

JS 44 (Rev. 03/24)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Singh, Pardeep

(b) County of Residence of First Listed Plaintiff Pierce
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Jashan Multani, Multani Law Group, PLLC 13106 SE
240th ST, Suite 110 Kent, WA 98031

DEFENDANTS

PAMELA BONDI, Attorney General;
KRISTI NOEM, Secretary of Homeland Security

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

US Attorney, Western Washington

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER/STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark ☐ 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit (15 USC 1681 or 1692) ☐ 485 Telephone Consumer Protection Act ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☒ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
25 U.S.C. § 2241

Brief description of cause:
Habeas Corpus for Alien

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE
01/27/2026

SIGNATURE OF ATTORNEY OF RECORD
/s/ Jashan Multani

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

Magistrate Judge Grady J. Leupold

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PARDEEP SINGH,

Petitioner,

v.

KRISTI NOEM, *et al.*,¹

Respondents.

Case No. 2:26-cv-00403-GJL

FEDERAL RESPONDENTS' RETURN

Noted for consideration:
February 23, 2026

I. INTRODUCTION

This Court should deny Petitioner Pardeep Singh's Petition for Writ of Habeas Corpus. Dkt. 1. ("Pet."). U.S. Immigration and Customs Enforcement ("ICE") mandatorily detained Petitioner pursuant to 8 U.S.C. § 1225(b) after the revocation of his order of recognizance ("OREC") previously issued by U.S. Department of Homeland Security ("DHS"). Petitioner remains lawfully detained and subject to mandatory detention while his removal proceedings are pending under INA § 235, 8 U.S.C. § 1225(b). Petitioner's habeas petition should be denied for three reasons: (1) his re-detention is consistent with statute; (2) his re-detention is consistent with

¹ Respondent Bruce Scott is not a Federal Respondent and is not represented by the U.S. Attorney's Office.

his due process rights; and (3) Petitioner has not met his burden to be entitled to the injunctive relief that he seeks.

Accordingly, Federal Respondents respectfully request that the Court deny the Petition. This return is supported by the pleadings and documents on file in this case, the Declaration of Deportation Officer Anthony Rosa (“Rosa Decl.”), and the Declaration of Jennifer Wong (“Wong Decl.”) with accompanying exhibits.

II. BACKGROUND

A. Petitioner Pardeep Singh

Petitioner is a native and citizen of India who unlawfully entered the United States most recently without admission or parole on or about May 2, 2024, and was arrested by U.S. Border Patrol officers at that time. Rosa Decl. ¶ 4; Wong Decl. at Ex. 1 (Form I-213). He was issued a Notice to Appear (“NTA”) charging him as inadmissible under Section 212(a)(6)(A)(i) of the Immigration and Nationality Act (“INA”). Rosa Decl. ¶ 7; Wong Decl. at Ex. 2 (Notice to Appear). On the same day, he was released by ICE on an OREC with various conditions and reporting requirements. The OREC specifically advised Petitioner that he may be taken back into custody if he failed to comply with any requirements. *See* Rosa Decl. ¶ 6; Wong Decl. at Ex. 3 (OREC).

On August 16, 2024, Petitioner filed a Form I-589, an application for asylum and withholding of removal. Rosa Decl. ¶ 10; Wong Decl. at Ex. 1.

From late 2024 to 2025, Petitioner violated his OREC on multiple occasions. On four known dates, he failed to check in with Enforcement and Removal Operations (“ERO”) as per his OREC, with these dates being December 26, 2024, July 9, 2025, July 30, 2025, and August 11, 2025. *See* Rosa Decl. ¶¶ 11-13, 15. He also failed to comply with his OREC requirements when he was outside the mileage zone of where he was permitted on August 9, 2025. *Id.* ¶ 14.

1 On December 18, 2025, Petitioner was arrested when he was encountered by ICE at his
2 last known address as part of a field operation in support of Operation Restoring Law and Order
3 Portland. Wong Decl. at Ex. 1. After being taken into custody, he was transported to ERO for
4 further processing. *Id.* On the same day, Petitioner's OREC was revoked by ICE through a signed
5 memorandum. Wong Decl. at Ex. 4 (Cancellation of Form I-220A). This memorandum was made
6 to serve as a notice of cancellation of the OREC due to the unavailability of the form at the time
7 of cancellation.² *Id.* Petitioner was then transported to the Northwest ICE Processing Center
8 ("NWIPC") and remains detained while his removal proceedings are pending under INA § 235,
9 8 U.S.C. § 1225(b). Rosa Decl. ¶ 19.

10 Petitioner had a master hearing in Tacoma, Washington on February 18, 2026, but his
11 counsel failed to appear for this hearing. *Id.* ¶¶ 20-21. His next master hearing date is scheduled
12 for February 24, 2026, in Tacoma, Washington. *Id.* ¶ 22. As of the date of this declaration,
13 Petitioner has not requested a bond hearing. *Id.* ¶ 23.

14 **B. Legal Background**

15 Congress established the expedited removal process in 8 U.S.C. § 1225 to ensure that
16 the Executive could "expedite removal of aliens lacking a legal basis to remain in the United
17 States." *Kucana v. Holder*, 558 U.S. 233, 249 (2010); *see also Dep't of Homeland Sec. v.*
18 *Thuraissigiam*, 591 U.S. 103, 106 (2020). Section 1225 applies to "applicants for admission" to
19 the United States, who are defined as "[a]n alien present in the United States who has not been
20 admitted or who arrives in the United States (whether or not at a designated port of arrival and
21 including an alien who is brought to the United States after having been interdicted in

22 _____
23 ² The memorandum, in full, states: "This document that ICE cancelled the most current Order of Release on
24 Recognizance (Form I-220A) issued to the alien listed above for the reasons stated in the Form I-213, dated December
18, 2025. This memo has been created because the I-220A is not immediately available to complete and serves as
notice of cancellation on the date listed below in lieu of completing the cancellation portion of the form itself."

1 international or United States waters).” 8 U.S.C. § 1225(a)(1). Applicants for admission “fall
2 into one of two categories, those covered by § 1225(b)(1) and those covered by § 1225(b)(2),”
3 both of which are subject to mandatory detention. *Jennings v. Rodriguez*, 583 U.S. 281, 287
4 (2018); *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

5 Under Section 1225(b)(2), a noncitizen “who is an applicant for admission” is subject to
6 mandatory detention pending full removal proceedings “if the examining immigration officer
7 determines that [the] alien seeking admission is not clearly and beyond a doubt entitled to be
8 admitted.” 8 U.S.C. § 1225(b)(2)(A) (requiring that such noncitizens “be detained for a
9 proceeding under section 1229a of this title”); *Matter of Q. Li*, 29 I. & N. Dec. 66, 68 (BIA 2025)
10 (“[F]or aliens arriving in and seeking admission into the United States who are placed directly in
11 full removal proceedings, section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A), mandates
12 detention ‘until removal proceedings have concluded.’”) (citing *Jennings*, 583 U.S. at 299).

13 III. JURISDICTION AND STANDARD OF REVIEW

14 It is axiomatic that “[t]he district courts of the United States . . . are courts of limited
15 jurisdiction. They possess only that power authorized by Constitution and statute.” *Exxon Mobil*
16 *Corp. v. Allopath Servs., Inc.*, 545 U.S. 546, 552 (2005) (internal quotations omitted). “[T]he
17 scope of habeas has been tightly regulated by statute, from the Judiciary Act of 1789 to the present
18 day.” *Department of Homeland Security v. Thuraissigiam*, 591 U.S. 103, 125 n. 20 (2020).

19 Title 28 U.S.C. § 2241 provides district courts with jurisdiction to hear federal habeas
20 petitions. To warrant a grant of writ of habeas corpus, the burden is on the petitioner to prove that
21 his or her custody is in violation of the Constitution, laws, or treatises of the United States. *See*
22 28 U.S.C. § 2241(c)(3); *Lambert v. Blodgett*, 393 F.3d 943, 969 n.16 (9th Cir. 2004); *Snook v.*
23 *Wood*, 89 F.3d 605, 609 (9th Cir. 1996).

IV. ARGUMENT

A. Petitioner's re-detention is consistent with statute.

Petitioner is subject to mandatory detention under Section 1225(b) because he is an applicant for admission. *Matter of Yajure-Hurtado*, 29 I. & N. Dec. 216, 220 (BIA 2025). Section 1225(b)(2)(A) requires mandatory detention of “an alien who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted[.]” 8 U.S.C. § 1225(b)(2)(A). The INA specifies that “[a]n alien present in the United States who has not been admitted . . . shall be deemed for purposes of this Act an applicant for admission.” 8 U.S.C. § 1225(a)(1). Petitioner does not dispute that he is a noncitizen who is present in the United States without having been admitted. Thus, he is an “applicant for admission” and subject to mandatory detention under Section 1225(b).

Contrary to Petitioner's assertion, a pre-deprivation hearing to determine whether Petitioner is a flight risk or dangerous was not required prior to his arrest in December 2025. *See* Pet. at 2-3. There is no statutory or regulatory requirement for a hearing prior to re-detention, and the Supreme Court has warned courts against reading additional procedural requirements into the INA. *See Johnson v. Arteaga-Martinez*, 596 U.S. 573, 582 (2022) (declining to read a specific bond hearing requirement into 8 U.S.C. § 1231(a)(6) because “reviewing courts . . . are generally not free to impose [additional procedural rights] if the agencies have not chosen to grant them”) (quoting *Vermont Yankee Nuclear Power Corp. v. Natural Resources Defense Council, Inc.*, 435 U.S. 519, 524 (1978) (cleaned up)).

The Fifth Circuit's recent decision further supports the government's position that inadmissible aliens, like Petitioner, are subject to mandatory detention pursuant to Section 1225(b)(2). *Buenrostro-Mendez v. Bondi*, No. 25-20496, 2026 WL 323330 (5th Cir. Feb. 6, 2026). The court held that noncitizens who entered without inspection and were later placed in

1 removal proceedings remained “applicants for admission” subject to mandatory detention under
2 Section 1225(b)(2)(A), even though they had previously been released from detention. The Fifth
3 Circuit reversed the district court orders finding Section 1225(b) to be unlawful for certain aliens,
4 explaining that Section 1225(b) establishes a categorical detention mandate that is not displaced
5 by temporary release mechanisms such as parole or orders of recognizance. *Id.* at *7. The
6 reasoning in *Buenrostro-Mendez* demonstrates that an individual who entered without inspection
7 remains an applicant for admission unless and until lawfully admitted. *See id.*

8 **B. Petitioner’s re-detention is consistent with his due process rights.**

9 “Due process is flexible and calls for such procedural protections as the particular situation
10 demands.” *Mathews v. Eldridge*, 424 U.S. 319, 334 (1976). The *Mathews* test demonstrates that
11 Petitioner’s re-detention without a pre-detention hearing is consistent with his due process rights.
12 Under *Mathews*, “[t]he fundamental requirement of due process is the opportunity to be heard at
13 a meaningful time and in a meaningful manner.” *Id.* at 333 (internal quotation marks omitted).
14 This calls for an analysis of (1) “the private interest that will be affected by the official action,”
15 (2) “the risk of an erroneous deprivation of such interest through the procedures used, and
16 probable value, if any, of additional or substitute procedural safeguards,” and (3) the
17 Government’s interest. *Id.* at 334-35.

18 While Federal Respondents acknowledge that district courts have found that the
19 revocation of an OREC requires a pre-deprivation hearing to determine if that noncitizen is a
20 flight risk or a danger to the community, *see, e.g., E.A.T.-B. v. Wamsley*, No. 2:25-cv-01192,
21 2025 WL 2402130, at *5 (W.D. Wash. Aug. 19, 2025), these decisions erroneously conflate 8
22 C.F.R. § 1236.1(c)(9) and 8 C.F.R. § 1236.1(c)(8). *See id.* (imposing a determination set forth in
23 Section (c)(8) into the discretionary determination of revoking an OSUP in Section (c)(9)). These
24 decisions err by incorporating Section (c)(8)’s requirements into Section (c)(9). Both Sections

1 provide that the decisions to release or revoke are discretionary, but Section 1236.1(c)(8) includes
2 language requiring the officer to decide that the alien “would not pose a danger to property or
3 persons, and that the alien is likely to appear for any future proceeding.” In contrast, Section
4 1236.1(c)(9) does not require such a determination and specifically provides that “release may be
5 revoked at any time.”

6 As such, this Court should not create a blanket due process requirement for every situation
7 because due process is flexible. Petitioner is subject to mandatory detention, and an analysis of
8 his potential flight risk or dangerousness would be immaterial, with a pre-detention hearing being
9 futile.³

10 The first *Mathews* factor considers whether Petitioner has a protected interest in his
11 liberty. Petitioner’s release on OREC was contingent on various conditions and reporting
12 requirements, and specifically advised Petitioner that he may be taken back into custody if he
13 failed to comply with any requirements. From late 2024 to 2025, Petitioner violated his OREC
14 on multiple occasions. On four known dates of December 26, 2024, July 9, 2025, July 30, 2025,
15 and August 11, 2025, he failed to check in with ERO. He also failed to comply with his
16 requirements when he was outside the mileage zone of where he was permitted on August 9,
17 2025.

19 ³ Federal Respondents also recognize the “weighty liberty interests implicated by the Government’s detention of
20 noncitizens.” *Reyes v. King*, No. 19-cv-08674, 2021 WL 3727614, at *11 (S.D.N.Y. Aug. 20, 2021). However, while
21 many courts have recognized that noncitizens released from immigration detention have a protected liberty interest
22 in remaining out of custody, the weight of that liberty must be considered in the broader picture of the immigration
23 system, which has long acknowledged that a noncitizen has a lesser liberty interest than a citizen. After all, “[t]he
24 recognized liberty interests of U.S. citizens and aliens are not coextensive: the Supreme Court has ‘firmly and
repeatedly endorsed the proposition that Congress may make rules as to aliens that would be unacceptable if applied
to citizens.’” *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1206 (9th Cir. 2022) (quoting *Demore v. Kim*, 538 U.S. 510,
522 (2003)). The Supreme Court has explained that “[i]n the exercise of its broad power over naturalization and
immigration, Congress regularly makes rules that would be unacceptable if applied to citizens.” *Mathews v. Diaz*,
426 U.S. 67, 79-80 (1976). Indeed, the U.S. Supreme Court has repeatedly “recognized detention during deportation
proceedings as a constitutionally valid aspect of the deportation process.” *Demore*, 538 U.S. at 523.

1 Turning to the second *Mathews* factor, which considers whether a particular process
2 results in a risk of erroneous deprivation of a protected interest, the risk of a constitutionally
3 significant deprivation of Petitioner's liberty without a pre-detention hearing is minimal. When
4 Petitioner was released on an OREC, he knew the conditions that he must abide by to remain on
5 release. DHS' regulations provide that even if a noncitizen is initially released because he did not
6 pose a danger or be a flight risk at that time, release may be revoked. 8 C.F.R. § 1236.1(c)(9).
7 Based on Petitioner's multiple violations of his conditions of release, ICE properly revoked his
8 OREC through a signed memorandum. Wong Decl. at Ex. 4.

9 Turning to the third *Mathews* factor, the Ninth Circuit has emphasized that the *Mathews*
10 test "must account for the heightened government interest in the immigration detention context."
11 *Rodriguez Diaz*, 53 F.4th at 1206. Invoking the U.S. Supreme Court's 2003 *Demore* decision, the
12 Ninth Circuit in *Rodriguez Diaz* recognized that "the government clearly has a strong interest in
13 preventing aliens from 'remain[ing] in the United States in violation of our law.'" 53 F.4th at
14 1208 (quoting *Demore*, 538 U.S. at 518). Furthermore, DHS has a significant interest in being
15 able to release a noncitizen on conditions of release and be able to revoke that release when those
16 conditions are violated. Otherwise, the purpose of conditional release is wholly negated. If DHS
17 is required to have a pre-detention hearing when a person violates conditions of release, it would
18 inhibit the Executive's function of immigration enforcement.

19 Accordingly, due process does not require a pre-deprivation hearing in all circumstances
20 where individuals are detained after being released, including for Petitioner here.

C. Petitioner has not met his burden to be entitled to the injunctive relief that he seeks.

Petitioner seeks two forms of injunctive relief: permanent enjoinder of his re-detention during the pendency of his removal proceedings and enjoinder from placing GPS ankle monitors on Petitioner upon his release. Pet. at 10-11.

Courts have jurisdiction over constitutional challenges raised by habeas petitioners under 28 U.S.C. § 1331 and may, depending on the type of injunctive relief sought, grant the habeas petitioner's requested relief. *See Roman v. Wolf*, 977 F.3d 935, 940 (9th Cir. 2020). Permanent injunctive relief, such as the permanent enjoinder of a habeas petitioner's re-detention, can only be granted if "there exists some cognizable danger of recurrent violation, something more than the mere possibility which serves to keep the case alive." *See Torres v. Hermosillo*, No. 2:25-CV-02687-LK, 2026 WL 145715, at *8 (W.D. Wash. Jan. 20, 2026).

Petitioner seeks this form of permanent injunctive relief "absent written notice and a hearing prior to re-detention where Federal Respondents must prove by clear and convincing evidence that Petitioner is a flight risk or a danger to the community and that no alternatives would mitigate those risks." Pet. at 10-11. However, Petitioner has not demonstrated that there is more than a "mere possibility" that he would be re-detained. As of the date of this filing, Petitioner has been detained for about two months and is currently placed in removal proceedings, with his next master hearing date scheduled in less than a week, on February 24, 2026, in Tacoma, Washington. Rosa Decl. ¶ 22. Petitioner's OREC was properly revoked when he was taken into custody, and it is through these removal proceedings that an IJ may issue an order of removal for Petitioner, and ICE can effectuate such an order of removal when it receives one that is administratively final.

1 Petitioner is also not entitled to the enjoinder of a GPS monitor being placed on him
2 upon release because such placement would not be arbitrary. The placement of a GPS monitor
3 would only violate due process if arbitrary, such that there is insufficient evidence of a petitioner
4 being a danger to the community or a flight risk, and that no other alternatives would mitigate
5 those risks. *Kumar v. Noem, et al.*, No. 2:26-CV-00239-TLF, 2026 WL 411833, at *1 (W.D.
6 Wash. Feb. 13, 2026); *Chicoze-Ezechi v. Noem*, No. 2:26-CV-00145-BAT, 2026 WL 265733, at
7 *1 (W.D. Wash. Feb. 2, 2026). Here, Petitioner's OREC was revoked due to his multiple
8 violations from late 2024 to 2025. *See Rosa Decl.* ¶¶ 11-15.

9 Petitioner has been charged as inadmissible under Section 212(a)(6)(A)(i) of the INA, and
10 was released by ICE on an OREC with various conditions and reporting requirements, which
11 specifically advised Petitioner that he may be taken back into custody if he failed to comply with
12 any requirements. *See Rosa Decl.* ¶ 6; *Wong Decl.* at Ex. 3. However, he failed to comply with
13 requirements that allowed for this conditional release. With Petitioner's multiple violations for
14 failure to check in with ERO and his failure to stay within the allowed mileage zone that led to
15 the revocation of his OREC, it would be reasonable that he is considered a flight risk and that
16 there are no other alternatives that would mitigate this risk. Such violations and revocation would
17 serve as sufficient evidence to reasonably show that Petitioner is a flight risk, and the placement
18 of GPS monitoring on him, if he is released, would neither be arbitrary nor violate due process.

19 Therefore, this Court should deny Petitioner's requests for injunctive relief preventing his
20 re-detention and enjoining Federal Respondents from placing GPS ankle monitors on Petitioner
21 upon release.

22 V. CONCLUSION

23 For the foregoing reasons, Federal Respondents respectfully request that this Court deny
24 the Petition.

1 DATED this 18th day of February, 2026.

2 Respectfully submitted,

3 s/ Jennifer Wong

4 JENNIFER WONG, CA No. 341634

5 Assistant United States Attorney

6 United States Attorney's Office

7 Western District of Washington

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13 *Attorney for Federal Respondents*

14 I certify that this memorandum contains 3,091
15 words, in compliance with the Local Civil Rules.

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

PARDEEP SINGH,

Petitioner,

v.

Kristi NOEM, Secretary of U.S. Department
of Homeland Security;
Palmela BONDI, United States Attorney
General;
Todd LYONS, Acting Director, U.S.
Immigration and Customs Enforcements;
Laura HERMOSILLO, Acting Seattle Field
Office Director, Immigration and Customs
Enforcement;
Bruce SCOTT, Warden, Northwest ICE
Processing Center;

Respondents.

Case No. 2 26-cv-00403-GJL

**PETITIONER'S TRAVERSE IN
RESPONSE TO FEDERAL
RESPONDENTS' RETURN**

I. INTRODUCTION

Federal Respondents' Return does not meaningfully dispute the operative facts. Respondents concede Mr. Singh was released from ICE custody on an Order of Release on Recognizance, lived in the community for more than a year, and was re-detained on December 18, 2025.

**PETITIONER'S TRAVERSE
IN RESPONSE TO FEDERAL
RESPONDENTS' RETURN**

PAGE 1 OF 9

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1 Respondents further concede that this re-detention occurred without advance written
2 notice, without a hearing, and without any prior individualized determination by a neutral
3 decisionmaker regarding flight risk or danger

4 Respondents allege that Mr. Singh committed several ISAP reporting violations, including
5 missed check-ins and a mileage-zone infraction. Even accepting those allegations as true,
6 Respondents concede that ICE re-detained him without advance written notice, without a hearing,
7 and without any prior determination by a neutral decisionmaker regarding flight risk or danger.

8 The issue before this Court is not whether ICE believes reporting violations occurred. The
9 issue is whether the Government may revoke a previously granted liberty interest and incarcerate
10 a person without first providing the procedural protections required by the Fifth Amendment. It
11 may not.

12 Rather than contest these facts, Respondents attempt to justify this deprivation of liberty
13 by recharacterizing Mr. Singh's re-detention as "mandatory" under INA § 1225(b) and by arguing
14 that due process did not require any pre-deprivation safeguards. As applied to Mr. Singh, these
15 arguments are legally incorrect, internally inconsistent with Respondents' own actions, and
16 foreclosed by controlling precedent from this Court.

17 Because ICE revoked Mr. Singh's established liberty interest without the most basic
18 procedural protections required by the Fifth Amendment, the Petition should be granted and Mr.
19 Singh ordered immediate release.

20 **II. RESPONDENTS' § 1225(b) "MANDATORY DETENTION" THEORY FAILS**
21 **AS APPLIED TO PARDEEP SINGH**

22 Respondents' central argument, that Mr. Singh was subject to mandatory detention under
23 8 U.S.C. § 1225(b) and therefore not entitled to a pre-deprivation hearing, fails both legally and
24 factually.

25 ***A. Mr. Singh Was Not Re-Detained Pursuant to § 1225(b)***
26
27

**PETITIONER'S TRAVERSE
IN RESPONSE TO FEDERAL
RESPONDENTS' RETURN**

PAGE 2 OF 9

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1 DHS expressly exercised discretionary custody authority under INA § 236 when it released
2 Mr. Singh on an Order of Release on Recognizance (Form I-220A). See Wong Decl. Ex. 3 Exhibit
3 3. The I-220A expressly states it was issued “in accordance with section 236 of the Immigration
4 and Nationality Act.”

5 Mr. Singh was placed into removal proceedings under INA § 240 upon issuance of his
6 Notice to Appear and thereafter released pursuant to § 236 authority.

7 The Government’s own documents demonstrate that DHS made an express custody
8 determination under INA § 236 when it released Mr. Singh on Form I-220A. Exhibit 3 to the Wong
9 Declaration states that Petitioner was released “in accordance with section 236 of the Immigration
10 and Nationality Act.” Exhibit 3 Having exercised discretionary custody authority under § 1226(a),
11 DHS cannot retroactively reclassify Petitioner’s detention as arising under § 1225(b) more than a
12 year later absent a new statutory trigger or new entry event.

13 The Form I-213 and revocation memorandum confirm that Petitioner was processed as a
14 custody redetermination/OREC cancellation case — not as a new § 1225 inspection event. Exhibit
15 1 Exhibit 4 This was a discretionary enforcement action, not mandatory border detention.

16 8 U.S.C. § 1225(b) applies to “applicants for admission” to the United States, who are
17 defined as an “alien present in the United States who has not been admitted or who arrives in the
18 United States” 8 U.S.C. § 1225(a)(1).

19 Having made a § 236 custody determination and released Petitioner into the community,
20 DHS cannot retroactively reclassify him as subject to § 1225(b) absent a new statutory trigger or
21 new entry event. The statutory scheme does not permit “reversion” from § 236 custody authority
22 back to § 1225(b) after release.

23 Section 1225 governs initial inspection and admission determinations. Once a noncitizen
24 is processed, placed into § 240 proceedings, and released under § 236, detention authority flows
25 from § 1226—not § 1225. See 8 U.S.C. §§ 1225, 1226.

26
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1 Allowing DHS to invoke § 1225(b) years after release would render § 1226 meaningless
2 and permit indefinite executive reclassification of custody authority without judicial oversight.

3 Mr. Singh's re-detention did not occur at the border, during initial inspection, or in the
4 context of expedited removal. Instead, ICE released Mr. Singh on an Order of Recognizance
5 ("OREC") in May 2024 pursuant to 8 U.S.C. § 1226- "In accordance with section 236 of the
6 Immigration and Nationality Act [(“INA”)] . . . , you are being released on your own
7 recognizance[.]". Thereafter, petitioner lived freely in the community, complied with complied
8 with the majority of his reporting obligation, and pursued immigration relief.

9 Respondents' own Return confirms that Mr. Singh's re-detention resulted from a
10 discretionary custody redetermination more than a year after his release, based on alleged reporting
11 violations. ICE officers conducted a targeted field operation at his residence and arrested him
12 pursuant to an administrative warrant issued by the agency—not a warrant reviewed or signed by
13 a judicial officer.

14 These are hallmarks of discretionary enforcement, not mandatory detention. Mandatory
15 detention regimes do not involve post-release custody redeterminations, managerial approval, or
16 discretionary arrest warrants issued long after release.

17 Courts in this District have repeatedly rejected the Government's attempt to retroactively
18 label such discretionary re-detention as “mandatory” by invoking § 1225(b). See *E.A.T.-B. v.*
19 *Wamsley*; *Ramirez Tesara v. Wamsley*; *Kumar v. Wamsley*; *Ledesma Gonzalez v. Bostock*.

20
21 ***B. Buenrostro-Mendez Does Not Authorize Revocation of Liberty Without Due Process***

22 Respondents rely heavily on the Fifth Circuit's recent decision in *Buenrostro-Mendez v. Bondi* to
23 argue that Petitioner remains subject to mandatory detention under § 1225(b) despite his prior
24 release. That reliance is misplaced.

1 First, Fifth Circuit authority is not binding on this Court. This case arises in the Ninth Circuit,
2 where district courts, including this one, have repeatedly applied the Mathews v. Eldridge
3 framework to re-detention of previously released noncitizens.

4 Second, *Buenrostro-Mendez* addressed a question of statutory interpretation, whether § 1225(b)
5 applied to certain noncitizens as a categorical matter. It did not address procedural due process.

6 The decision did not hold that the Fifth Amendment permits revocation of an established liberty
7 interest without notice and a hearing. Nor did it analyze the Mathews v. Eldridge balancing
8 framework governing procedural due process.

9 Third, *Buenrostro-Mendez* did not consider whether a noncitizen who has been expressly released
10 under § 236 on an Order of Release on Recognizance acquires a protected liberty interest in
11 continued freedom from detention absent constitutionally adequate procedures.

12 Finally, the Fifth Circuit did not address, and therefore did not disturb, this District's line of
13 decisions in *E.A.T.-B.*, *Ramirez Tesara*, *Kumar*, and *Ledesma Gonzalez*, which hold that even
14 where DHS asserts mandatory detention, due process requires advance notice and a hearing before
15 revoking a previously granted liberty interest.

16 Accordingly, *Buenrostro-Mendez* does not resolve the constitutional question presented here.

17
18 ***C. Even Assuming § 1225(b) Applied, Due Process Still Required a Pre-Deprivation***
19 ***Hearing***

20 Even if Respondents could properly invoke § 1225(b), that statutory label does not
21 eliminate constitutional due process.

22 This Court has already held that when DHS seeks to re-detain an individual who was
23 previously released and living in the community, due process independently requires advance
24 notice and a hearing before a neutral decisionmaker, even where the Government asserts
25 mandatory detention. *E.A.T.-B. v. Wamsley*.

Respondents' reliance on *Johnson v. Arteaga-Martinez* is misplaced. That decision addressed whether courts may impose statutory bond-hearing requirements; it did not authorize the Government to revoke liberty without any process at all. Nothing in *Arteaga-Martinez* permits ICE to summarily seize a previously released individual without notice or a hearing.

III. RESPONDENTS MISAPPLY THE MATHEWS v. ELDRIDGE FRAMEWORK TO MR. SINGH

Respondents concede that the *Mathews v. Eldridge* test governs the due process analysis. Applied to Mr. Singh's actual circumstances, every factor weighs decisively in favor of requiring a pre-deprivation hearing.

A. Mr. Singh's Liberty Interest Is Exceptionally Strong

Mr. Singh was not apprehended at the border or newly arrived. He had been released on OREC, living in the community, and complying with ICE supervision for nearly two years. His liberty interest in not being detained "is the most elemental of liberty interests[.]" *Hamdi v. Rumsfeld* 542 U.S. 507, 529 (2004).

Since his initial release in 2024, Petitioner has established himself in Washington state, connected with friends. Even if the Government had initial discretion to detain or release Petitioner, its decision to release him on conditional parole triggers "a protected liberty interest in remaining out of custody." *Pinchi v. Noem*, 793 F. Supp. 3d 1025, 1032 (N. D. Cal. 2025).

Respondents' attempt to diminish this interest because Mr. Singh is a noncitizen is contrary to Supreme Court and Ninth Circuit precedent recognizing that freedom from physical detention lies at the core of the Due Process Clause, regardless of immigration status.

B. The Risk of Erroneous Deprivation Was Especially High in Mr. Singh's Case

ICE re-detained Mr. Singh without a hearing and based its decision exclusively on:

- routine database queries
- internal ICE review

- no neutral adjudication
- no opportunity for Mr. Singh to be heard
- no assessment of alternatives

Mr. Singh has no criminal case history in the United States or any other country. Even accepting ICE's allegations of ISAP violations as true, due process does not permit unilateral executive determination of whether those alleged violations justify incarceration. The issue is not whether ICE believes violations occurred, but whether Petitioner was afforded a constitutionally adequate process before liberty was revoked.

Without a hearing, ICE made a unilateral determination that Mr. Singh should be deprived of liberty based on untested allegations, exactly the type of erroneous deprivation due process is designed to prevent.

A pre-deprivation hearing would have allowed a neutral decisionmaker to assess whether detention was actually necessary, whether Mr. Singh posed any danger or flight risk, and whether less restrictive alternatives could suffice.

C. The Government's Interest Does Not Outweigh the Required Safeguards

Providing Mr. Singh with written notice and a prompt pre-deprivation hearing would have imposed minimal administrative burden. ICE already conducted a custody review, issued paperwork, and executed an arrest. Requiring basic constitutional process before revoking liberty does not meaningfully impair the Government's interests.

Respondents rely on 8 C.F.R. § 1236.1(c)(9), which states that release "may be revoked at any time." But regulatory language permitting revocation "at any time" does not override constitutional due process requirements. Administrative discretion cannot eliminate Fifth Amendment protections.

Even if revocation authority exists under the regulation, the Constitution governs how that authority may be exercised. See *Mathews v. Eldridge*, 424 U.S. 319 (1976).

1 The question is not whether ICE may revoke release, but whether it may do so without
2 notice and a neutral hearing prior to seizure. The Due Process Clause requires the latter.

3 As this Court has repeatedly held, the Government's asserted interest in re-detaining
4 previously released individuals does not outweigh the substantial risk of erroneous deprivation
5 where no hearing is provided.

6
7 **IV. POST-DEPRIVATION PROCESS CANNOT CURE THE VIOLATION**
8 **SUFFERED BY MR. SINGH**

9 Respondents argue that Mr. Singh may be entitled to a bond hearing after re-detention.
10 That concession underscores the constitutional violation. Respondents argue Petitioner could
11 request a bond hearing. But Respondents simultaneously assert he is detained under § 1225(b),
12 which does not provide bond jurisdiction. The availability of a theoretical post-deprivation hearing
13 cannot cure the unconstitutional manner in which liberty was revoked. Thus, any purported post-
14 deprivation bond process is illusory and futile under Respondents' own legal theory.

15 Mr. Singh's claim is not merely about entitlement to a bond hearing; it is about the unlawful
16 manner in which his liberty was revoked. As this Court has held, post-deprivation hearings cannot
17 remedy the constitutional injury caused by a seizure of liberty that occurred without due process.

18 Due process requires safeguards before liberty is taken, not after.

19
20 **V. RELIEF**

21 Because ICE summarily revoked Mr. Singh's release without written notice, without a pre-
22 deprivation hearing, and without any individualized finding of danger or flight risk by a neutral
23 decisionmaker, his detention is unconstitutional under the Fifth Amendment.

24 In cases involving materially indistinguishable facts, this Court has consistently recognized
25 that post-deprivation process is inadequate as a matter of law, and that the only effective remedy

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1 for such a due process violation is immediate release, not continued confinement pending a belated
2 bond hearing.

3
4 DATED this 2nd day of February, 2026.

5 **MULTANI LAW GROUP, PLLC**

6 /s/ Jashan Multani

7 Jashan Multani, WSBA #60073

8 Attorney for Plaintiff Pardeep Singh.
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