JOSEPH JOHN SIGUENZA (CASBN 92327)
LAW OFFICES OF ASHWANI BHAKHRI
1818 Gilbreth Rd., #145
Burlingame, CA 94010
Telephone: (650) 685-6334
Facsimile: (650) 685-6351
bhakhrilaw2004@yahoo.com

REUBEN L. NOCOS, ESQ. [SBN 238011]
329 Primrose Road #90
Burlingame, CA 94011
Phone (650) 455-3906
reuben@nocoslaw.com

Attorney for Petitioner
RAVINDER KUMAR

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

RAVINDER KUMAR Petitioner, v. WARDEN of the Imperial Regional Detention Facility; POLLY KAISER, Acting Field Office Director of the San Francisco Immigration and Customs Enforcement Office; TODD LYONS, Acting Director of United States Immigration and Customs Enforcement; KRISTI NOEM, Secretary of the United States Department of Homeland Security, PAMELA BONDI, Attorney General of the United States, acting in their official capacities, Respondents.	) CASE NO. '26CV1950 JLS JLB))) **PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241**

INTRODUCTION

1. This case challenges Respondents' unlawful detention of Petitioner, Ravinder Kumar at the Imperial Regional Detention Facility.

2. Petitioner fled India to avoid political persecution and arrived at the Los Angeles International Airport on or about December 29, 2022, and was admitted into the United States on or around the same day.

3. Upon arrival, Petitioner immediately applied for asylum.

4. Despite following the proper legal process to obtain relief from removal, Petitioner was abruptly and unlawfully detained by the Department of Homeland Security ("DHS").

5. Prior to detaining the Petitioner, Respondents did not provide any written notice explaining why he was being detained. Likewise, Respondents did not assess whether Petitioner presented a flight risk or danger to the community prior to his arrest. Nor did Respondents provide a hearing before a neutral decision maker, where Immigration and Customers Enforcement ("ICE") was required to justify the basis for detention or to explain why Petitioner is now a flight risk or danger to the community.

6. As this Court has recently held, detention without a hearing violates due process. *Maksim Lastin v. Warden of the Imperial Regional Detention Facility*, 3:26-cv-00974-RSH-DDL (S.D. Cal. Mar. 2, 2026).

7. By failing to provide such a hearing, Respondents have violated Petitioner's constitutional rights to due process.

8. Accordingly, this Court should grant the petition for a writ of habeas corpus and order Petitioner's immediate release.

JURISDICTION

9. This action arises under the Constitution of the United States and the Immigration and Nationality Act ("INA"), 8 US.C. § 1101, *et seq.*

10. This Court as subject matter jurisdiction pursuant to 28 U.S.C. § 2241 (habeas corpus) and 28 U.S.C. § 1331 (federal question).

11. 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

12. Venue is proper because Petitioner is in Respondents' custody at the Imperial Regional Detention Facility in Calexico, County of Imperial, California. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the judicial district in which Petitioners are currently in custody.

13. Venue is also proper in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial party of the events or omissions giving rise to the claims occurred in the Southern District of California.

REQUIREMENTS OF 28 U.S.C. § 2243

14. The Court must grant the petition for writ of habeas corpus or issue an order to show cause ("OSC") to the Respondents "forthwith," unless Petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to file a return "within three days unless for good cause additional time, not exceeding twenty days is allowed."

15. Habeas corpus is "perhaps the most important writ known to the constitutional law . . . affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963). "The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application." *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

16. Petitioner Ravinder Kumar is a citizen of India and is currently detained at the Imperial Regional Detention Facility.

17. Respondent Warden of Imperial Regional Detention Facility is the current warden of the Imperial

Regional Detention Facility, whose name is currently unknown to Petitioner. Petitioner will seek leave of the Court to amend this Petition to allege the true name of the warden.

18. Respondent Polly Kaiser is the Acting Field Office Director of the San Francisco ICE Field Office. She is the physical custodian of Petitioner. In this capacity, she is responsible for the administration of immigration laws and the execution of immigration enforcement and detention policy within ICE's San Francisco Area of Responsibility, including the detention of Petitioner. Respondent Kaiser maintains an office and regularly conducts business in this district. Respondent Kaiser is sued in her official capacity.

19. Respondent Todd M. Lyons is the Acting Director of ICE. As the Senior Official Performing the Duties of the Director of ICE, he is responsible for the administration and enforcement of the immigration laws of the United States, routinely transacts business in this District, and is legally responsible for pursuing any effort to detain and remove the Petitioner. Respondent Lyons is sued in his official capacity.

20. Respondent Kristi Noem is the Secretary of Homeland Security and has ultimate authority over DHS. In that capacity and through her agents, Respondent Noem has broad authority over and responsibility for the operation and enforcement of the immigration laws; routinely transacts business in this District; and is legally responsible for pursuing any effort to detain and remove the Petitioner. Respondent Noem is sued in her official capacity.

21. Respondent Pamela Bondi is the Attorney General of the United States and the most senior official at the Department of Justice. In that capacity and through her agents, she is responsible for overseeing the implementation and enforcement of the federal immigration laws. The Attorney General delegates this responsibility to the Executive Office for Immigration Review, which administers the immigration courts and the BIA. Respondent Bondi is sued in her official capacity.

FACTUAL BACKGROUND

22. Petitioner Ravinder Kumar is a citizen of India who fled political persecution and entered the United States on or around December 29, 2022. *See* Declaration of Ravinder Kumar ("Ravinder Decl.") ¶¶ 1-2, 5;

Exhibit A.[1] He entered the United States at the Los Angeles International Airport. *Id.* at ¶ 2.

23. Because his life was at risk, and he feared for his safety, Mr. Kumar used another person's passport to enter the United States. Ravinder Decl. at ¶ 1.

24. Shortly after entering, Mr. Kumar affirmatively applied for asylum with USCIS. *See* Ravinder Decl. at ¶ 2. While his application was pending with the San Francisco Asylum office, he obtained employment authorization and started working. *Id.* He was living a productive life, was meaningfully employed and followed all the rules. *Id.* at ¶¶ 3-4. He has no criminal records anywhere in the world. *Id.* at ¶ 3. He has never harmed anyone in his lifetime. *Id.*

25. Mr. Kumar's life suddenly changed on February 18, 2026, when he was approached by two ICE officers and asked about his status. *See* Ravinder Decl. at ¶ 2. Mr. Kumar responded that he had a work permit and handed it to the officer. *Id.*

26. After verifying his identification, the officers told him that his court date was not showing up for his asylum case. *See* Ravinder Decl. at ¶ 2. He informed the officer that he has a pending application with the San Francisco Asylum office. *Id.*

27. The officer then inquired whether Mr. Kumar crossed the border. *See* Ravinder Decl. at ¶ 2. He stated that he entered at an airport. *Id.* Mr. Kumar was then detained and was refused access to his counsel. *Id.*

28. Petitioner's detention has caused severe emotional hardship to him. *See* Ravinder Decl. at ¶¶ 7-8. He has been completely depressed since his detention. *Id.*

29. While in detention, Mr. Kumar was served with a DHS Form I-862, Notice to Appear ("NTA"). A true and correct copy of the NTA that was served on Mr. Kumar is attached hereto as Exhibit B.

30. The NTA alleged that Mr. Kumar arrived "at or near LOS ANGELES, CA, on or about December 29, 2022" and that he was not "admitted or paroled after inspection by an Immigration Officer." This

[1] The Declaration of Ravinder Kumar is attached as Exhibit A to this Petition.

patently false allegation served as the basis of the removability charge that resulted in his detention.

31. Prior to Mr. Kumar's arrest, ICE did not assess whether he was a flight risk or a danger to the community.

32. Prior to his arrest, he was not afforded a hearing before a neutral decisionmaker to determine if his detention was justified.

LEGAL FRAMEWORK

Due Process Principles

33. Due process requires that if DHS seeks to arrest a person like Ravinder Kumar, the government must afford a hearing before a neutral decisionmaker to determine whether any detention is justified because the person is flight risk or danger to the community.

34. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty protected by the Due Process Clause." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

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

36. To protect against arbitrary detention and to ensure the right to liberty, due process requires "adequate procedural protections" that test whether the government's asserted justification for a noncitizens's physical confinement "outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Zadvydas*, 533 U.S. at 690 (citation modified).

37. Due process thus guarantees notice and an individualized hearing before a neutral decision maker to assess danger or flight risk before the revocation of an individual's release. *Goldberg v. Kelly*, 397 U.S. 254, 267 (1970) ("The fundamental requisite of due process of law is the opportunity to be heard ... at a

meaningful time in a meaningful manner." (citation modified); *see also, e.g., Morrissey*, 408 U.S. at 485 (requiring "preliminary hearing to determine whether there is probable cause or reasonable ground to believe that the arrested parolee has committed ... a violation of parole conditions" and that such determination b made "by someone not directly involved in the case. (citation modified)).

38. The same framework and principles apply here and compel the immediate release of Petitioner.

CLAIM FOR RELIEF
Violation of Fifth Amendment Right to Due Process
Procedural Due Process

39. Petitioner restates and realleges all the prior paragraphs as if fully set forth herein.

40. Due process does not permit the government to detain Petitioner and strip him of his liberty without notice and pre-deprivation hearing before a neutral decisionmaker to determine whether detention is warranted based on danger or flight risk. *See Morrissy v. Brewer*, 408 U.S. at 487-88. Such written notice and a hearing must occur *prior* to any detention.

41. Respondents deprived him of liberty without providing written notice and a meaningful opportunity to be heard by a neutral decisionmaker prior to his detention.

42. Accordingly, Petitioner's re-detention violates the Due Process Clause of the Fifth Amendment.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

(1) Assume jurisdiction over this matter;

(2) Issue an Order to Show Cause requiring Respondents to show cause within three days of this Petition's filing as to why this Petition should not be granted as required by 28 U.S.C. § 2243, and permitting Petitioner to file a traverse within five days of Respondent's return;

(3) Issue an Order that prohibits Respondents from transferring Petitioner out of this district during the pendency of the court's adjudication of this petition, or, alternatively, provides Petitioner and his habeas counsel with advance notice of any transfer or removal;

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

(5) Order that upon Petitioner's release, Respondents must return to Petitioner any personal property, including personal identification documents (other than a passport) and employment authorization documents;

(6) Declare that the re-detention of Petitioner while removal proceedings are ongoing without first providing an individualized determination before a neutral decisionmaker violates the Due Process Clause of the Fifth Amendment; and

(7) Grant any further relief this Court deems just and proper.

Respectfully submitted this 27th day of March 2026.

/s/Reuben L. Nocos
Reuben L. Nocos, Esq.
Attorney for Petitioner