

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

GAGANDEEP SINGH,

Petitioner,

v.

DORA CASTRO, et al.,

Respondents.

Case No. 26-cv-168

**MOTION FOR ORDER TO
SHOW CAUSE**

COMES NOW Petitioner, through counsel, and respectfully requests this Court enter an Order to Show Cause ordering Respondents to show cause why his Petition for Writ of Habeas Corpus should not be granted. In support thereof, Petitioner respectfully suggests the following:

1. Petitioner Gagandeep Singh filed his Petition for Writ of Habeas Corpus (Dkt. 2) on January 28, 2026, alleging that his detention by ICE violates the Immigration and Nationality Act and his due process rights. Specifically, he argues that as an individual who has lived in the United States since May 2023, he is not subject to mandatory detention under 8 U.S.C. § 1225(b), but instead under the discretionary provisions of § 1226(a). He further argues that the question of whether noncitizens like him are subject to mandatory detention under § 1225(b) has already been decided by numerous courts in this district, *see Galvez Jovel v. Noem*, 1:25-cv-1233, 2026 WL 172734 (D.N.M. Jan. 22, 2026) (Gonzalez, C.J.); *Munoz Teran v. Bondi*, 2:25-cv-1218, 2026 WL 161527 (D.N.M. Jan. 21, 2026) (Riggs, J.); *Uribe v. Noem*, 2:25-cv-1139, 2026 WL 127621 (Urias, J.); *Lopez-Romero v. Lyons*, 2:25-cv-1113, 2026 W 92873 (D.N.M. Jan. 13, 2026) (Strickland, J.); *Melchor-Rios v. Ortiz*, 2:25-cv-1055, 2025 WL 3764775 (D.N.M. Dec. 30, 2025) (Johnson, J.);

Rodriguez-Novoa v. Lyons, 1:25-cv-1073, Dkt. 25 (D.N.M. Dec. 23, 2025) (Davenport, J.); *Diaz-Cruz v. Dedos*, 1:25-cv-1117, 2025 WL 3628517 (D.N.M. Dec. 12, 2025) (Garcia, J.), and has also already been decided on a nationwide class basis in *Maldonado Bautista v. Santacruz*, 2025 WL 3678485 (C.D. Cal. Dec. 18, 2025). *See* Dkt. 2 at ¶¶ 1-7.

2. Petitioner acknowledges this Court’s ruling in *Singh v. Noem*, 25-cv-1110, 2026 WL 146005 (D.N.M. Jan. 20, 2026); however, that case turned on the fact that the petitioner had been present less than two years at the time he was detained. *Id.* at *34. (“Turning to § 1225(b)(2), this provision is a ‘catchall provision.’ This provision is not a catchall such that it covers every applicant for admission, including all applicants for admission who have been present in the interior for more than two years, as the United States understands the provision.”) (internal citation omitted). In other words, this Court has held that § 1225(b)(2) does not authorize mandatory detention of all individuals who have been present in the country for longer than two years.

3. Pursuant to 28 U.S.C. § 2243, “A court, justice or judge entertaining an application for a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto.”

4. Section 2243 mandates that the writ or order to show cause “shall be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed.” Section 2243 also provides that the court “shall summarily hear and determine the facts, and dispose of the matter as law and justice require.”

5. The issues presented here are not especially complicated and have already been briefed by the U.S. Attorney's Office in several cases in this district, so a short return date should not pose any measurable hardship on Respondents. *See* Dkt. 2 at ¶ 1 (collecting cases).

6. Once a show-cause order is issued, Petitioner will promptly serve the Petition on Respondents and the U.S. Attorney's Office, unless this Court orders service to be done by the Clerk, as provided in Rule 4 of the Rules Governing Section 2254 Cases and 2255 Proceedings.

WHEREFORE, Petitioner prays this Court enter an order requiring Respondents to show cause why his Petition should not be granted within three business days after service, and for such other relief as the Court deems proper.

Dated: January 28, 2026

Respectfully submitted,

/s/ James D. Jenkins

James D. Jenkins (NMD #25-394, 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 28th day of January, 2026.

/s/ James D. Jenkins

Attorney for Petitioner