Gurpreet Kaur, Esq.
Kaur Legal Group, PC
674 County Square Dr, Suite 305
Ventura, CA 93003
Ph. 805-300-9003; Cell 909-997-4570
Fax: 805-716-6100
E-mail: gurpreetkauresq@gmail.com
Attorney for Petitioner

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO

AJMER SINGH Petitioner, v. JUAN BALTASAR, Warden of the Denver Contract Detention Facility; TODD LYONS, Acting Director of Immigration and Customs Enforcement; MARKWAYNE MULLIN, 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 for an emergency Temporary Restraining Order ("TRO") ordering his immediate release from immigration detention.

This case presents a narrow but fundamental constitutional question: whether the Government may revoke liberty it granted nearly eight years ago—after continuous compliance—without notice, without a hearing, and without any individualized determination.

The answer is no.

Petitioner was released on bond in 2018 and complied with all conditions of supervision for nearly eight years. He was re-detained on March 7, 2026—not because of any violation, but solely because of a new agency interpretation. He was given no notice, no opportunity to be heard, and no pre-deprivation process.

This is not an initial detention case. It is a revocation-of-liberty case, and due process prohibits what occurred here.

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 Singh is a native and citizen of India who entered the United States on or about July 2, 2018, without inspection.
2. Shortly after his entry, DHS briefly detained Petitioner pursuant to a Form I-200 Warrant for Arrest of Alien.
3. On or about July 24, 2018, DHS released Petitioner on an immigration bond in the amount of $5,000 and placed him on conditions of supervision, including participation in the Alternatives to Detention ("ATD") program and periodic reporting to Immigration and Customs Enforcement ("ICE").
4. On or about July 24, 2018, 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 July 2018 through March 7, 2026, Petitioner fully complied with all conditions of release, including ATD monitoring and ICE reporting requirements. He never missed a check-in, never violated any condition, and was never alleged to pose a danger or a flight risk.
7. Petitioner has remained in removal proceedings under 8 U.S.C. § 1229a and has complied with all requirements imposed by the Immigration Court.
8. Petitioner is gainfully employed as a commercial truck driver and supports himself through lawful employment pursuant to a valid Employment Authorization Document.
9. For nearly eight years, Petitioner lived and worked in the United States in full compliance 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 vehicle striking his trailer.
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, valid work authorization, and video evidence of the accident.
14. Law enforcement determined that Petitioner was not at fault, and no citation or allegation of wrongdoing was issued.
15. Despite the absence of any wrongdoing, local law enforcement contacted ICE.
16. ICE officers arrived at the scene and requested proof of Petitioner's immigration status.
17. Petitioner provided his valid Employment Authorization Document and informed officers that he had been released on bond since July 24, 2018 and had remained fully compliant with all ICE requirements.
18. ICE nevertheless detained Petitioner without a warrant, without identifying any violation, and without providing notice or an opportunity to respond.
19. Petitioner's liberty—previously granted and maintained for nearly eight years—was summarily revoked without any individualized custody determination.
20. Petitioner was not provided any pre-deprivation hearing or meaningful opportunity to contest his detention.
21. 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 the Board's decisions in Matter of Yajure-Hurtado and Matter of Q. Li.
22. 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 § 1225(b).

Petitioner entered the United States on or about July 2, 2018, without inspection. Shortly thereafter, DHS briefly detained him pursuant to a Form I-200 and, on or about July 24, 2018, released him on an immigration bond in the amount of $5,000, subject to ATD supervision and ICE reporting. DHS simultaneously placed Petitioner in removal proceedings under 8 U.S.C. § 1229a, charging him solely under INA § 212(a)(6)(A)(i). Those proceedings remain pending.

For nearly eight years, DHS exercised its discretionary authority to release Petitioner and repeatedly reaffirmed—through continued supervision—that Petitioner could safely remain at liberty. Petitioner complied fully with every condition. He attended all ICE check-ins, committed no violations, has no criminal history, and was never alleged to pose a danger or flight risk.

On March 7, 2026, Petitioner was re-detained after he contacted law enforcement following a traffic accident while working as a commercial truck driver. ICE took him into custody without alleging any violation of supervision conditions and without conducting any individualized custody determination.

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

That position is contrary to the INA. Section 1225(b) governs certain applicants for admission at the threshold of entry. Section 1226(a), by contrast, governs detention of noncitizens already placed in removal proceedings and present in the interior of the United States.

Petitioner was released into the interior, placed in § 1229a proceedings, and permitted to live and work in the community for nearly eight years. Under these circumstances, detention is governed by § 1226(a), which requires an individualized custody determination and preserves eligibility for bond.

DHS's attempt to retroactively reclassify Petitioner under § 1225(b)—after years of government-authorized liberty and perfect compliance—conflicts with the statutory structure and eliminates the procedural protections Congress provided.

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

2. Re-Detention Violates Due Process Because It Revokes Long-Granted Liberty Without Any Process

This case does not involve initial detention. It involves the revocation of liberty that the Government granted in 2018 and allowed Petitioner to rely upon for nearly eight years.

Once the Government grants conditional liberty, it cannot revoke that liberty without due process. *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972). At 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 bond 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 all supervision requirements at all times.

Instead, the Government revoked Petitioner's liberty based solely on a categorical policy reinterpretation. The Government cannot grant liberty for years, induce reliance, and then revoke that liberty without process based solely on a change in legal interpretation. Revoking liberty under these circumstances violates the Fifth Amendment.

Respondents' position would permit the Government to grant liberty for years, induce reliance, and then revoke that liberty without process based solely on a change in legal interpretation—precisely what the Due Process Clause forbids.

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

Revoking liberty under these circumstances violates the Fifth Amendment. Petitioner is therefore likely to succeed on his procedural due process claim.

3. The Warrantless Seizure Violates the Fourth Amendment and Independently Renders Detention Unlawful

Petitioner's detention is independently unlawful because it resulted from a warrantless seizure unsupported by probable cause.

On March 7, 2026, Petitioner 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, ICE detained Petitioner without a warrant; without probable cause; and without any alleged violation of supervision conditions.

At the time of the seizure, DHS already knew—through years of supervision—that Petitioner was compliant and posed no risk.

The mere fact that an individual is a noncitizen or in removal proceedings does not establish probable cause. Nor can DHS rely on a post hoc legal reinterpretation to justify a seizure that lacked legal basis at the moment it occurred.

This was not an emergent enforcement action. It was a warrantless seizure of a known, compliant individual based solely on status.

Because Petitioner had long been released into the community and remained fully compliant, any seizure required individualized justification—which was entirely absent.

This Fourth Amendment violation independently supports 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. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

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

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

Petitioner has been separated from his family, prevented from working, and hindered in pursuing his removal proceedings. He also faces a real and imminent risk of transfer outside the District of Colorado, which would disrupt access to counsel and frustrate this Court's jurisdiction.

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 nearly eight years, DHS determined—through its own custody decisions—that Petitioner posed no danger and no flight risk. Petitioner complied with every requirement and remained fully available to the Government.

By contrast, Petitioner's re-detention—without notice, without violation, and without any individualized determination—inflicts severe and immediate harm.

Respondents would suffer no cognizable harm from Petitioner's release. Relief would simply restore the status quo ante—the same conditions under which DHS permitted Petitioner to live in the community for years.

The public interest is always served by ensuring that the Government complies with the Constitution and acts within statutory limits.

Immediate injunctive relief is therefore warranted.

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 24th day of March, 2026.