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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO

GURMEET SINGH Petitioner, v. JUAN BALTASAR, Warden of the Denver Contract Detention Facility; TODD LYONS, Acting Director of Immigration and Customs Enforcement; MARKWAYNE MULLIN, Acting Secretary of the U.S. Department of Homeland Security; PAMELA BONDI, Attorney General of the United States Respondents.	Civil Action No. **VERIFIED PETITION FOR HABEAS CORPUS**

INTRODUCTION

1. This habeas action challenges the Government's abrupt and unconstitutional revocation of liberty previously granted to Petitioner without notice, without an individualized determination, and without any pre-deprivation hearing.

2. Petitioner Singh is a native and citizen of India who entered the United States on or about September 22, 2023, without inspection. Shortly after his entry, immigration authorities briefly detained him pursuant to Form I-200.

3. On or about September 23, 2023, the Department of Homeland Security ("DHS")

released Petitioner on his own recognizance ("ROR"), subject to conditions of supervision, including participation in the Alternatives to Detention ("ATD") program and periodic reporting to Immigration and Customs Enforcement ("ICE").

4. Petitioner fully complied with every condition of his release. He consistently reported to ICE, complied with ATD monitoring, and never violated any supervision requirement. Respondents do not identify any violation, changed circumstance, or new fact justifying Petitioner's re-detention.

5. On or about September 23, 2023, DHS served Petitioner with a Notice to Appear charging him solely under INA § 212(a)(6)(A)(i). Petitioner has remained in ongoing removal proceedings under 8 U.S.C. § 1229a and has complied with all immigration court requirements, including pursuing a pending asylum application.

6. Petitioner has no criminal history whatsoever.

7. During the period following his release, Petitioner maintained lawful employment pursuant to a valid Employment Authorization Document and worked as a commercial truck driver, supporting himself through lawful means.

8. For over two years, Petitioner lived and worked in the United States in full compliance with all immigration supervision requirements. At no time did DHS allege any violation of his release conditions.

9. On March 7, 2026, while working as a commercial truck driver, Petitioner was involved in a traffic accident caused by another driver. Petitioner safely pulled over and contacted local law enforcement for assistance.

10. When law enforcement arrived, Petitioner fully cooperated, provided his valid driver's license and work authorization, and was determined not to be at fault. He was issued no citation and accused of no wrongdoing.

11. Despite the absence of any criminal conduct or violation, local law enforcement contacted ICE.

12. ICE officers subsequently arrived and detained Petitioner without a warrant, without probable cause, and without identifying any immigration violation or breach of supervision conditions.

13. At the time of his arrest, Petitioner informed officers that he had been released on ROR since September 23, 2023, and had fully complied with all ICE requirements.

14. Nevertheless, ICE summarily revoked his liberty without providing notice, without any individualized custody determination, and without any pre-deprivation hearing.

15. Petitioner was not provided any opportunity to contest the basis for his detention prior to being taken into custody. This case does not involve initial detention, but rather the revocation of previously granted liberty after years of full compliance, which triggers heightened due process protections.

16. Respondents now attempt to justify Petitioner's detention under 8 U.S.C. § 1225(b), relying in part on the Department of Homeland Security's July 8, 2025 Interim Guidance and the Board of Immigration Appeals' decisions in *Matter of Yajure-Hurtado* and *Matter of Q. Li*.

17. However, Petitioner had already been released into the interior of the United States, placed in § 1229a removal proceedings, and permitted to live and work in the community for years under supervision. Under these circumstances, the governing detention authority is properly 8 U.S.C. § 1226(a), which requires an individualized custody determination and provides access to bond.

18. Even assuming arguendo that Respondents dispute the statutory basis for detention, the Constitution independently requires that the Government provide notice and a meaningful opportunity to be heard before revoking previously granted liberty.

19. That did not occur here.

20. This case therefore presents a straightforward constitutional question: whether the Government may detain a fully compliant noncitizen—after years of lawful presence under supervision—without any pre-deprivation process or individualized determination.

21. Because Petitioner has complied with all conditions of release, maintained lawful employment, appeared for all proceedings, and committed no violations or criminal acts, his continued detention is unlawful.

22. Petitioner therefore seeks habeas relief ordering his immediate release, or in the alternative, a prompt individualized bond hearing before an Immigration Judge.

JURISDICTION

23. This action arises under the Constitution of the United States and the INA, 8 U.S.C. § 1101 *et seq.*

24. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

25. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

26. Venue is proper because Petitioner is detained in Denver Contract Detention Facility, which is within the jurisdiction of this District. Venue is also proper in this District because Respondents are officers, employees, or agencies of the United States. *See* 28 U.S.C. § 1391(e).

PARTIES

27. Respondent Juan Baltasar is sued in his official capacity as Warden of the Denver Contract Detention Facility. Respondent Baltasar is the physical custodian of Petitioner.

28. Respondent Todd Lyons is sued in his official capacity as the Acting Director of U.S. Immigration and Customs Enforcement. Respondent Lyons is a legal custodian of Petitioner and has authority to release him.

29. Respondent Markwayne Mullin is sued in his official capacity as the Secretary of the U.S. Department of Homeland Security. In this capacity, Respondent Mullin is responsible for the implementation and enforcement of the INA, and oversees ICE, the component agency responsible for Petitioner's detention and custody. Respondent Mullin is a legal custodian of Petitioner.

30. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice. In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review ("EOIR"), which administers the immigration courts and the BIA. Respondent Bondi is a legal custodian of Petitioner.

STATEMENT OF FACTS

31. Petitioner Singh is a native and citizen of India. Petitioner entered the United States on or about September 22, 2023, without inspection.

32. Shortly after his entry, immigration authorities briefly detained Petitioner pursuant to Form I-200.

33. On or about September 23, 2023, DHS released Petitioner on his own recognizance ("ROR"), subject to conditions of supervision.

34. As conditions of release, Petitioner was required to participate in the Alternatives to Detention ("ATD") program and comply with periodic reporting requirements to ICE.

35. Petitioner fully complied with all conditions of release, including ATD monitoring and all ICE reporting obligations, without any violations.

36. Petitioner has no criminal history. He has never been arrested, charged, or convicted of any criminal offense.

37. On or about September 23, 2023, DHS served Petitioner with a Notice to Appear ("NTA"), charging him solely under INA § 212(a)(6)(A)(i).

38. Petitioner has remained in ongoing removal proceedings and has complied with all requirements imposed by the Immigration Court.

39. Petitioner has applied for asylum and is actively pursuing relief before the Immigration Court.

40. Petitioner obtained a valid Employment Authorization Document ("EAD") and has been lawfully employed.

41. Petitioner is gainfully employed as a commercial truck driver and supports himself through lawful employment.

42. For over two years, Petitioner remained fully compliant with all supervision requirements.

43. At no point during this period did DHS allege any violation of release conditions, failure to appear, or criminal conduct.

44. On March 7, 2026, while working as a commercial truck driver, Petitioner was involved in a traffic accident caused by another driver.

45. Petitioner safely pulled over and contacted local law enforcement to request assistance.

46. Upon arrival, local law enforcement prepared a report and determined that Petitioner was not at fault. No citation or violation was issued.

47. Despite the absence of any wrongdoing, local law enforcement contacted ICE.

48. ICE officers arrived at the scene and required Petitioner to provide immigration

documentation.

49. Petitioner provided officers with his valid Employment Authorization Document and explained that he had been released on ROR since September 23, 2023 and had remained fully compliant with all ICE requirements.

50. ICE officers nevertheless detained Petitioner without a warrant, without probable cause, and without identifying any immigration violation or breach of supervision conditions.

51. Petitioner was detained without notice and without any individualized custody determination.

52. Petitioner was not provided any pre-deprivation hearing or opportunity to contest his detention.

53. Upon information and belief, Respondents seek to justify Petitioner's detention under 8 U.S.C. § 1225(b), relying on the July 8, 2025 DHS Interim Guidance and Matter of Yajure-Hurtado and Matter of Q. Li.

54. However, Petitioner had already been released into the interior of the United States and remained compliant for years under a supervision framework consistent with 8 U.S.C. § 1226(a).

55. Respondents' actions therefore constitute a revocation of Petitioner's liberty without constitutionally adequate process.

56. Petitioner remains detained without access to bond and without any meaningful individualized custody review.

57. Petitioner has strong equities, including family ties, lawful employment, and a pending asylum application, all of which he has diligently pursued.

58. Petitioner's continued detention is unlawful, and he seeks habeas relief ordering immediate release, or in the alternative, a prompt bond hearing before an Immigration Judge.

STATUTORY FRAMEWORK

59. The Immigration and Nationality Act ("INA") prescribes three principal statutory authorities governing the detention of noncitizens in removal proceedings. First, 8 U.S.C. § 1226(a) authorizes the arrest and detention of noncitizens in standard removal proceedings pending before an Immigration Judge. See 8 U.S.C. §§ 1226(a), 1229a. Individuals detained under § 1226(a) are entitled to an individualized custody determination and may seek release on bond before an Immigration Judge. See 8 C.F.R. §§ 1003.19(a), 1236.1(d). Certain noncitizens with specified criminal convictions are subject to mandatory detention under 8 U.S.C. § 1226(c).

60. Second, the INA provides for mandatory detention of certain applicants for admission placed in expedited removal proceedings under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission under 8 U.S.C. § 1225(b)(2).

61. Third, the INA authorizes detention of noncitizens who are subject to final orders of removal under 8 U.S.C. § 1231(a), including individuals in withholding-only proceedings. The detention provisions contained in §§ 1226(a) and 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act ("IIRIRA") of 1996, Pub. L. No. 104-208, Div. C, §§ 302–03, 110 Stat. 3009-546. Section 1226(c) was most recently amended by the Laken Riley Act ("LRA"), Pub. L. No. 119-1, 139 Stat. 3 (2025).

62. Following enactment of IIRIRA, the Executive Office for Immigration Review ("EOIR") promulgated regulations recognizing that individuals who entered the United States without inspection but were placed in removal proceedings were generally detained under § 1226(a), rather than § 1225(b). See Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997). For decades following enactment of IIRIRA, noncitizens who entered without inspection but were placed

into removal proceedings were routinely treated as § 1226(a) detainees and were entitled to bond hearings before Immigration Judges

63. On July 8, 2025, DHS issued a memo to all employees of ICE stating that "[t]his message serves as notice that DHS, in coordination with the Department of Justice (DOJ), has revisited its legal position on detention and release authorities. DHS has determined that section 235 of the Immigration and Nationality Act (INA) [8 U.S.C. § 1225], rather than section 236 [8 U.S.C. § 1226], is the applicable immigration detention authority for all applicants for admission. The following interim guidance is intended to ensure immediate and consistent application of the Department's legal interpretation while additional operational guidance is developed." The memo further stated DHS' new position with regard to custody determinations as follows:

> An "applicant for admission" is an alien present in the United States who has not been admitted or who arrives in the United States, whether or not at a designated port of arrival. INA § 235(a)(1) [8 U.S.C. § 1225(a)(1)]. **Effective immediately, it is the position of DHS that such aliens are subject to detention under INA § 235(b) [8 U.S.C. § 1225(b)] and may not be released from ICE custody except by INA § 212(d)(5) parole.** These aliens are also ineligible for a custody redetermination hearing ("bond hearing") before an immigration judge and may not be released for the duration of their removal proceedings absent a parole by DHS. For custody purposes, these aliens are now treated in the same manner that "arriving aliens" have historically been treated. **The only aliens eligible for a custody determination and release on recognizance, bond, or other conditions under INA § 236(a) [8 U.S.C. § 1226(a)] during removal proceedings are aliens admitted to the United States and chargeable with deportability under INA § 237, with the exception of those subject to mandatory detention under INA § 236(c) [8 U.S.C. § 1226(c)].**
>
> Moving forward, ICE will not issue Form I-286, Notice of Custody Determination, to applicants for admission because Form I-286 applies by its terms only to custody determinations under INA § 236 and part 236 of Title 8 of the Code of Federal Regulations. With a limited exception for certain habeas petitioners, on which the Office of the Principal Legal Advisor (OPLA) will individually advise, if Enforcement and Removal Operations (ERO) previously conducted a custody determination for an applicant for admission still detained in ICE custody, ERO will affirmatively cancel the Form I-286.
>
> *See* https://www.aila.org/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission (last accessed October 18, 2025) (emphasis original).

64. As a result, DHS now considers all noncitizens who have entered the United States

without inspection and are subject to the grounds of inadmissibility, including long-time U.S. residents, to be subject to mandatory detention under section 1225(b) and ineligible for release on bond. Conversely, according to DHS "[t]he only aliens eligible for a custody determination and release on recognizance, bond, or other conditions under INA § 236(a) [8 U.S.C. § 1226(a)] during removal proceedings are aliens admitted to the United States and chargeable with deportability under INA § 237, with the exception of those subject to mandatory detention under INA § 236(c) [8 U.S.C. § 1226(c)]." *Id.*

65. Shortly thereafter, the Board of Immigration Appeals ("BIA") issued decisions reflecting the same interpretation. In *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), and *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), the Board concluded that Immigration Judges lack bond jurisdiction over certain noncitizens present in the United States without admission because, in the Board's view, § 1225(b)(2)(A) mandates detention of such individuals as "applicants for admission."

66. Federal courts, however, have rejected DHS's attempt to retroactively reclassify noncitizens who have already been placed in removal proceedings and released into the community as subject to mandatory detention under § 1225(b). Courts have recognized that such individuals remain properly detained, if at all, under § 1226(a), which preserves the statutory right to seek release on bond before an Immigration Judge.

67. Petitioner falls squarely within this statutory framework. Petitioner entered the United States on or about September 22, 2023, and was shortly thereafter placed in removal proceedings under 8 U.S.C. § 1229a. DHS initially detained Petitioner pursuant to Form I-200 but subsequently determined that detention was unnecessary and released him on his own recognizance ("ROR") on or about September 23, 2023, subject to participation in the Alternatives to Detention ("ATD") program and periodic reporting to ICE.

68. Because Petitioner was placed in removal proceedings and released under supervision—and remained fully compliant with all conditions—any subsequent detention is governed by 8 U.S.C. § 1226(a), which authorizes discretionary detention and preserves eligibility for release on bond.

69. Respondents nevertheless rely on DHS's July 8, 2025 guidance and the Board's decisions in *Matter of Yajure-Hurtado* and *Matter of Q. Li* to claim that Petitioner is categorically subject to mandatory detention under § 1225(b) and therefore ineligible for a bond hearing. That interpretation conflicts with the statutory structure of the INA and unlawfully deprives Petitioner of the procedural protections guaranteed under § 1226(a).

70. The government's re-detention of Petitioner conflicts not only with the statutory framework of the INA but also with fundamental due process protections governing the revocation of previously granted liberty.

71. DHS initially determined that detention was unnecessary and released Petitioner on his own recognizance subject to ATD supervision and periodic ICE reporting requirements. Petitioner relied on that custody determination and fully complied with every condition imposed by DHS for over two years, without any violations.

72. Once the government grants liberty through a custody determination releasing a noncitizen into the community under supervision, that liberty interest cannot be revoked arbitrarily or without constitutionally adequate procedures.

73. The Supreme Court has long recognized that once the government grants conditional liberty, that liberty interest cannot be revoked without due process. See *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972).

74. Courts have similarly recognized that when the government seeks to revoke previously granted liberty, due process ordinarily requires notice and an opportunity to be heard before a neutral

decisionmaker prior to the deprivation. See *Mathews v. Eldridge*, 424 U.S. 319 (1976); *Fuentes v. Shevin*, 407 U.S. 67 (1972).

75. Here, DHS provided no such process. On March 7, 2026, while working as a commercial truck driver, Petitioner was involved in a traffic accident caused by another driver and personally contacted local law enforcement for assistance. When officers arrived, Petitioner fully cooperated, provided valid identification and work authorization, and was determined not to be at fault. Despite the absence of any wrongdoing, law enforcement contacted ICE, which then took Petitioner into custody.

76. DHS did not allege any violation of Petitioner's ATD conditions, any failure to comply with ICE reporting requirements, any criminal conduct, or any changed factual circumstances that could justify revocation of Petitioner's liberty.

77. Petitioner was provided no advance notice that his release status would be reconsidered, no opportunity to contest the legal basis for detention, and no hearing before a neutral decisionmaker prior to being taken into custody.

78. Revoking liberty previously granted through DHS's custody determination—after years of full compliance and without any alleged violation—based solely on a retroactive policy reinterpretation violates the core protections of the Fifth Amendment's Due Process Clause. At all times, DHS was aware of Petitioner's identity, location, and full compliance through ATD monitoring and ICE reporting.

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Substantive Due Process

79. The allegations in the above paragraphs are realleged and incorporated herein.

80. Petitioner is challenging DHS' unlawful custody determination that Petitioner is subject

to detention under 8 U.S.C. § 1225(b) and is ineligible for bond and his continued detention under the automatic stay provision at 8 C.F.R. § 1003.19(i)(2), which violates Petitioner's right to substantive due process of law afforded him through the Fifth Amendment to the United States Constitution.

81. The Fifth Amendment provides in pertinent part: "No person shall be . . . deprived of life, liberty, or property, without due process of law[.]" U.S. Const. amend. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

82. On March 7, 2026, DHS re-detained Petitioner solely based on a revised legal interpretation announced in its July 8, 2025 Interim Guidance and later reflected in Matter of Q. Li. The re-detention was not based on any new conduct, violation, or changed factual circumstance.

83. If Petitioner is detained at all, the governing authority is 8 U.S.C. § 1226(a), which authorizes discretionary detention and provides for eligibility for release on bond. By categorically treating Petitioner as subject to mandatory detention under § 1225(b), Respondents have eliminated any individualized assessment of necessity.

84. Continued detention under these circumstances—following Petitioner's release on recognizance on September 23, 2023, and over two years of full compliance with ATD and ICE reporting requirements—bears no reasonable relationship to a legitimate governmental purpose and therefore violates substantive due process.

85. Petitioner respectfully requests that the Court order his release or, in the alternative, require Respondents to provide a prompt and constitutionally adequate bond hearing.

86. As a remedy, the Court should order Petitioner's immediate release. In the alternative, the Court should order Respondents to provide Petitioner with a prompt and constitutionally adequate bond hearing before an Immigration Judge at which the government bears the burden of justifying

continued detention.

87. At all times, DHS had continuous knowledge of Petitioner's identity, location, and compliance through ATD monitoring and ICE reporting, eliminating any justification for sudden warrantless arrest

COUNT TWO

Violation of Petitioner's Procedural Due Process Rights

88. The allegations in the above paragraphs are realleged and incorporated herein.

89. In *Mathews v. Eldridge*, the U.S. Supreme Court set forth the factors to consider in determining if government action deprives an individual's Fifth Amendment right to procedural due process or whether the government process is constitutionally adequate. 424 U.S. 319 (1976) The *Mathews* factors are as follows: First, the private interest that will be affected by the official action; [S]econd, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; Third, the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail. *Id.* at 335.

90. The risk of erroneous deprivation is substantial. DHS re-detained Petitioner without any individualized custody review, without alleging any violation or changed circumstance, and without affording him access to a bond hearing. The probable value of additional safeguards—namely, an individualized bond hearing before a neutral adjudicator—is immense.

91. Procedural due process requires notice and a meaningful opportunity to be heard before the government deprives an individual of a protected liberty interest, except in extraordinary circumstances not present here.

92. Petitioner possessed a recognized liberty interest in remaining free from physical

detention. That liberty interest was reinforced by DHS's prior decision to release him and permit him to remain at liberty under supervision for an extended period.

a. DHS re-detained Petitioner on March 7, 2026 without providing:

a. advance notice that his release would be revoked;

b. any opportunity to contest the legal basis for detention;

c. an individualized custody determination; or

d. a pre-deprivation hearing before a neutral decisionmaker.

93. The re-detention was based solely on a change in agency interpretation, not on any alleged violation, changed circumstance, or individualized risk assessment.

94. Because Respondents revoked Petitioner's liberty without providing a pre-deprivation hearing and continue to deny him access to a meaningful custody determination, his detention violates procedural due process.

95. Petitioner respectfully requests an order directing Respondents to provide a prompt bond hearing before a neutral Immigration Judge at which the government bears the burden of justifying continued detention.

COUNT THREE

Violation of the Immigration and Nationality Act

96. The allegations in the above paragraphs are realleged and incorporated herein.

97. Petitioner was placed in removal proceedings under 8 U.S.C. § 1229a and released on an Order of Release on Recognizance. Under the statutory structure of the INA, detention in such proceedings is governed by 8 U.S.C. § 1226(a), absent a separate mandatory detention provision not applicable here.

98. Section 1226(a) authorizes discretionary detention and expressly permits release on

bond. Nothing in the statute authorizes DHS to retroactively reclassify a noncitizen already placed in § 1229a proceedings and previously released under § 1226(a) as subject to mandatory detention under § 1225(b).

99. Respondents' categorical denial of bond eligibility and reliance on § 1225(b) exceed statutory authority and are contrary to law.

100. Because Petitioner's detention is not authorized by the INA, habeas relief under 28 U.S.C. § 2241 is warranted.

COUNT FOUR

Violation of the Administrative Procedure Act

101. Petitioner realleges and incorporates by reference all preceding paragraphs.

102. This Court has jurisdiction under 28 U.S.C. § 1331 and 5 U.S.C. §§ 702 and 706 to review final agency action for which there is no other adequate remedy in a court.

103. DHS's determination that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b), and its re-detention of him on March 7, 2026 based solely on that interpretation, constitute final agency action within the meaning of 5 U.S.C. § 704. The custody determination is definitive, determines Petitioner's rights and obligations, and has immediate legal consequences—namely, his continued physical detention and categorical ineligibility for bond.

104. The Administrative Procedure Act directs courts to "hold unlawful and set aside agency action" that is contrary to law; in excess of statutory jurisdiction, authority, or limitations; or arbitrary, capricious, or otherwise not in accordance with law. 5 U.S.C. § 706(2).

105. DHS's application of § 1225(b) to Petitioner—who was arrested pursuant to a Form I-200, released on an Order of Release on Recognizance, and placed in removal proceedings under 8 U.S.C. § 1229a—is contrary to the structure and plain language of the Immigration and Nationality

Act. Petitioner is subject, if at all, to detention under 8 U.S.C. § 1226(a), which authorizes discretionary detention and eligibility for release on bond.

106. By reclassifying Petitioner as subject to mandatory detention under § 1225(b), DHS has acted in excess of its statutory authority and effectively nullified the bond eligibility expressly provided under § 1226(a).

107. DHS's action is also arbitrary and capricious. The agency:

a. provided no individualized custody determination;
b. relied solely on a revised legal interpretation rather than any new conduct or changed factual circumstance;
c. disregarded Petitioner's over two years of full compliance with supervision; and
d. failed to account for the reliance interests created by its prior decision to release him and permit him to remain at liberty under supervision.

108. An agency must provide a reasoned explanation when it changes course, particularly where prior action has created reliance interests. DHS offered no individualized or reasoned explanation for reversing its earlier custody determination that detention was unnecessary.

109. Because Respondents' custody determination is contrary to law, in excess of statutory authority, and arbitrary and capricious, it must be set aside pursuant to 5 U.S.C. § 706(2).

110. Petitioner respectfully requests declaratory and injunctive relief vacating the unlawful custody determination and restoring his eligibility for release under 8 U.S.C. § 1226(a), including access to a bond hearing before an Immigration Judge.

COUNT FIVE

Violation of the Fourth Amendment (Unreasonable Seizure)

111. The allegations in the above paragraphs are realleged and incorporated herein.

112. The Fourth Amendment to the United States Constitution guarantees "[t]he right of the people to be secure in their persons … against unreasonable searches and seizures," and provides that no warrants shall issue but upon probable cause. U.S. Const. amend. IV.

113. A warrantless arrest or detention must be supported by probable cause to believe that the individual has committed a violation of law.

- At the time of his seizure on March 7, 2026, Petitioner had:
- committed no crime;
- violated no condition of supervision;
- failed to appear for no immigration proceeding; and
- engaged in no conduct giving rise to any immigration violation.

114. Petitioner was involved in a traffic accident in which he was not at fault and personally contacted law enforcement for assistance.

115. When officers arrived, Petitioner fully cooperated, provided valid identification, and presented a valid Employment Authorization Document, confirming his lawful authorization to work and his known identity.

116. Petitioner further informed officers that he had been released on recognizance on September 23, 2023 and had remained fully compliant with all ICE supervision requirements.

117. Despite this, ICE officers seized and detained Petitioner without a warrant, without probable cause, and without identifying any violation of immigration law or supervision conditions.

118. The mere fact that an individual is a noncitizen or previously placed in removal proceedings does not, without more, establish probable cause for arrest or detention.

119. Nor does DHS's post hoc reliance on a revised legal interpretation—including the July 8, 2025 Interim Guidance or subsequent agency decisions—supply probable cause at the time of seizure.

120. At the moment of arrest, officers lacked specific, articulable facts establishing that Petitioner was subject to mandatory detention or that any legal basis existed to deprive him of his liberty.

121. Because Petitioner had already been released into the community and remained in

compliance with all conditions, any seizure required individualized justification, which was entirely absent.

122. The seizure of Petitioner therefore constituted an unreasonable seizure in violation of the Fourth Amendment.

123. As a direct result of this unlawful seizure, Petitioner has been subjected to ongoing detention without lawful basis.

124. Suppression of the unlawful seizure is not required here; rather, habeas relief is appropriate because Petitioner's continued detention is the direct product of a constitutionally invalid arrest.

125. This was not an investigatory stop or emergent enforcement action, but a warrantless seizure of a known, compliant individual based solely on status, rendering it presumptively unreasonable

126. Petitioner respectfully requests that the Court:

- declare that his arrest and detention violated the Fourth Amendment;
- order his immediate release; or
- in the alternative, order a prompt individualized bond hearing at which the government bears the burden of justifying continued detention.

PRAYER FOR RELIEF

Wherefore, Petitioner requests this Court to grant the following:

1. Assume jurisdiction over this matter;
2. Enjoin Respondents from transferring Petitioner during the pendency of the instant action;
3. Declare that Petitioner's continued detention violates the Immigration and Nationality Act, 8 U.S.C. § 1226(a); and/or the Fifth Amendment to the U.S. Constitution;
4. Order Immediate release from ICE custody; or

5. In the alternative, an individualized bond hearing before a neutral adjudicator within 7 days, with the government bearing the burden of proof by clear and convincing evidence;
6. Grant Equal Access to Justice Act ("EAJA") fees and costs; and
7. Grant any other further relief this Court deems just and proper.

Respectfully,

/s/Gurpreet Kaur
Gurpreet Kaur, Esq.
Attorney for Petitioner

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, and I submit this verification on his behalf. Because Petitioner is detained at the Denver Contract Detention Facility and immediate relief is sought, counsel verifies this petition on his behalf pursuant to 28 U.S.C. § 2242. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 20th day of March, 2026.

/s/ Gurpreet Kaur
Gurpreet Kaur, Esq.