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

GURMEET SINGH,	§	
	§	
Petitioner,	§	**Case No. 26-cv-155-DB**
	§	
	§	**REPLY IN SUPPORT OF AMENDED**
v.	§	**PETITION FOR WRIT OF HABEAS**
	§	**CORPUS**
CURTIS TAYLOR, *et al.*,	§	
	§	
Respondents.	§	

INTRODUCTION

Gurmeet Singh, a citizen of India, filed his Amended Petition for a Writ of Habeas Corpus (Dkt. 9) on February 3, 2026, arguing that (1) his continued detention by Respondents has become unconstitutionally prolonged, nearly 14 months after he received a final removal order; (2) Respondents violated his due-process rights by unlawfully detaining him while he was on parole; and (3) Respondents failed to follow applicable regulations relating to periodic custody reviews for detained noncitizens.

Since Respondents entirely fail to respond to almost all of the arguments Mr. Singh makes, the Court should find that they have waived any objection to the relief sought in his petition and grant his immediate release.

ARGUMENT

I. Respondents offer no response to Mr. Singh's claim for immediate release based on improper revocation of his parole or his claim regarding Respondents' failure to perform required custody reviews and therefore have waived any argument.

In his Amended Petition, Mr. Singh includes eight pages of argument contending that Respondents violated his rights by arresting him without due process while he was on parole and

by failing to comply with regulations governing mandatory periodic custody reviews. Dkt. 9 at 12-20. In their Response (Dkt. 11), Respondents do not offer one word to refute his arguments.

Courts in similar cases have found that this constitutes waiver and permits a court to grant the relief sought in the petition. *See, e.g., Garcia-Henriquez v. Larose*, 2026 WL 323328, at *1, n.1 (S.D. Cal. Feb. 6, 2026) ("Respondents did not respond to Petitioner's argument that immediate release is proper. Generally, a party waives argument when it fails to respond to an argument made to the court. This alone constitutes grounds to grant Petitioner's immediate release.") (cleaned up); *Diego L. v. Bondi*, 2026 WL 145206, at *3 (D. Minn. Jan. 20, 2026) ("The Petitioner alleges that Diego L.'s arrest was warrantless ... and Respondents have not ... responded to this claim. Consequently, the Court grants the petition and orders Diego L.'s immediate release."); *F.B. v. Noem*, 2025 WL 3628652, at *1 (D. Ariz. Dec. 4, 2025) ("Respondents do not acknowledge or address Petitioner's actual arguments. The Court therefore finds Respondents have waived any challenge to them."); *N.A.L.R. v. Bondi*, 2025 WL 2987239, at *3 (S.D. Ind. Oct. 23, 2025) ("NALR has demonstrated ... that her release was never revoked by any official with authority or according to the prescribed legal process. The government has proffered no evidence or argument to the contrary. Accordingly, any argument that NALR is ineligible to receive habeas corpus relief on this basis has been waived.").

II. Respondents similarly fail to respond to most of Mr. Singh's *Zadvydas* arguments and furthermore fail to meet their burden of showing his removal is significantly likely in the reasonably foreseeable future.

In his Amended Petition, Mr. Singh argued that the Court should consider the entire period since his removal order became final (nearly 14 months), rather than only the eight-plus months of his most recent detention. Dkt. 9 at ¶¶ 41-42. He also argued that because of this very extended period of time, his burden under *Zadvydas* is significantly lessened. *Id.* at ¶ 43. Finally, he argued

that the only evidence adduced by the Government, a declaration from an ICE official, is insufficient to meet the Government's burden, since it does not establish whether or not Respondents have actually secured all the necessary travel documents for Mr. Singh, nor does it offer any sort of timeline as to his possible removal. *Id.* at ¶¶ 28-29, 32, 43. However, Respondents do not offer any response at all to any of these points and therefore have waived any arguments.

Respondents merely contend that "[t]here is no good reason to believe that removal to India in the reasonably foreseeable future is unlikely." Dkt. 11 at 5. However, under *Zadvydas*, the burden is on the Government to prove that it *is* likely, and Petitioner respectfully suggests that they have not carried that burden. *See Zadvydas v. Davis*, 533 U.S. 678, 701 (2001) ("the Government must respond with evidence" that there is a "significant likelihood of removal in the reasonably foreseeable future").

CONCLUSION

The Court should grant Mr. Singh's habeas petition and order his immediate release.

Dated: February 7, 2026

Respectfully submitted,

/s/ James D. Jenkins
James D. Jenkins (MO #57258; WA#63234)
P.O. Box 6373
Richmond, VA 23230
Tel.: (804) 873-8528
jjenkins@valancourtbooks.com
Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was filed via the Court's CM/ECF system this 7th day of February, 2026, which sent notice of such filing to all parties receiving electronic notice.

/s/ James D. Jenkins
Attorney for Petitioner