed since then. Therefore, since there is no anticipated date for his removal, there is no justification under *Zadvydas* for his continued incarceration.

39. The purpose of detention during and beyond the removal period is to "secure[] the alien's removal." *Zadvydas*, 533 U.S. at 682. In *Zadvydas*, the Supreme Court "read § 1231 to authorize continued detention of an alien following the 90-day removal period for only such time as is reasonably necessary to secure the alien's removal." *Demore v. Kim*, 538 U.S. 510, 527 (2003) (citing *Zadvydas*, 533 U.S. at 699).

40. The Court in *Zadvydas* established a rebuttable presumption regarding what constitutes a "reasonable period of detention" for noncitizens after a removal order. *Zadvydas*, 533 U.S. at 700-01. The Court held that six months' detention could be deemed a "presumptively reasonable period of detention," after which the burden shifts to the government to justify continued detention if the noncitizen provides a "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future." *Id.* at 701.

41. In cases like this one, where a petitioner is initially released and then re-detained, district courts – including several in this circuit – have looked not only at the most recent re-detention, but instead have calculated the six-month presumptively reasonable period from the time the original removal order became final. *See, e.g., Abuelhawa v. Noem*, -- F. Supp. 3d --, 2025 WL 2937692, at *4-5 (S.D. Tex. Oct. 16, 2025) (noting that "[m]ost courts to consider the issue have concluded that the *Zadvydas* period is cumulative, motivated by a concern that the federal government could otherwise detain aliens indefinitely by continuously releasing and re-detaining them.") (collecting cases); *Escalante v. Noem*, 2025 WL 2206113, at *3 (E.D. Tex. Aug. 2, 2025) (citing *Nguyen v. Hyde*, 2025 WL 1725791 (D. Mass. June 20, 2025) for the proposition that *Zadvydas*' "6-month presumption [is] not applicable where alien is 're-detained' after having been on supervised release")); *Diaz-Ortega v. Lund*, 2019 WL 6003485, at *9-10 (W.D. La. Oct. 15, 2019) (removal period under *Zadvydas* did not restart when petitioner was re-detained); *see also S.F. v. Bostock*, 2025 WL 2841022, at *4 (D. Or. Oct. 7, 2025) ("federal courts have refrained from applying the presumption of reasonableness under *Zadvydas* in re-detention cases like this one") (collecting cases).

42. The December 11, 2024 expedited removal order was not appealable and was final as of the time it was signed. *See, e.g., Cifuentes v. Soto*, 2026 WL 102970, at *3 (D.N.J. Jan. 14,

2026). Thus, the 90-day statutory removal period had already run by the time Mr. Singh was re-detained on May 28, 2025. Therefore, the Court should consider not only the period since May 28, 2025, but the entire post-removal-order period since December 11, 2024, a period now of nearly 14 months, in determining whether Mr. Singh's continued detention is lawful and whether the Government has put forth enough evidence to meet its burden of justifying that detention.

43. Mr. Singh has met his initial burden of showing that his removal is not significantly likely in the reasonably foreseeable future – a burden which *Zadvydas* says is significantly lessened because of the already long period of his detention. *See Zadvydas*, 533 U.S. at 701; *see also Alexander v. Att'y Gen.*, 495 F. App'x 274, 275 (3d Cir. 2012) ("[T]he longer an alien is detained, the less he must put forward to obtain relief"); *Hassoun v. Sessions*, 2019 WL 78984, at *4 (W.D.N.Y. Jan. 2, 2019) ("[T]he government's burden becomes more onerous the longer an alien is detained, because it must show that removal will be effectuated sooner in the future."). Specifically, Mr. Singh points to the fact that officials have had nearly 14 months to remove him but have failed to do so; officials have not made clear whether they possess all the necessary travel documents required to remove him to India, including a passport; and, despite a stated intention to put him on a plane to India, officials have failed to do so and cannot provide any date by which such a flight might occur.

44. As one court in this district recently put it, "When there has been a long period of time between an issued supervision order (in this case almost two years); no removal plan in place at the commencement of detention, no immigration proceedings concerning removal to a third country, and no progress during the current period of lengthy detention, the circumstances demonstrate that there is no substantial likelihood that Petitioner's removal is reasonably

foreseeable." *Alnajjar v. GEO Group, Inc.*, 5:25-cv-822-JKP, 2025 WL 3853217, at *6 (W.D Tex. Dec. 23, 2025) (Pulliam, J.).

45. Some deference is owed to the government's assessment of the likelihood of removal and the time it will take to execute removal. *Zadvydas*, 533 U.S. at 700. However, vague and conclusory statements that removal is likely at some point in the future should not satisfy the government's burden. The government must rebut a detainee's showing that there is no significant likelihood of removal in the reasonably foreseeable future with "evidence of progress . . . in negotiating a petitioner's repatriation." *Gebrelibanos v. Wolf*, 2020 WL 5909487 at *3 (S.D. Cal. Oct. 6, 2020); *Hassoun v. Sessions*, 2019 WL 78984 at *4 (W.D.N.Y. Jan. 2, 2019) ("[A]s time passes, the mere existence of possible avenues for removal becomes insufficient to justify further detention; some evidence of progress is required") (collecting cases).

46. Even if ICE is engaged in ongoing efforts to secure removal, such efforts alone do not mitigate already-prolonged detention, nor do they render removal reasonably foreseeable. *See Shefqet v. Ashcroft*, 2003 WL 1964290 at *5 (N.D. Ill. April 28, 2003) ("Even if [ICE] has been making regular efforts to secure Petitioner's travel document . . . at this time there must be some concrete evidence of progress. [ICE] cannot rely on good faith efforts alone"). The likelihood of removal "does not turn on the degree of the government's good faith efforts," but rather "on whether and to what extent the government's efforts are likely to bear fruit." *Hassoun*, 2019 WL 78984 at *5. Indeed, the Supreme Court specifically rejected the notion that removal is reasonably foreseeable as long as "good faith efforts" continue, holding that such a standard "would seem to require an alien seeking release to show the absence of any prospect of removal—no matter how unlikely or unforeseeable—which demands more than our reading of the statute can bear." *Zadvydas*, 533 U.S. at 701.

47. As relevant to this case, "if [ICE] has no idea of when it might reasonably expect [Petitioner] to be repatriated, this Court certainly cannot conclude that his removal is likely to occur—or even that it might occur—in the reasonably foreseeable future." *Palma*, 2020 WL 4880158, at *3 (citing *Singh v. Whitaker*, 362 F. Supp. 3d 93, 102 (W.D.N.Y. 2019)).

48. Given Respondents' total failure to prove that they have taken meaningful steps toward removing Mr. Singh in nearly 14 months, this Court should order his immediate release subject to whatever conditions this Court deems appropriate. *See, e.g., Manson v. Barr*, 2020 WL 3962235 (M.D. Fla. July 13, 2020) at *3 (ordering immediate release on conditions of supervision pursuant to 8 U.S.C. § 1231(a)(3)).

II. Respondents' failure to properly terminate Mr. Singh's parole in accordance with regulations, or to provide him with a pre-deprivation hearing, supplies an additional, independent basis for this Court to order his release.

49. Petitioner was originally released either on his own recognizance or on parole, which required Petitioner to comply with certain requirements, such as not breaking any laws and making sure to attend all ICE check-ins. Petitioner complied with all the terms of his release order.

50. Due process requires that if DHS seeks to re-arrest a person like Petitioner—who lived in the United States for nearly five months without incident after DHS first released him, and has attended all required immigration check-ins and complied with the terms of his release—the government must afford a hearing before a neutral decisionmaker to determine whether re-detention is justified, and whether the person is a flight risk or danger to the community. Additionally, in order to terminate his parole, Respondents must comply with the procedures set out in the relevant regulation.

51. "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).

52. Consistent with this principle, individuals released on parole or other forms of conditional release have a liberty interest in their "continued liberty." *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972). Such liberty is protected by the Fifth Amendment because, "although indeterminate, [it] includes many of the core values of unqualified liberty," such as the ability to be gainfully employed and live with family, "and its termination inflicts a 'grievous loss' on the [released individual] and often on others." *Id.*

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

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

55. Petitioner's re-detention in this case appears especially arbitrary, since he was released on his own recognizance in January 2025 and arrested without explanation only four

months later, despite the fact that there is no showing that Petitioner constituted any more of a danger or a flight risk in May 2025 than he did in January 2025.

56. To terminate the previously granted parole, the agency must comply with the applicable regulatory and statutory requirements. As set forth in 8 C.F.R. § 212(e)(2)(i), which governs the "[t]ermination of parole,"

> upon accomplishment of the purpose for which parole was authorized or when in the opinion of one of the officials listed in paragraph (a) of this section, neither humanitarian reasons nor public benefit warrants the continued presence of the alien in the United States, parole shall be terminated upon written notice to the alien[.]

8 C.F.R. § 212.5(e)(2)(i). In other words, "[u]nder the governing regulation, parole may be terminated only if the purpose of parole is accomplished, or humanitarian reasons and the public benefit no longer warrant parole." *Santoya Martinez v. Raycraft*, 2026 WL 274631, at *4 (W.D. Mich. Feb. 3, 2026) (citing *Loaiza Arias v. LaRose*, 2025 WL 3295385, at *3 (S.D. Cal. Nov. 25, 2025)). The *Santoya Martinez* court found that the "purpose of Petitioner's parole has not been accomplished" because Petitioner's application for asylum and withholding of removal was still pending and further agreed with other district courts that "have found that just as a grant of parole requires an individualized review, revocation of parole requires a case-by-case assessment to comply with the statute." *Id.* (collecting cases). Accordingly, since "there [was] no indication that Respondents followed the applicable statutory and regulatory requirements to revoke or terminate Petitioner's parole," the court ordered him released on the same terms as existed before his detention. *Id.* at *5, 7.

57. Additionally, in this case Mr. Singh states that he was given no written notice of the revocation of his parole, which constitutes another reason for finding it was not validly terminated. *See, e.g., Mantilla Marcano v. Jamison*, 2026 WL 196504, at *3 (E.D. Pa. Jan. 26,

2026) ("The record does not show parole was terminated by 'written notice' as required by § 212.5(e)(2)(i). Petitioners allege they were detained at a check-in and had their liberty 'stripped … without meaningful notice, explanation, or rationale.' … Because § 212.5(e)(2)(i) states parole 'shall be terminated upon written notice,' the absence of such evidence is not a technical defect. Rather, it goes to whether parole was lawfully terminated at all."). *See also, e.g., L.M. v. Noem*, 2026 WL 103231, at *3 (D. Nev. Jan. 14, 2026) ("DHS must provide written notice to a noncitizen to prematurely terminate their parole status.").

58. A number of courts in this district have found that habeas relief is warranted under circumstances analogous to this case. In *Trejo v. Warden of the ERO El Paso East Montana*, -- F. Supp. 3d --, 2025 WL 2992187, at *1 (W.D. Tex. Oct. 24, 2025) (Cardone, J.), for example, the petitioner had been ordered removed to El Salvador but was released on an order of supervision. At a scheduled ICE check-in, he was arrested pursuant to the earlier removal order. *Id.* at *2. The court found that although the petitioner had only been re-detained for one month, he was "entitled to additional procedural protections by virtue of the liberty interest he obtained through his [earlier] release." *Id.* at *6. The court found that "a § 1231(a) detainee" (like Mr. Singh) "who has been released and then re-detained has a protectable liberty interest and a viable procedural due process claim distinct from a *Zadvydas* claim." *Id.* at *7. Analyzing the claim under the rubric of *Mathews v. Eldridge*, 424 U.S. 319 (1976), the court found that "detaining him without an individualized assessment of his flight risk and dangerousness by an IJ deprives him of his constitutional right to procedural due process under the Fifth Amendment." *Id.* at *10.

59. Also like the present case is *Camacho-Gutierrez v. Thompson*, 5:25-cv-1876-MA, 2026 WL 195758 (W.D. Tex. Jan. 16, 2026) (Alvarez, J). In that case, a Colombian woman placed in expedited removal proceedings was paroled from custody, like Mr. Singh. *Id.* at *1. Despite still

being on active parole status, she was re-detained by DHS "without notice and without being any legally cognizable reason for her detention." *Id.* The court applied the *Mathews* framework to determine whether the petitioner's re-detention violated her due process rights. *Id.* at *4. The court found that all three factors weighed in the petitioner's favor, since the petitioner "has a cognizable interest in her freedom from arbitrary re-detention," her "original release from detention was conditioned on Respondents' finding that her parole served a humanitarian purpose or public benefit [and] Respondents provide nothing to suggest that the motivation underlying Petitioner's original release no longer exists, or that an authorized official considered this question before Petitioner's arrest," and "the burden of providing notice upon an individualized assessment with agency regulations cannot be so great as to warrant the eschewing of such regulations altogether." *Id.* at *4-5. Accordingly the court ordered the petitioner's immediate release. *Id.* at *5.

60. In a similar vein is *Gurung v. Warden*, SA-25-CA-1614-XR, 2026 WL 93145 (W.D. Tex. Jan. 6, 2026) (Rodriguez, J.). In that case, the noncitizen had been ordered removed to Nepal but was released on an order of supervision. *Id.* at *1. He was re-detained without any explanation for the revocation of his release or any opportunity to respond to the revocation. *Id.* at *2. The court noted that "individuals who have been conditionally released from detention have a protected interest in their continued liberty … This is true even when the released individual is subject to extensive conditions of release." *Id.* at *8 (internal citations omitted). The court found that "the balance of factors establishes that the government violated Petitioner's due process rights by re-detaining him without complying with its own regulations and the law" and that "[t]he only way to vindicate Petitioner's due process rights is to order his release from custody." *Id.* at *9.

61. Other courts around the country have reached similar conclusions in similar cases. For example, in *J.C.L.A. v. Wofford*, 2025 WL 2959250 (E.D. Cal. Oct. 17, 2025), the court

determined that the petitioner's "release on his own recognizance pending his removal proceedings is similar" to the scenarios in *Morrissey* and other Supreme Court cases, finding that the petitioner "has a protected liberty interest" in his release on recognizance. *Id.* at *4. The *J.C.L.A.* court applied the framework from *Mathews v. Eldridge*, 424 U.S. 319 (1976), to hold that the petitioner's re-detention could not occur absent a pre-deprivation bond hearing. *Id.* at *5-7; *see also, e.g., E.A. T.-B. v. Wamsley*, 795 F. Supp. 3d 1316, 1324 (W.D. Wash. Aug. 19, 2025) (ordering immediate release of petitioner who was re-detained without a hearing after having previously been released on his own recognizance); *Valdez v. Joyce*, -- F. Supp. 3d --, 2025 WL 1707737, at *4 (S.D.N.Y. June 18, 2025) (ordering immediate release due to lack of pre-deprivation hearing); *Pinchi v. Noem*, 792 F. Supp. 3d 1025, 1034-36 (N.D. Cal. July 24, 2025) (similar); *Maklad v. Murray*, 2025 WL 2299376, *7-9 (E.D. Cal. Aug. 8, 2025) (similar); *Garcia v. Andrews*, 2025 WL 2420068, at *13 (E.D. Cal. Aug. 21, 2025) (similar); *Rodriguez v. Kaiser*, 2025 WL 2855193, at *6 (E.D. Cal. Oct. 8, 2025) (similar); *Faizyan v. Casey*, 2025 WL 3208844, at *7 (S.D. Cal. Nov. 17, 2025) (similar).

62. The same framework and principles apply here and compel Petitioner's immediate release. *See, e.g., Mantilla Marcano*, 2026 WL 196504, at *4 ("Because the Government has not demonstrated lawful parole termination consistent with § 212.5(e)(2)(i) ... Petitioners' present detention is illegal.").

III. Respondents' failure to comply with post-order custody review regulations provides additional grounds for habeas relief.

63. Respondents appear to have failed to conduct post-order custody reviews at the 90-day and 180-day marks, as required by regulations. After the Court's decision in *Zadvydas*, "DHS promulgated regulations to implement the newly established constitutional constraints." *Bonitto v. Bureau of Immigr. & Customs Enforcement*, 547 F. Supp. 2d 747, 752 (S.D. Tex. 2008). Those

regulations are codified at 8 C.F.R. § 241.4 and provide for reviews of a noncitizen's continuing detention after 90 days and again after 180 days. *See Bonitto*, 547 F. Supp. 2d at 752-53 (describing procedures).

64. The provisions for the 90-day review are set out in 8 C.F.R. § 241.4(h), which provides that the district director or Director of the Detention and Removal Field Office will conduct "a review of the alien's records and any written information submitted in English to the district director by or on behalf of the alien." In considering whether to release the noncitizen, the district director is required to consider the factors set out in § 241.4(f), which include the noncitizen's criminal record, mental health reports, evidence of rehabilitation, prior immigration violations and history, and other factors. If the district director decides to continue detention after the 90-day removal period, another review is mandated at the 180-day mark, the procedures for which are set out in § 241.4(i). Under these procedures, a "Review Panel" of two members is supposed to review the noncitizen's records and make a recommendation on release; if the Director of the Headquarters Post-Order Detention Unit (HQPDU) does not accept their recommendation, or if the panel does not recommend release, the Review Panel "shall personally interview the detainee." § 241.4(i)(3)(i). Following the interview, the Review Panel "shall issue a written recommendation that the alien be released or remain in custody." § 241.4(i)(5).

65. In every *Zadvydas* habeas case counsel has litigated to date (six of them), Respondents' declarations described the post-order custody review process and whether the 90- and 180-day custody reviews had been conducted. *See Elgendy v. Bondi*, 2:25-cv-763-AWA-RJK, Dkt. 12-2 at 5 (E.D. Va. Jan. 22, 2026); *Gonzalez-Gutierrez v. Carter*, 5:25-cv-3233-JWL, Dkt. 5-1 at 3-5 (D. Kan. Nov. 26, 2025); *Zhuzhiashvili v. Carter*, 5:25-cv-3189-JWL, Dkt. 8-1 at 3-5 (D. Kan. Oct. 3, 2025); *Manago v. Carter*, 5:25-cv-3183-JWL, Dkt. 12-1 at 3-4 (D. Kan. Oct. 1, 2025);

Iakubov v. Figueroa, 2:25-cv-3187-KML-JZB, Dkt. 10-1 at 4 (D. Ariz. Sept. 5, 2025); *Misirbekov v. Venegas*, 1:25-cv-168, Dkt. 10-1 at 2 (S.D. Tex. Aug. 15, 2025).

66. Respondents' declaration in this case makes no mention of a 90- or 180-day post-order custody review having been conducted, and therefore, upon information and belief, no such review has been conducted in this case.

67. ICE's apparent failure to review Mr. Singh's custody appropriately is prejudicial. Prejudice can be presumed because the custody-review regulations implicate fundamental liberty interests and due-process rights. *See Bonitto*, 547 F. Supp. 2d at 755-56. The regulations provide noncitizens with a discrete opportunity to obtain freedom from detention, and that opportunity has thus far been withheld from Mr. Singh. *See Zadvydas*, 533 U.S. at 690 ("Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects."). In *Bonitto*, the court found that "Respondent's failure to comply with the review procedures outlined in the applicable regulations violates Petitioner's procedural due process rights." 547 F. Supp. 3d at 755. As the court pointed out, "The Fifth Circuit has held that it is a denial of procedural due process for any government agency to fail to follow its own regulations providing procedural safeguards to persons involved in adjudicative processes before it." *Id.* (citing *Government of Canal Zone v. Brooks*, 427 F.2d 346, 347 (5th Cir. 1970)). "Where individual interests are implicated, the Due Process clause requires that an executive agency adhere to the standards by which it professes its actions to be judged. The regulations involved here do not merely facilitate internal agency housekeeping, but rather afford important and imperative procedural safeguards to detainees. This Court must insist on DHS's compliance with the post-order custody regulations if Bonitto's detention is to remain constitutional." *Id.* at 756 (internal citations omitted).

68. Courts have found that the Government's failure to comply with the required post-order custody review process is a due-process violation warranting habeas relief. *See, e.g.*, *Misirbekov v. Venegas*, 796 F. Supp. 3d 436, 439 (S.D. Tex. 2025) ("Detention beyond the removal period may be maintained only upon compliance with applicable process."). In *Misirbekov*, the court granted conditional habeas relief, ordering the required custody review to be conducted within sixty days; when it was not, the court granted release. *Id.* at 440; *Misirbekov v. Venegas*, 2025 WL 3033732, at *2 (Oct. 29, 2025) ("*Misirbekov II*") (granting release after noncompliance by Respondents).

69. Although, as argued above, Petitioner believes his immediate release is required under *Zadvydas* and under the numerous cases cited *supra* on parole revocation, if the Court disagrees, it should, at a minimum, order Respondents to timely provide Mr. Singh with a post-order custody review, and it should retain jurisdiction over this petition to order his release if Respondents do not comply.

CLAIMS FOR RELIEF

COUNT I

Count I – Violation of 8 U.S.C. § 1231(a), as interpreted by *Zadvydas*

70. Petitioner re-alleges and incorporates by reference all preceding paragraphs.

71. Mr. Singh's prolonged and open-ended detention by Respondents violates 8 U.S.C. § 1231(a), as interpreted by *Zadvydas*. Mr. Singh's 90-day statutory removal period and six-month presumptively reasonable removal period for continued removal efforts have long passed.

72. Respondents' failure to remove to Mr. Singh over a 14-month span, as well as Respondents' own apparent concession that they have no date in mind by which he might possibly

be removed, indicates that Respondents either cannot or will not remove him in the reasonably foreseeable future.

73. Under *Zadvydas*, Mr. Singh's continued detention is unreasonable and not authorized by 8 U.S.C. § 1231.

Count II – Procedural Due Process (U.S. Const. amend. V)

74. Petitioner re-alleges and incorporates herein by reference, as if set forth fully herein, the allegations in all the preceding paragraphs.

75. The Due Process Clause of the Fifth Amendment forbids the government from depriving any person of liberty "without due process of law." U.S. Const. amend. V.

76. Other than as punishment for a crime, due process permits the government to take away liberty only "in certain special and narrow nonpunitive circumstances ... where a special justification ... outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Zadvydas*, 533 U.S. at 690. Such special justification exists only where a restraint on liberty bears a "reasonable relation" to permissible purposes. *Jackson*, 406 U.S. at 738; see also *Foucha v. Louisiana*, 504 U.S. 71, 79 (1992). In the immigration context, those purposes are "ensuring the appearance of aliens at future immigration proceedings and preventing danger to the community." *Zadvydas*, 533 U.S. at 690 (quotations omitted).

77. Those substantive limitations on detention are closely intertwined with procedural due process protections. *Foucha*, 504 U.S. at 78-80. Noncitizens have a right to adequate procedures to determine whether their detention in fact serves the purposes of ensuring their appearance or protecting the community. Id. at 79; *Zadvydas*, 533 U.S. at 692; *Casas-Castrillon v. Dep't of Homeland Sec.*, 535 F.3d 942, 949 (9th Cir. 2008). Where laws and regulations fail to provide such procedures, the habeas court may assess whether the noncitizen's immigration

detention is reasonably related to the purposes of ensuring his appearance or protecting the community, *Zadvydas*, 533 U.S. at 699, or require release.

78. Under this framework, Petitioner's release is required because his detention violates his due process rights.

79. Petitioner's detention without any reasonably foreseeable end point has become unconstitutionally prolonged in violation of clear Supreme Court precedent. *Zadvydas*, 533 U.S. at 701.

80. Moreover, because Petitioner has not been shown to be a danger or flight risk, his detention is not reasonably related to its claimed purpose, and is unlawful.

81. Furthermore, Respondents' revocation of Mr. Singh's parole violates due process both because Respondents did not comply with the applicable regulatory requirements and because they did not provide him with a pre-deprivation hearing.

82. Respondents' apparent failure to comply with their own post-order custody review regulations also constitutes a procedural due process violation.

PRAYER FOR RELIEF

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

a. Assume jurisdiction over this matter;

b. Enjoin Petitioner's removal outside the Western District of Texas pending resolution of this matter;

c. Issue an Order to Show Cause ordering Respondents to show cause within three days as to why this Petition should not be granted as required by 28 U.S.C. § 2243;

d. Issue a writ of habeas corpus requiring that Respondents immediately release Petitioner subject to the same terms as before his detention or on an appropriate order of supervision;

e. In the alternative, issue a writ of habeas corpus requiring Petitioner's immediate release unless Respondents provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within 7 days, at which Respondents bear the burden of justifying Petitioner's continued detention by clear and convincing evidence;

f. In the alternative, order Respondents to provide Petitioner with a meaningful post-order custody review as required by law, and order his release if Respondents do not timely provide such review;

g. Enjoin Respondents from re-detaining Petitioner without first affording him a pre-deprivation hearing before a neutral decisionmaker;

h. Declare that Petitioner's continued detention violates the INA and the Due Process Clause of the Fifth Amendment;

i. Grant any other and further relief that this Court deems just and proper.

Dated: February 3, 2026

Respectfully submitted,

/s/ James D. Jenkins
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Counsel for Petitioner

VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF PURSUANT TO 28 U.S.C. § 2242

I am submitting this verification on behalf of Petitioner because I am Petitioner's attorney, and the factual statements contained herein are based on my conversation with the Petitioner and my review of the documents referenced herein. I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge and belief.

Dated: February 3, 2026

Respectfully submitted,

/s/ James D. Jenkins
James D. Jenkins

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was filed via the Court's CM/ECF system this 3rd day of February, 2026, which sent notice of such filing to all parties receiving electronic notice.

/s/ James D. Jenkins
Attorney for Petitioner