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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. **MOTION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION**

MOTION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION

I. INTRODUCTION

Petitioner respectfully moves this Court for an emergency Temporary Restraining Order ("TRO") to halt ongoing and irreparable constitutional and statutory harm resulting from Respondents' unlawful detention without access to a bond hearing.

Petitioner Jatinder Singh is a native and citizen of India who entered the United States on or about September 22, 2023, without inspection. Shortly after entry, the Department of Homeland Security ("DHS") briefly detained him pursuant to a Form I-200 and subsequently released him on his own recognizance ("ROR") on or about September 23, 2023, subject to supervision through Alternatives to Detention ("ATD") and regular reporting to Immigration and Customs Enforcement ("ICE").

On or about September 23, 2023, DHS served Petitioner with a Notice to Appear charging removability solely under INA § 212(a)(6)(A)(i). Petitioner has no criminal history and has remained in ongoing removal proceedings, where he is actively pursuing asylum relief.

For over two years, Petitioner fully complied with every condition imposed by DHS. He consistently reported to ICE, complied with ATD monitoring, maintained lawful employment pursuant to a valid Employment Authorization Document, and worked as a commercial truck driver. At no time did DHS allege any violation, noncompliance, or risk of flight or danger.

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 personally contacted local law enforcement for assistance.

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.

Despite the absence of any criminal conduct or violation, local law enforcement contacted ICE. ICE officers subsequently arrived and detained Petitioner without a warrant, without probable cause, and without identifying any immigration violation or breach of supervision conditions, even after Petitioner demonstrated valid work authorization and full compliance with ICE supervision.

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.

Nevertheless, ICE summarily revoked his liberty without notice, without any alleged violation, without an individualized custody determination, and without any pre-deprivation hearing.

Following re-detention, DHS asserted that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b), relying on DHS's July 8, 2025 Interim Guidance and the Board of Immigration Appeals' decisions in *Matter of Yajure-Hurtado* and *Matter of Q. Li*. Based on that position, DHS has denied Petitioner access to a bond hearing.

Petitioner now challenges his continued detention, which is governed by 8 U.S.C. § 1226(a)—not § 1225(b). 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.

Respondents do not identify any violation, changed circumstance, or new fact justifying Petitioner's re-detention.

Absent immediate injunctive relief, Petitioner will continue to suffer irreparable loss of liberty. Moreover, ICE routinely transfers detainees without notice, creating a substantial risk that Petitioner may be moved outside this District, frustrating this Court's jurisdiction.

Emergency relief is necessary to preserve the status quo, prevent irreparable harm, and restore Petitioner's right to an individualized custody determination.

II. STATEMENT OF FACTS

1. Petitioner Jatinder Singh is a native and citizen of India who entered the United States on or about September 22, 2023, without inspection.
2. Shortly after entry, DHS briefly detained Petitioner pursuant to a Form I-200 Warrant for Arrest of Alien.
3. On or about September 23, 2023, DHS released Petitioner on an Order of Release on Recognizance and enrolled him in Alternatives to Detention ("ATD") supervision requiring regular reporting to ICE.
4. On or about September 23, 2023, DHS served Petitioner with a Notice to Appear charging removability solely under INA § 212(a)(6)(A)(i).
5. Petitioner has no criminal history.
6. From September 2023 through March 7, 2026, Petitioner fully complied with all ATD and ICE supervision requirements. He never missed a check-in, never violated any condition, and was never alleged to pose a danger or flight risk.
7. Petitioner has been pursuing relief in removal proceedings, including a pending asylum application.
8. Petitioner works as a commercial truck driver and supports himself through lawful employment pursuant to a valid Employment Authorization Document.
9. For over two years, Petitioner remained fully compliant with all supervision requirements.
10. At no point during this period did DHS allege any violation of release conditions, failure to appear, or criminal conduct.
11. On March 7, 2026, while working as a commercial truck driver, Petitioner was involved in a traffic accident caused by another driver.
12. Petitioner safely pulled over and contacted local law enforcement to request assistance.

13. When law enforcement arrived, Petitioner fully cooperated and provided his driver's license and valid work authorization.
14. Law enforcement determined that Petitioner was not at fault, and no citation was issued.
15. Despite the absence of any wrongdoing, local law enforcement contacted ICE.
16. ICE officers arrived and detained Petitioner without a warrant, without probable cause, and without identifying any immigration violation or breach of supervision conditions.
17. Petitioner informed ICE officers that he had been released on ROR since September 23, 2023 and had been fully compliant with all ICE requirements.
18. ICE nevertheless detained Petitioner without notice and without any individualized custody determination.
19. Petitioner was not provided any pre-deprivation hearing or opportunity to contest his detention.
20. DHS now asserts that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b), relying on DHS's July 8, 2025 Interim Guidance and *Matter of Yajure-Hurtado* and *Matter of Q. Li*.
21. As a result, Petitioner has been denied access to a bond hearing and remains detained without any individualized assessment.

III. LEGAL STANDARD

A temporary restraining order is an extraordinary remedy governed by Federal Rule of Civil Procedure 65. In the Tenth Circuit, the standards for issuing a temporary restraining order and a preliminary injunction are the same.

To obtain such relief, the movant must establish: a substantial likelihood of success on the merits; a likelihood of irreparable harm in the absence of preliminary relief; the threatened injury outweighs the harm the proposed injunction may cause the opposing party; and the injunction would not be adverse to

the public interest. Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 20 (2008); Awad v. Ziriax, 670 F.3d 1111, 1125 (10th Cir. 2012).

A showing of irreparable harm is the single most important prerequisite for injunctive relief. Diné Citizens Against Ruining Our Environment v. Jewell, 839 F.3d 1276, 1281 (10th Cir. 2016).

In the Tenth Circuit, certain injunctions are disfavored, including those that are mandatory or that alter the status quo. Where a movant seeks such relief, the movant must make a heightened showing that the four factors weigh heavily and compellingly in his favor. O Centro Espirita Beneficiente União do Vegetal v. Ashcroft, 389 F.3d 973, 975–76 (10th Cir. 2004) (en banc).

Petitioner's request for immediate release constitutes mandatory relief because it requires affirmative action by Respondents. Accordingly, Petitioner satisfies the heightened standard applicable to disfavored injunctions.

Alternatively, Petitioner seeks an order requiring Respondents to provide an individualized bond hearing before an Immigration Judge within seven days, with the burden on the government to justify continued detention. Such relief restores the statutory process required under 8 U.S.C. § 1226(a) and preserves the lawful status quo pending final adjudication of this case.

When the government is the opposing party, the balance-of-equities and public-interest factors merge. Nken v. Holder, 556 U.S. 418, 435 (2009).

IV. ARGUMENT

A. Petitioner Is Likely to Succeed on the Merits

1. Petitioner Is Detained Under 8 U.S.C. § 1226(a), Not 8 U.S.C. § 1225(b)

Petitioner is in pre–final order removal proceedings and is therefore subject to detention, if at all, under 8 U.S.C. § 1226(a)—not 8 U.S.C. § 1225(b).

Petitioner entered the United States without inspection on or about September 22, 2023. Shortly thereafter, DHS briefly detained him pursuant to a Form I-200 Warrant for Arrest of Alien and subsequently released him on an Order of Release on Recognizance on or about September 23, 2023, subject to Alternatives to Detention ("ATD") supervision. On or about that same date, DHS served him with a Notice to Appear charging removability solely under INA § 212(a)(6)(A)(i). His removal proceedings remain pending, and no final order has been entered.

For over two years, DHS exercised discretionary release authority and repeatedly reaffirmed—through continued ATD supervision—that Petitioner could safely remain at liberty while pursuing asylum. Petitioner complied fully with every supervision requirement. He attended all ICE check-ins, committed no violations, has no criminal history, and was never accused of posing a danger to the community or a flight risk.

On March 7, 2026, Petitioner was re-detained following a roadside incident after he personally contacted law enforcement for assistance while working as a commercial truck driver. ICE subsequently took him into custody. No immigration supervision violation was alleged, and no individualized custody determination was conducted before his detention.

Following re-detention, DHS invoked its July 8, 2025 Interim Guidance and classified Petitioner as subject to mandatory detention under § 1225(b), thereby denying him access to a bond hearing.

That position is contrary to the statutory framework. Section 1225(b) governs certain applicants for admission at the threshold of entry. Section 1226(a), by contrast, governs detention of noncitizens in ongoing removal proceedings prior to a final order. Petitioner has been continuously present in the interior of the United States, was placed in standard removal proceedings under § 1229a, and was released under DHS's discretionary authority for nearly three years.

For decades, DHS and EOIR treated individuals in Petitioner's posture—noncitizens who entered without inspection, were placed in removal proceedings, and were released into the interior—as governed by § 1226(a), which provides eligibility for a bond hearing before an Immigration Judge.

DHS's July 8, 2025 Interim Guidance reversed that interpretation and asserted that such individuals are categorically subject to mandatory detention under § 1225(b), even after extended periods of government-authorized release and perfect compliance. That reclassification conflicts with the statutory text, the structure of §§ 1225 and 1226, and fundamental due process principles.

Because Petitioner is detained under § 1226(a), continued detention without access to bond violates the INA and the Fifth Amendment. Petitioner has therefore demonstrated a strong likelihood of success on the merits.

2. The Government's Re-Detention Violates Due Process Because It Revokes Previously Granted Liberty Without Any Process

This case does not involve initial detention. It involves the revocation of previously granted liberty after over two years of full compliance, which triggers heightened due process protections.

DHS previously determined that detention was unnecessary and released Petitioner into the community under supervision. Petitioner relied on that determination and complied with every condition imposed.

The Supreme Court has long recognized that once the government grants conditional liberty, it cannot be revoked without due process. *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972). At a minimum, due process requires notice and a meaningful opportunity to be heard before a neutral decisionmaker prior to the deprivation. *Mathews v. Eldridge*, 424 U.S. 319 (1976); *Fuentes v. Shevin*, 407 U.S. 67 (1972).

Here, none of those protections were provided. Petitioner was given no notice that his release would be revoked; no opportunity to contest detention; no individualized custody determination; and no pre-deprivation hearing.

Critically, Respondents do not identify any violation, changed circumstance, or new fact justifying re-detention. Petitioner remained fully compliant with ATD monitoring and ICE reporting requirements at all times.

Instead, detention was based solely on a categorical policy shift, not on individualized findings.

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

Revoking liberty under these circumstances violates the Fifth Amendment. At all times, DHS had continuous knowledge of Petitioner's identity, location, and full compliance through ATD monitoring and ICE reporting, eliminating any conceivable basis for sudden warrantless arrest.

Petitioner is therefore likely to succeed on his procedural due process claim.

3. Petitioner's Warrantless Seizure Violates the Fourth Amendment and Independently Renders His Detention Unlawful

Petitioner's detention is independently unlawful because it resulted from a warrantless seizure unsupported by probable cause, in violation of the Fourth Amendment.

On March 7, 2026, Petitioner personally contacted law enforcement after a traffic accident. He was determined not to be at fault, issued no citation, and accused of no wrongdoing. He fully cooperated and provided valid identification and work authorization.

Despite the absence of any criminal conduct or immigration violation, local law enforcement contacted ICE. ICE officers then detained Petitioner: without a warrant; without probable cause of any violation; and without any alleged breach of supervision conditions.

At the time of the seizure, DHS was already aware—through ATD monitoring and ICE reporting—that Petitioner was compliant and posed no risk.

The mere fact that an individual is a noncitizen or previously placed in removal proceedings does not establish probable cause.

Nor can DHS rely on a post hoc legal reinterpretation—including the July 8, 2025 Interim Guidance—to justify a seizure that lacked legal basis at the moment it occurred.

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.

Because Petitioner had already been released into the community and remained in full compliance, any seizure required individualized justification, which was entirely absent. 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.

This Fourth Amendment violation provides an independent basis for habeas relief and further establishes a strong likelihood of success on the merits.

B. Petitioner Is Suffering Irreparable Harm

The loss of physical liberty constitutes irreparable harm as a matter of law. Civil immigration detention imposes a severe deprivation of bodily freedom that cannot be remedied through monetary damages.

Petitioner has now been detained since March 7, 2026, without any opportunity for an individualized custody determination. Each day of confinement inflicts renewed constitutional injury.

The harm is especially acute because DHS previously determined—for nearly three years—that Petitioner could safely remain at liberty. His re-detention, without any alleged violation or changed circumstance, is a categorical deprivation of liberty untethered to any individualized assessment.

Petitioner has been separated from his family, hindered in pursuing his pending asylum claim, and remains detained despite a flawless compliance record. He also faces a real risk of transfer outside this District, which would disrupt access to counsel and frustrate judicial review.

He also faces a real and imminent risk of transfer outside the District of Colorado, a routine ICE practice. Transfer would disrupt access to counsel and complicate this Court's jurisdiction, further compounding irreparable harm. His sudden re-detention—without violation or changed circumstance—is a categorical deprivation of liberty. Petitioner is separated from family, hindered in pursuing his asylum claim, and faces the risk of transfer outside the District of Colorado, which would frustrate judicial review.

This ongoing detention satisfies the Tenth Circuit standard for irreparable harm.

C. The Balance of Equities and Public Interest Favor Relief

The balance of equities weighs decisively in Petitioner's favor. For over three years, DHS itself determined—through continued release under ATD supervision—that Petitioner posed no danger to the community and no risk of flight. Petitioner complied with every supervision requirement and remained fully available to DHS for monitoring and enforcement.

By contrast, Petitioner's sudden re-detention on March 7, 2026, without notice, without any alleged violation, and without an individualized custody determination, inflicts severe and immediate harm on Petitioner.

Respondents, however, would suffer no cognizable harm from Petitioner's release or from providing a prompt, individualized bond hearing. Granting relief would merely restore the lawful status quo ante—the very conditions under which DHS itself permitted Petitioner to remain at liberty—and ensure compliance with the Constitution and the Immigration and Nationality Act.

Because Petitioner has demonstrated a strong likelihood of success on the merits and an ongoing irreparable deprivation of physical liberty, immediate injunctive relief is warranted. Under Federal Rule

of Civil Procedure 65(c), the Court may issue injunctive relief without requiring a bond where, as here, the injunction serves to halt unconstitutional government action and Respondents face no risk of monetary loss.

The public interest is likewise served by ensuring that federal agencies act within constitutional and statutory bounds. An injunction ordering Petitioner's immediate release, or alternatively restoring his eligibility for bond under 8 U.S.C. § 1226(a), promotes respect for the rule of law and prevents ongoing constitutional violations.

D. In the Alternative, the Court Should Order a Bond Hearing Within Seven Days with the Burden on the Government

If the Court declines to order immediate release, it should order Respondents to provide an individualized bond hearing before an Immigration Judge within seven days.

Because detention is governed by § 1226(a), due process requires that the government bear the burden of justifying continued detention by clear and convincing evidence of danger or flight risk.

Such relief restores the statutory framework, preserves meaningful judicial review, and ensures that detention is not imposed categorically without individualized assessment.

V. REQUESTED RELIEF

Petitioner respectfully requests that the Court:

1. Issue a Temporary Restraining Order Prohibiting Respondents from transferring Petitioner outside the District of Colorado during the pendency of this action;
2. Order Petitioner's immediate release, or in the alternative,
3. Order Respondents to provide an individualized bond hearing before an Immigration Judge within a fixed time period, with the burden on DHS; and
4. Set an Order to Show Cause re preliminary injunction.

VI. CONCLUSION

Respondents' continued detention of Petitioner without bond violates the INA, the Fifth Amendment, and binding federal court authority. Immediate injunctive relief is necessary to prevent further irreparable harm and to preserve this Court's jurisdiction.

Respectfully,

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

Dated this 20th day of March, 2026.