

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JAGROOP SINGH)

Alien #: )

Petitioner,)

v.)

Case No. **'26CV1355 LL MMP**

Warden, IMPERIAL REGIONAL ADULT DETENTION)

FACILITY; Gregory Bovino, IMMIGRATION and)

CUSTOMS ENFORCEMENT AND REMOVAL)

OPERATIONS EL CENTRO FIELD OFFICE)

DIRECTOR; Todd M. Lyons, ACTING)

DIRECTOR, IMMIGRATION and CUSTOMS)

ENFORCEMENT; Kristi Noem,)

SECRETARY OF THE DEPARTMENT OF)

HOMELAND SECURITY; Pam Bondi,)

ATTORNEY GENERAL OF THE UNITED)

STATES)

Respondents.)

VERIFIED PETITION

EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS

1. Petitioner, JAGROOP SINGH, by and through his own and proper person, and through his attorneys, SAADIA SIDDIQUE¹, of SIDDIQUE LAW GROUP, LLC, petitions this Honorable Court to issue a writ of habeas corpus under 28 U.S.C. § 2241. Petitioner is challenging his unlawful arrest and detention and inability to request bond contrary to 8 U.S.C. § 1226, which under certain conditions, allows for release on bond during the pendency of immigration court proceedings.

¹ Motion for *pro hac vice* forthcoming and Attorney Curtis Lee Morrison, RED EAGLE LAW, LC, local counsel.

1 2. Jagroop Singh is a citizen of India who initially entered the United
2 States without inspection on or about February 17, 2023. He was apprehended at
3 the border and issued a Notice to Appear dated February 19, 2023. He was then
4 released pursuant to an order of release on recognizance (O/R) that same date and
5 ordered to appear at an ICE office for check-in in New York, where he resided at
6 that time. He eventually moved to California in February 2025 and has resided in
7 California since this date. He filed an affirmative application for asylum with
8 USCIS on August 18, 2023, which remains pending. On or about February 12,
9 2026, while driving through Niland, California as a CDL truck driver, he was
10 stopped by CBP at a border checkpoint and detained. He has no immediate family
11 members in the U.S. and has been gainfully employed since obtaining work
12 authorization. He has no criminal record or any other history of arrests in the
13 United States.

14 3. Mr. Singh was not provided any notice of his revocation of his prior
15 order of supervision or advised how he violated it. His Notice to Appear (NTA)
16 indicates he is “an alien present in the United States who has not been admitted or
17 paroled”. He is presently located at the Imperial Regional detention facility in
18 Calexico, California and has been scheduled for a master-calendar removal hearing
19 date for March 17, 2026, at the Immigration court located in Imperial, California.

1 Since the date of filing this Petition, it is believed that Respondents have not
2 transferred Mr. Singh outside the jurisdiction of this Court.

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4 4. Respondents have unlawfully arrested and detained numerous
5 individuals throughout the United States and within California, jailing them
6 without any possibility of release and without any due process protections based
7 upon an erroneous misclassification of detention provisions as being subject to 8
9 U.S.C. § 1225, which does not allow for release on bond. Singh falls into this
10 category of individuals and is subject to continued detention during the pendency
11 of his immigration court hearings.
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13 Introduction

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15 5. It is believed that Singh remains detained by Immigration and
16 Customs Enforcement (“ICE”) at the ERO Imperial Regional Detention Facility in
17 Calexico, California. Prior to his ICE apprehension, Petitioner was pursuing his
18 application for asylum with USCIS and before the Immigration Court in
19 Sacramento, California. Since his apprehension, he has been placed in scheduled
20 for a detained hearing date on March 17, 2026, and then continued for him to
21 obtain new counsel. He had initially had counsel representing him in New York,
22 before an immigration judge granted his change of venue to Sacramento,
23 California. He is requesting relief from removal by way of his timely-filed Form I-
24 589 application for asylum.
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1 6. Petitioner is entitled to contest his removal hearing before an
2 Immigration Judge, who will determine his ultimate removability and his
3 applications for relief. However, until approximately the last nine months,
4 Respondents have abruptly and unlawfully reversed decades of settled immigration
5 practice and procedure where individuals in Petitioner's situation would otherwise
6 be entitled to release upon posting an immigration bond while removal proceedings
7 remain pending. Respondents' continued detention of Petitioner without a hearing
8 on an immigration bond is in violation of law. *See* 8 U.S.C. § 1229a *cf. Jennings v.*
9 *Rodriguez*, 583 U.S. 281, 287 (2018) (under section 1225 proceedings individuals
10 are subject to detention without a bond hearing when encountered at "borders and
11 ports of entry").
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13 7. As this Court is aware, numerous individuals in Petitioner's position
14 have challenged the Respondents' new interpretation that individuals detained in
15 the United States and not at the border are subject to mandatory detention without
16 a bond hearing and its application to all civil immigration detainees and in all
17 Immigration Courts, including people arrested and detained in immigration
18 proceedings in California and then sent to ICE contracted facilities around the
19 country. *See Arias Hernandez v. Bondi*, 2025 WL 3633040 (S.D. Cal. Dec. 15,
20 2025); *Guerrero Lepe v. Andrews*, 2025 WL 2716910 (E.D. Cal. Sept. 23, 2025);
21 *Ortiz Donis v. Chestnut*, 2025 WL 2879514 (E.D. Cal. Oct. 9, 2025); *Espinoza*
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1 *Andres v. Noem*, 2025 WL 3458893 (S.D. Tex. Dec. 2, 2025); *Lopez-Arevalo v.*
2 *Ripa*, 2025 WL 2691828 (W.D. Tex. Sept. 22, 2025); *Singh v. Lewis*, 2025 WL
3 2699219 (W.D. Ky. Sept. 22, 2025); *Jimenez v. FCI Berlin, Warden*, 2025 WL
4 2639390 (D.N.H. Sept. 8, 2025); *Chogllo Chafila v. Scott*, 2025 WL 2688541(D.
5 Me. Sept. 2, 2025); *Ayala Casun v. Hyde*, 2025 WL 280679 (D.R.I. Oct. 2, 2025);
6 *Lopez Benitez v. Francis*, 2025 WL 2371588 (S.D.N.Y Aug. 13, 2025); *Hasan v.*
7 *Crawford*, 2025 WL 2682255 (E.D. Va. Sept. 19, 2025); *Beltran Barrera v.*
8 *Tindall*, 2025 WL 2690565 (W.D. Ky. Sept. 19, 2025); *Pizarro Reyes v. Raycraft*,
9 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025); *B.D.V.S. v. Forestal*, 2025 WL
10 2855743 (S.D. Ind. Oct. 8, 2025); and *Zaragoza Mosqueda et al. v. Noem*, 2025
11 WL 2591530 (C.D. Cal. Sept. 8, 2025).

12 Jurisdiction

13 8. The action arises under the Constitution of the United States, the
14 Immigration and Nationality Act of 1952, as amended (“INA”), 8 U.S.C. section
15 1101 *et seq.*, and the Administrative Procedure Act (“APA”), 5 U.S.C. section 701
16 *et seq.* This Court has habeas corpus jurisdiction pursuant to 28 U.S.C § 2241, and
17 Article I, section 9, clause 2 of the United States Constitution (the “Suspension
18 Clause”), as Petitioner is presently subject to immediate detention and custody
19 under color of authority of the United States government, and said custody is in
20 violation of the Constitution, law or treaties of the United States.

Parties

12. Petitioner is citizen and national of India and presently in the custody of ICE. He is a resident of the State of California and maintains residence in California.

13. Respondent WARDEN² is being sued in his or her official capacity only, as the Warden of the Mesa Verde ICE Processing Center and is the custodian of the jail and all individuals detained therein. Petitioner is presently being detained there, and the Warden is, therefore, Petitioner's immediate custodian.

14. Respondent GREGORY BOVINO is being sued in his official capacity only, as the Field Office Director of the El Centro Field Office of Immigration and Customs Enforcement. As such, he is charged with the detention and removal of aliens which fall under the jurisdiction of the El Centro Field Office. The El Centro Field Office has direct control over Petitioner's detention and removal as it was the office which detained him.

15. Respondent TODD M. LYONS is being sued in his official capacity only, as the Acting Director of Immigration and Customs Enforcement. As such, he is charged with the detention and removal of all aliens.

16. Respondent KRISTI NOEM is being sued in her official capacity only, as the Secretary of the Department of Homeland Security ("DHS").

² As held by the Ninth Circuit, in § 2241 cases, the proper Respondent is the warden of the private detention facility where the immigration detainee is held. *Doe v. Garland*, 109 F.4th 1188, 1197 (9th Cir. 2024).

1 17. Respondent PAMELA BONDI is being sued in her official capacity
2 only, as the Attorney General of the United States and administers the Department
3 of Justice, including EOIR, the BIA, and the Immigration Courts.
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5 **Factual and Procedural Background**

6 18. Petitioner, JAGROOP SINGH, is present in the United States without
7 inspection and based on information and belief, was previously apprehended when
8 he crossed the U.S border at or near Lukeville, Arizona on February 17, 2023. He
9 was issued a Notice to Appear (NTA) on February 19, 2023, which places him in
10 removal proceedings pursuant to 8 U.S.C. § 1229a and charges him with being
11 present in the United States without being admitted or paroled and therefore
12 removable pursuant to *inter alia* 8 U.S.C. §§ 1182(a)(6)(A)(i). (Pet. Ex. A: NTA).
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14 19. After approximately two days in detention, ICE issued him a Form I-
15 220A authorizing his release on recognizance and to report to an ICE office in
16 person. (Pet. Ex. B: Order of Release on Recognizance) (O/R). Petitioner complied
17 with the terms of his O/R and at some point, ICE no longer required his continued
18 reporting. Sometime thereafter, he filed an I-589 application for asylum with the
19 Immigration Court in New York, where he was residing at that time. (Pet. Ex. C:
20 I-589 Receipt Notice). He was also fingerprinted with USCIS as part of his I-589
21 application. He then transferred his immigration court case to Sacramento,
22 California, upon moving there in February 2025. (Pet. Ex. D: IJ Order).
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1 20. Petitioner has no criminal record, and his removal proceedings were
2 pending before an Immigration Court in Sacramento, California. In January 2026,
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4 Petitioner moved from his Sacramento, California address to Fresno, California.
5 He has maintained residence in Fresno since January 2026. When he was detained
6 by ICE, no notice was provided on why his prior release on an order of
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8 recognizance was no longer valid or had been terminated. No warrant was shown
9 or evidence provided he fell under a class of aliens not entitled to continued release
10 pending resolution of his removal proceedings. Petitioner holds a valid commercial
11 driver's license from the state of California and has been supporting himself as a
12 truck driver and living in Fresno, California where he rents a home and was
13 planning to file US Income taxes for the last year.
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16 21. Respondents have commenced removal proceedings against Petitioner
17 with issuance of a NTA and is being held, without bond, at an ICE facility. He has
18 not requested bond with an immigration judge but will likely be denied bond based
19 on the government's new interpretation of section 1225(b)(2)(A) as subject to
20 mandatory detention without the possibility of release. As a person arrested inside
21 the United States and held in civil immigration detention for his pending removal
22 proceedings, he is subject to detention pursuant to 8 U.S.C. § 1226. *See cases cited*
23 *on page 4.* As a person detained under 8 U.S.C. § 1226(a), Petitioner must, upon
24 his request, receive a bond hearing and Petitioner requests such a bond hearing
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1 consistent with established precedent. Under *Matter of Yajure Hurtado*, 29 I&N
2 Dec. 216 (BIA 2025), the responsible administrative agency has predetermined
3 Petitioner will be denied a bond hearing, and the government is holding Petitioner
4 under the purported authority of 8 U.S.C. § 1225(b)(2), under which he will not
5 receive a bond hearing. Requiring any exhaustion of administrative remedies
6 before an Immigration Judge would be futile. An Immigration Judge is bound by
7 the *Yajure Hurtado* decision and requesting bond and or appealing the same should
8 not be counted as an impermissible failure to exhaust administrative remedies.
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12 22. Since *Matter of Yajure Hurtado* has been decided dozens of individual
13 habeas corpus petitions challenging its misclassification of bond-eligible detainees
14 have been filed in District Courts. In addition, even though the U.S. District Court
15 of the Central District of California in *Bautista v. Santacruz*, No. 5:25-cv-01873,
16 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025) certified a nationwide class of
17 similarly situated individuals as eligible for bond and then eventually vacated the
18 *Yajure Hurtado* decision, many immigration courts remain declined to follow the
19 Court's decision.
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22 23. The INA prescribes three basic forms of detention for most
23 noncitizens in removal proceedings conducted pursuant to 8 U.S.C. § 1229a. First,
24 8 U.S.C. § 1226 authorizes detention for individuals in removal proceedings under
25 8 U.S.C. § 1229a. These individuals are generally entitled to a bond hearing unless
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1 they have been convicted or arrested of certain crimes which are subject to
2 mandatory detention. *See* 8 U.S.C. § 1226(c). Second, the INA provides for
3 mandatory detention for those subject to expedited removal pursuant to 8 U.S.C. §
4 1225(b)(1) and other noncitizen applicants for admission at the border who are
5 deemed not clearly entitled to be admitted. *See* 8 U.S.C. § 1225(b)(2). Final, the
6 INA provides for detention of noncitizens who have been *ordered* removed,
7 including individuals in withholding-only proceedings under 8 U.S.C. §
8 1231(a),(b) (emphasis added).

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12 24. This case concerns the detention provisions at 8 U.S.C. §§ 1226(a)
13 and 1225(b)(2), which were enacted as part of the Illegal Immigration and Reform
14 and Immigrant Responsibility Act (IIRIRA) of 1996 and most recently section
15 1226(a) was amended in early 2025 by the Laken Riley Act, Pub. L. No. 119-1,
16 139 Stat. 3 (2025). Following the enactment of IIRIRA in 1996, EOIR drafted
17 regulations indicating that individuals present in the country without inspection,
18 were not considered detained under § 1225 but rather detained under § 1226(a) and
19 thus entitled to a bond hearing. *See* Inspection and Expedited Removal of Aliens;
20 Detention and Removal of Aliens; conduct of Removal Proceedings; Asylum
21 Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

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25 25. Thus, as in Petitioner's case, absent ineligibility due to a criminal
26 history or flight risk, individuals in § 1229a removal proceedings are entitled to a
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1 bond hearing consistent with almost 30 years of practice where individuals arrested
2 inside the United States, even after initially entering without inspection, fall within
3 § 1226 detention proceedings and entitled to request and receive bond. *See*
4 *Guerrero Lepe v. Andrews*, 2025 WL 2716910 at *1; *Singh v. Lewis*, 2025 WL
5 2699219, at *5 (W.D. KY Sept. 22, 2025) (Petitioner who was “present in the
6 United States for more than 12 years is not seeking admission into the United
7 States.”) (internal quotations omitted); and *Martinez v. Hyde*, 2025 WL 2084238,
8 at *4 n. 9 (D. Mass. July 25, 2025) (citing the United States Solicitor General’s
9 representation to the Supreme Court at oral argument that “DHS’s long-standing
10 interpretation has been that 1226(a) applies to those who have crossed the border
11 between ports of entry and are shortly thereafter apprehended”); *cf Montoya*
12 *Cabanas v. Bondi*, 2025 WL 3171131 at * 8 (S.D. Tex. Nov. 13, 2025) (finding the
13 statutory text of § 1225(b)(2)(A) governs and an amendment by the Laken Riley
14 Act to section 1226 isn’t superfluous). When Petitioner was initially detained at the
15 border, he would not have been eligible for release on bond.

21 26. On July 8, 2025, ICE, “in coordination with” the Department of
22 Justice, announced a new policy that rejected the well-established understanding of
23 the statutory framework and reversed decades of practice. A series of Board of
24 immigration Appeals (BIA) decisions under authority of the EOIR, sought to apply
25 § 1225 (b) bond ineligibility to individuals apprehended inside the United States.
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1 Petitioner acknowledges the Supreme Court has held that noncitizens “seeking
2 *initial* admission to the United States” have limited access to constitutional
3 protections. *Landon v. Plasencia*, 459 U.S. 21, 32 (1982). This provision does not
4 apply to Petitioner’s situation since he was released on an O/R following his
5 detention at the border and then after a length of time inside the United States, he
6 was apprehended by Respondents. The issuance of an NTA no longer subjects him
7 to § 1225 custody requirements.
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9 Causes of Action

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12 27. Petitioner incorporates by reference the allegations of fact set forth in
13 the preceding paragraphs.

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15 28. FIRST, the mandatory detention provision at 8 U.S.C. § 1225(b)(2)
16 does not apply to Petitioner as he has been placed in removal proceedings under 8
17 U.S.C. § 1229a and thus entitled to a bond hearing. Section 1225(b) does not apply
18 to those who previously entered the country and have been present and residing in
19 the United States. Petitioner has been present and residing in the United States now
20 for three years since his initial entry in February 2023.
21

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23 29. The application of 8 U.S.C. § 1225(b)(2) to Petitioner’s continued
24 detention will likely result in an immigration judge denying him bond and thus
25 violates 8 U.S.C. § 1226(a), which governs his case.
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1 30. SECOND, under the Administrative Procedure Act, a court must
2 “hold unlawful and set aside agency action” that is “arbitrary, capricious, an abuse
3 of discretion, or otherwise not in accordance with the law” ... or that is “in excess
4 of statutory jurisdiction authority, or limitations or short of statutory right.” 5
6 U.S.C. § 706(2)(A) – (C). This authority is given to the Courts and “courts, not
7 agencies, will decide all relevant question of laws arising on review of agency
8 action . . . and set aside any such action inconsistent with the law as they interpret
9 it.” *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 392 (2024) (quoting 5 U.S.C.
10 § 706) (emphasis in original) (internal quotations omitted). Petitioner’s continued
11 custody is in violation of his O/R for which he was not provided written notice of
12 its cancellation. *See also See Morrissey v. Brewer*, 408 U.S. 471 (1972)
13 (establishing due process requirements for parole revocation in the criminal
14 context).

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16 31. Petitioner’s continued detention is arbitrary, capricious, an abuse of
17 discretion, and without statutory authority in violation of 5 U.S.C. § 706(2).³ This
18 court can order Petitioner’s immediate release on his preexisting O/R release status
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23 ³ Petitioner also asserts the class action decision places Petitioner as a member of bond eligible class of individuals
24 in *Lazaro Maldonado Bautista v. Ernesto Santacruz Jr et al.*, 5:25-cv-01873 (C.D. Cal., Nov. 20, 2025) (classified
as:

25 “All noncitizens in the United States without lawful status who (1) have entered or will enter the United States
26 without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to
detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of Homeland Security makes
an initial custody determination.”

27 Pursuant to 28 U.S.C. § 2243 Issuance of Decision, Petitioner is a class member with the District Court of California
issuing a declaratory judgment finding that his current detention is unlawful.

1 that was in play prior to his apprehension on February 12, 2026. *See Faizyan v.*
2 *Casey*, 3:25-cv-02884, 2025 WL 3208844 (S.D. Cal. Nov. 17, 2025).
3

4 32. THIRD, Petitioner has a fundamental interest in liberty and being free
5 from official restraint. Respondents' denial of bond is a violation of his due
6 process rights which "lies at the heart of the liberty that the Clause protects."
7 *Zadvydas*, at 690 (2001). Respondents' interpretation of the Immigration and
8 Nationality Act (INA) is in error and is a violation of his due process rights. The
9 BIA has no authority to adjudicate constitutional claims and thus this action is
10 proper before this Court. *See generally Falek v. Gonzales*, 475 F.3d 285, 291 n 4
11 (5th Cir. 2007).
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14 33. FOURTH, if necessary by way of separate petition, Petitioner requests
15 a temporary restraining order enjoining Respondents from relocating him outside
16 the jurisdiction of this court pending final resolution of his case. He is likely to
17 succeed on the merits, there is a threat of irreparable harm absent an injunction, the
18 balance between threatened harm to him versus the Government weighs in his
19 favor and Respondents will not suffer by granting him a bond hearing, and public
20 interest dictates that those detained pursuant to 8 U.S.C. § 1226 be given a bond
21 hearing as Congress intended.
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24 34. FIFTH, If Petitioner prevails, he requests attorney's fees and costs
25 pursuant to the Equal Access to Justice Act, as amended 28 U.S.C. § 2412.
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Relief Requested:

WHEREFORE, Petitioner JAGROOP SINGH, respectfully requests this Honorable Court:

- A. Accept jurisdiction over this action;
- B. Order Respondents not to remove Petitioner outside the jurisdiction of this Court;
- C. Grant the writ of habeas corpus;
- D. Order the Department of Homeland Security to release Petitioner pursuant to the terms of his prior O/R;
- E. Make a finding that Respondents have acted contrary to law and have abused Petitioner's due process rights, and if necessary, schedule an immediate bond hearing within 7 days;
- F. Grant any other relief that is equitable and just.

Respectfully Submitted,
JASPREET SINGH

By: s/ Curtis Lee Morrison
Curtis Lee Morrison (CSBN #321106)
Local Counsel
curtis@redeaglelaw.com
RED EAGLE LAW, L.C.
5256 S. Mission Road, Suite 135
Bonsall, CA 92003
Phone: 714-661-3446

By: s/ *Saadia Siddique
**Motion for Pro Hac Vice Forthcoming*

SIDDIQUE LAW GROUP, LLC
200 West Monroe St, Suite 1625
Chicago, Illinois 60606
(312) 726-9800
saadia@sidlawgroup.com
Atty No. IL 6275921

VERIFICATION

I, Saadia Siddique, declare as follows:

I am an attorney admitted to practice law in the State of Illinois.

Because many of the allegations of this Petition require a legal knowledge not possessed by Petitioner, I am making this verification on his behalf.

I have read the foregoing Petition for Writ of Habeas Corpus and know the contents thereof to be true to my knowledge, information, or belief.

I certify under penalty of perjury that the foregoing is true and correct and that this declaration was executed on March 2, 2026

s/*Saadia Siddique

SAADIA SIDDIQUE

**Motion for Pro Hac Vice Forthcoming*

Siddique Law Group LLC

Attorney for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 3, 2026, I served a copy of this Petition for Writ of Habeas Corpus by U.S. MAIL & EMAIL to the following individuals:

WARDEN
Imperial Regional Detention Center
1572 Gateway Road
Calexico, CA 92231

Adam Gordon, US Attorney
US Attorney's Office

880 Front Street, Room No. 6293
San Diego, CA 92101
usacae-webmaster@usdoj.gov

I ALSO HEREBY CERTIFY that the foregoing documents will be served on counsel for all parties through the Court's CM/ECF system.

s/*Saadia Siddique

SAADIA SIDDIQUE

Siddique Law Group LLC

Lead Counsel & Attorney for Petitioner

**Motion for Pro Hac Vice Forthcoming*

Date: March 2, 2026