

**DETAINED**

Jashan Multani  
MULTANI LAW GROUP, PLLC  
13106 SE 240<sup>th</sup> ST, Suite 110  
Kent, WA 98031  
(206) 243-4219  
[jashan@multanilawgroup.com](mailto:jashan@multanilawgroup.com)

Attorney for Petitioner

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

HARJEET SINGH

Petitioner,

v.

Kristi NOEM, Secretary of U.S. Department of  
Homeland Security;  
Pamela 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.

**PETITION FOR WRIT OF HABEAS  
CORPUS PURSUANT TO 28 U.S.C.  
§ 2241**

**INTRODUCTION**

1. This Petition challenges the unlawful re-detention of Petitioner Harjeet Singh, an adult citizen of India who entered United States on June 13, 2022.

2. Petitioner is currently in the physical custody of Respondents at the Northwest Immigration and Customs Enforcement (ICE) Processing Center (NWIPC).
3. Petitioner was initially apprehended by the Department of Homeland Security (DHS). He expressed a fear of return to India and was released by the DHS on an order of release on recognizance on or around June 15, 2022.
4. Petitioner timely filed an Application for Asylum and for Withholding of Removal (Form I-589) and complied with all conditions of release set by Immigration and Customs Enforcement (ICE). Petitioner has no criminal history in the United States or any other country.
5. Despite Petitioner's compliance while released, including court attendance in removal proceedings, he was abruptly and unlawfully re-detained by the Department of Homeland Security ("DHS") on January 27, 2026, while returning from work at a gas station in Montana and traveling to meet a friend, when he was followed by law enforcement officers and subsequently arrested by U.S. Customs and Border Protection ("CBP").
6. Prior to re-detaining Petitioner, Respondents did not provide any written notice explaining the basis for the revocation of his release. Likewise, Respondents did not assess whether Petitioner presented a flight risk or danger to the community prior to his rearrests. Nor did Respondents provide a hearing before a neutral decisionmaker, where ICE was required to justify the basis for re-detention or to explain why Petitioner is a flight risk or danger to the community.
7. This Court has recently held in multiple cases that due process demands a hearing prior to the government's decision to terminate a person's liberty. See *E.A. T.-B. v. Wamsley*, --- F. Supp. 3d --- No. C25-1192-KKE, 2025 WL 2402130 (W.D. Wash. Aug. 19, 2025);

1 Ramirez Tesara v. Wamsley, --- F. Supp. 3d ---, No. 2:25-CV-01723-MJP-TLF, 2025  
2 WL 2637663 (W.D. Wash. Sept. 12, 2025); Ledesma Gonzalez v. Bostock, No. 2:25-  
3 CV01404-JNW-GJL, 2025 WL 2841574, at \*7-9 (W.D. Wash. Oct. 7, 2025); Kumar v.  
4 Wamsley, No. 2:25-CV-01772-JHC-BAT, 2025 WL 2677089 (W.D. Wash. Sept. 17,  
5 2025). Many other courts have also held the same.  
6

- 7 8. By failing to provide such a hearing, Respondents have violated Petitioner's  
8 constitutional right to due process.
- 9 9. Accordingly, this court should grant the instant petition for a writ of habeas corpus and  
10 order Petitioners' immediate release. See E.A. T.-B. 2025 WL 2402130, at \*6 (ordering  
11 immediate release because "a post-deprivation hearing cannot serve as an adequate  
12 procedural safeguard because it is after the fact and cannot prevent an erroneous  
13 deprivation of liberty"); Ramirez Tesara, at \*4 (similar); Kumar, 2025 WL 2677089, at  
14 \*3-4 (similar).  
15

16 **PARTIES**

- 17 10. Petitioner, Harjeet Singh (A # ) is an adult citizen of India, currently  
18 detained at Northwest Detention Center.  
19
- 20 11. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S.  
21 Department of Homeland Security. She is the cabinet-level secretary responsible for all  
22 immigration enforcement in the United States and has ultimate custodial authority over  
23 Petitioners.  
24
- 25 12. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the  
26 United States. The Immigration Judges who decide removal cases and applications for  
27 relief from removal do so as her designees.

Page 3 of 11

PETITION FRO WRIT OF  
HABEAS CORPUS

(CASE NO.

Multani Law Group  
13106 SE 240<sup>th</sup> ST, Suite 110  
Kent, WA 98031

1 13. Respondent Todd Lyons is sued in his official capacity as the Acting Director of U.S.  
2 Immigration and Customs Enforcement ("ICE"). He is the head of the federal agency  
3 responsible for all immigration enforcement in the United States.

4 14. Respondent Laura Hermosillo is sued in her official capacity as Acting Field Office  
5 Director for the Seattle office of Immigration and Customs Enforcement, an agency of  
6 the Department of Homeland Security. She is responsible for overseeing ICE operations  
7 pertaining to noncitizens within its territorial jurisdiction, such as Petitioners, including  
8 detentions, enforcement, and removal operations. She is the immediate legal custodian of  
9 the petitioner for purposes of a federal habeas petition.  
10

11 15. Respondent, Bruce Scott, is sued in his official capacity as the Warden of the Northwest  
12 ICE Processing Center, the privately-operated immigration detention center where the  
13 Petitioner are being detained. Mr. Scott has immediate physical custody of Petitioner.  
14  
15

### 16 JURISDICTION

17 16. This Court has jurisdiction over this matter under 18 U.S.C. § 1331 (federal question  
18 jurisdiction); 28 U.S.C. § 2241 (habeas corpus); and 28 U.S.C. § 1651 (All Writs Act).  
19

20 17. Further, this Court has jurisdiction under the Suspension Clause of Article I, § 9, cl. 2, of  
21 the U.S. Constitution. See *INS v. St. Cyr*, 533 U.S. 289 (2001).  
22

23 18. No other petitions, appeals, or motions regarding habeas corpus have been filed with any  
24 other court.

### 25 VENUE

26 19. Venue in the Western District of Washington is appropriate under 28 U.S.C. § 1391(e)(1)  
27 because the Petitioner is currently detained in this judicial district.

1 20. Venue is further appropriate under 28 U.S.C. § 1391(e)(1) because the Respondents live,  
2 work, and operate within this judicial district and because the actions which gave rise to  
3 this Petition took place in Tacoma, Washington, which falls within this judicial district.  
4

5 **FACTUAL BACKGROUND**

6 21. Petitioner Harjeet Singh is a 28-year-old citizen and national of India.

7 22. Petitioner entered the United States on June 13, 2022.

8 23. He was detained by the DHS ICE and released on order of release on recognizance on or  
9 around June 15, 2022.  
10

11 24. Petitioner timely filed an Application for Asylum and for Withholding of Removal (Form  
12 I-589) and complied with all conditions of release set by Immigration and Customs  
13 Enforcement (ICE).  
14

15 25. Petitioner complied with the conditions of his order of release from detention and  
16 attended every ICE check-in.

17 26. On January 27, 2026, while returning from his workplace at a gas station in Montana and  
18 traveling to meet a friend, Petitioner was followed by law enforcement officers and  
19 subsequently arrested by U.S. Customs and Border Protection ("CBP").  
20

21 27. Petitioner has no criminal record in the United States or any other country.

22 28. Prior to Petitioner's re-detention, he did not receive written notice of the reason for his re-  
23 detention.

24 29. Prior to Petitioner's re-detention, ICE did not assess whether he presented a flight risk or  
25 danger to the community, or was justified for some other reason.  
26  
27

30. Prior to Petitioner's re-detention, he never received a hearing before a neutral decisionmaker to determine if his re-detention is justified.

31. Petitioner has been detained for nearly two weeks.

### **MEMORANDUM OF LAW**

#### **Due Process Clause**

32. Due Process requires that if DHS seeks to re – arrest a person like Petitioner- who has lived in the United States without incident after DHS first released him from custody, has submitted application for asylum, and otherwise complied with the terms of his release – the government must afford a hearing before a neutral decisionmaker to determine whether any re – detention is justified, and whether the person is a flight risk or danger to the community.

33. "Freedom from imprisonment from government custody, detention, or other forms of physical restraint lies at the core of the liberty protected by the Due Process Clause." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Courts consistently recognize this interest as "the most elemental of liberty interests." *E.A.T.-B. v. Wamsley*, 2025 WL 2402130, at \*3 (citation modified) (W.D. Wash. Aug. 19, 2025); see also *Ramirez Tesara v. Wamsley*, 2025 WL 2637663, at \*3 (W.D. Wash. Sept. 12, 2025). (stating that the petitioner had "an exceptionally strong interest in freedom from physical confinement").

34. 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).

1 35. Such liberty is protected by the Fifth Amendment because, “although indeterminate, [it]  
2 includes many of the core values of unqualified liberty,” such as the ability to be  
3 gainfully employed and live with family, “and its termination inflicts a ‘grievous loss’ on  
4 the [released individual] and often on others.” *Id.*

5  
6 36. To protect against arbitrary re-detention and to ensure the right to liberty, due process  
7 requires “adequate procedural protections” that test whether the government’s asserted  
8 justification for a noncitizen’s physical confinement “outweighs the individual’s  
9 constitutionally protected interest in avoiding physical restraint.” *Zadvydas*, 533 U.S. at  
10 690 (citation modified).

11  
12 37. Due process thus guarantees notice and an individualized hearing before a neutral  
13 decisionmaker to assess danger or flight risk before the revocation of an individual’s  
14 release. *Goldberg v. Kelly*, 397 U.S. 254, 267 (1970) (“The fundamental requisite of due  
15 process of law is the opportunity to be heard . . . at a meaningful time in a meaningful  
16 manner.” (citation modified)); see also, e.g., *Morrissey*, 408 U.S. at 485 (requiring  
17 “preliminary hearing to determine whether there is probable cause or reasonable ground  
18 to believe that the arrested parolee has committed . . . a violation of parole conditions”  
19 and that such determination be made “by someone not directly involved in the case”  
20 (citation modified)).

21  
22 38. Several courts, including this one, have recognized that these principles apply with  
23 respect to the re-detention of the many noncitizens that DHS has recently begun taking  
24 back into custody, often after such persons have been released for months or years.

25  
26 39. In *E.A.T.-B.*, this Court applied the *Mathews v. Eldridge*, 424 U.S. 319 (1976), balancing  
27 framework and held that re-detention without a hearing is unconstitutional, even where

DHS claimed that mandatory detention initially applied. This Court reached the same conclusion in *Ramirez Tesara, Kumar, and Ledesma Gonzalez*. See *Ramirez Tesara*, 2025 WL 2637663, at \*2–3; *Kumar v. Wamsley*, 2025 WL 2677089, at \*2–3 (W.D. Wash. Sept. 17, 2025); *Ledesma Gonzalez v. Bostock*, 2025 WL 2841574, at \*7–8 (W.D. Wash. Oct. 7, 2025).

40. In applying the three *Mathews* factors, the *E.A. T.-B.* court held that the petitioner had “undoubtedly [been] deprive[d] . . . of an established interest in his liberty,” 2025 WL 2402130, at \*3, which, as noted, “is the most elemental of liberty interests,” *id.* (citation modified). The Court further explained that even if detention was mandatory, the risk of erroneous deprivation of liberty without a hearing was high because a hearing serves to ensure that the purposes of detention—the prevention of danger and flight risk—are properly served. *Id.* at \*4–5. Finally, the Court explained that “the Government’s interest in re-detaining non-citizens previously released without a hearing is low: although it would have required the expenditure of finite resources (money and time) to provide Petitioner notice and hearing on [ISAP] violations before arresting and re-detaining him, those costs are far outweighed by the risk of erroneous deprivation of the liberty interest at issue.” *Id.* at \*5. As a result, this Court ordered the petitioner’s immediate release. *Id.* at \*6.

41. This Court applied a similar analysis in *Ramirez Tesara*. There, the Court reasoned that the petitioner had a “weighty” interest in his liberty and was entitled to the “full protections of the due process clause.” 2025 WL 2637663, at \*3. When examining the value of additional safeguards, the Court also noted that despite the government’s allegations of ISAP violations, “the fact ‘that the Government may believe it has a valid reason to detain

Petitioner does not eliminate its obligation to effectuate the detention in a manner that comports with due process.” *Id.* at \*4 (quoting *E.A. T.-B.*, 2025 WL 2402130, at \*4).

Finally, the Court reasoned that any government interest in re-detention without a hearing was “minimal.” *Id.* Accordingly, there too, the Court ordered the petitioner’s immediate release. *Id.* at \*5.

42. The *Kumar* court reached the same decision, again holding that all three factors weighed in favor of affording the petitioner a bond hearing. 2025 WL 2677089, at \*3–4.

43. This Court’s decisions in *E.A. T.-B.*, *Ramirez Tesara*, and *Kumar* are consistent with many other district court decisions addressing similar situations. *See, e.g., Valdez v. Joyce*, No. 25 CIV 4627 (GBD), 2025 WL 1707737 (S.D.N.Y. June 18, 2025) (ordering immediate release due to lack of pre-deprivation hearing); *Pinchi v. Noem*, --- F. Supp. 3d ---, No. 5:25-CV-05632-PCP, 2025 WL 2084921 (N.D. Cal. July 24, 2025) (similar); *Maklad v. Murray*, No. 1:25-CV-00946 JLT SAB, 2025 WL 2299376 (E.D. Cal. Aug. 8, 2025) (similar); *Garcia v. Andrews*, No. 1:25-CV-01006 JLT SAB, 2025 WL 2420068 (E.D. Cal. Aug. 21, 2025) (similar).

44. The same framework and principles apply here and compel both Petitioners’ immediate release.

45. This Petition has been verified by Petitioner. *See* Verification of Petitioner.

#### **CLAIM FOR RELIEF**

##### **Violation of Fifth Amendment Right to Due Process Procedural Due Process**

46. Petitioner restates and realleges all paragraphs as if fully set forth here.

1 47. Due process does not permit the government to strip Petitioner of his liberty without written  
2 notice and a hearing before a neutral decisionmaker to determine whether re-  
3 detention is warranted based on danger or flight risk. *See Morrissey*, 408 U.S. at 487–88.

4 Such written notice and a hearing must occur *prior* to any re-detention.  
5

6 48. Respondents revoked Petitioner’s release and deprived him of his liberty without affording  
7 him any written notice or meaningful opportunity to be heard by a neutral decisionmaker  
8 prior to re-detention.  
9

10 49. Accordingly, Petitioner’s re-detention violates the Due Process Clause of the Fifth  
11 Amendment.  
12

13 **IRREPARABLE INJURY**

14 50. Petitioner has suffered irreparable injury as a result of detention. He has been in custody  
15 for nearly two weeks, despite being released on his own recognizance from ICE/DHS  
16 detention upon entry into the country. His physical liberty continues to be restrained, and  
17 no just cause for doing so can be specified. “It is well established that the deprivation  
18 of constitutional rights’ unquestionably constitutes irreparable injury.” *Melendres v.*  
19 *Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (quoting *Elrod v. Burns*, 427 U.S. 347, 373  
20 (1976).  
21  
22

23 **PRAYER FOR RELIEF**

24 WHEREFORE, Petitioner respectfully request that this Court:  
25

26 (1) Assume jurisdiction over this matter.  
27

1 (2) (2) Issue a Writ of Habeas Corpus ordering Respondents to immediately release  
2 Petitioner from custody and permanently enjoin his re-detention during the pendency of  
3 his removal proceedings absent written notice and a hearing prior to re-detention where  
4 Respondents must prove by clear and convincing evidence that Petitioner is a flight risk  
5 or a danger to the community and that no alternatives to detention would mitigate those  
6 risks;  
7

8 (3) Enjoin Respondents from placing GPS ankle monitors on Petitioner upon his release,  
9 absent clear and convincing evidence that Petitioner is a flight risk or danger a danger to  
10 the community and that no other alternatives would mitigate those risks;  
11

12 (4) Declare that Petitioner's re-detention while removal proceedings are ongoing  
13 without first proving an individualized determination before a neutral decisionmaker  
14 violates the Due Process Clause of the Fifth Amendment;

15 (5) Issue an order providing for an award of attorney's fees and costs; and

16 (6) Grant such other relief as may be just and reasonable.  
17

18  
19 Respectfully submitted this 07<sup>th</sup> day of February 2026

20 /s/ Jashan Multani

21 Jashan Multani, WSBA 60073

22 MULTANI LAW GROUP

23 13106 SE 240<sup>th</sup> ST, Suite 110

24 Kent, WA 98031

25 (206) 243-4219

26 jashan@multanilawgroup.com

27 *Attorney for Petitioner*