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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

JITENDRA SINGH,

Petitioner,

v.

WARDEN, Denver Contract Detention Facility, **FIELD OFFICE DIRECTOR**, Denver Field Office, U.S. Immigration and Customs Enforcement (ICE); **TODD M. LYONS**, in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement (ICE); **KRISTI NOEM**, in her official capacity as Secretary of the U.S. Department of Homeland Security (DHS); **PAMELA BONDI**, in her official capacity as Attorney General of the United States,

Respondents.

Case No. _____

PETITION FOR WRIT OF HABEAS CORPUS

I. INTRODUCTION

Petitioner Jitendra Singh brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 to remedy his ongoing unlawful custody and restraint on liberty by Respondents. Petitioner is in physical custody of Respondents at Denver Contract Detention Facility. He now faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR) have not given him a pre-deprivation hearing before taking away his liberty interest.

Petitioner entered the United States on or about August 10, 2022. He was apprehended shortly after his entry but was released on his own recognizance on or about August 12, 2022, for the purpose of continuing his removal proceedings. U.S. Immigration and Customs Enforcement ("ICE") issued an Order of Release on Recognizance pursuant to INA § 236 on or about August 12, 2022. Petitioner was re-arrested by ICE on or about March 11, 2026, and remains in custody without a constitutionally adequate custody determination by a neutral decisionmaker.

Before re-detaining him on or about March 11, 2026, Respondents did not provide Petitioner with any written notice explaining the basis for the revocation of his release. Nor did they provide a hearing before a neutral decision maker where ICE was required to justify the basis for re-detention or explain why Petitioner is a flight risk or danger to the community.

Petitioner has been in ICE custody since on or about March 11, 2026, and is currently detained at the Denver Contract Detention Facility. Petitioner remains detained without a lawful statutory basis, without bond eligibility, and without any procedural endpoint.

His physical detention and the associated restraints on liberty constitute "custody" for habeas purposes. Removal proceedings remain pending; no final order of removal exists, and ICE has

never afforded Petitioner a neutral custody redetermination hearing. As a result, Petitioner's continued detention violates due process and exceeds ICE's lawful authority.

As a result, Petitioner is trapped in custody with no available administrative mechanism for release, leaving habeas corpus as his only avenue for relief. With absent intervention by this Court, Petitioner's detention will continue indefinitely. This detention is arbitrary, unlawful, and unconstitutional.

Petitioner respectfully requests that the Court terminate his unlawful detention and restraints and order his immediate release.

II. JURISDICTION

This action arises under the Constitution of the United States, the Immigration and Nationality Act (INA), 8 U.S.C. § 1101, et seq., and the habeas corpus statutes, 28 U.S.C. § 2241, et seq. 8. 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).

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.

III. VENUE

Venue is proper because Petitioner is in Respondents' custody at the Denver Contract Detention Facility. 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 the Petitioner is currently is in custody.

Venue is also properly 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 part of the events or omissions giving rise to the claims occurred in the District of Colorado.

IV. REQUIREMENTS OF 28 U.S.C. §§ 2241 AND 2243

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." *Id.*

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).

V. EXHAUSTION

Exhaustion is prudential, not jurisdictional, in immigration habeas cases. Petitioner's only appropriate remedy is immediate release as the Government did not provide Petitioner with a pre-deprivation hearing. Requiring further exhaustion would be futile and would subject Petitioner to continued unlawful detention without effective relief.

VI. PARTIES

1. Petitioner: Jitendra Singh, an adult noncitizen currently detained by ICE at the Denver Contract Detention Facility;
2. Respondent WARDEN, Official Capacity of Warden of Denver Contract Detention Facility;
3. Respondent FIELD OFFICE DIRECTOR, El Paso Field Office, U.S. Immigration and Customs Enforcement (ICE);

4. Respondent TODD M. LYONS, in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement (ICE);
5. Respondent KRISTI NOEM, in her official capacity as Secretary of the U.S. Department of Homeland Security (DHS);
6. Respondent PAMELA BONDI, in her official capacity as Attorney General of the United States.

All Respondents are sued in their official capacities.

VII. FACTUAL AND PROCEDURAL BACKGROUND

A. Arrest and Initiation of Removal Proceedings

1. Petitioner was arrested by ICE on or about August 10, 2022, shortly after entering the United States without inspection, and was released on his own recognizance on August 12, 2022;
2. On August 11, 2022, DHS served Petitioner with a Notice to Appear (Form I-862) charging him as removable.
3. On or about March 11, 2026, ICE re-arrested Petitioner at or near Rock Springs, Wyoming.
4. Petitioner was on duty as a commercial truck driver when his truck suffered a flat tire. While Petitioner was on the side of the road, a highway patrol officer arrived at the scene and engaged with Petitioner. Shortly thereafter, ICE officers arrived at the scene and detained Petitioner. He did not receive written notice of the reason for his re-detention.
5. Prior to the Petitioner's re-arrest, ICE did not assess whether he presented a flight risk or danger to the community, or whether his re-arrest was justified for some other reason.

6. Prior to Petitioner's re-detention, he never received a hearing before a neutral decisionmaker to determine if his re-detention is justified, and he has remained in ICE custody since that date.

B. Order of Release on Recognizance

1. On August 12, 2022, ICE issued an Order of Release on Recognizance (Form I-220A) pursuant to INA § 236.
2. The Order reflects that Petitioner was not subject to mandatory detention and was released under ICE's discretionary custody authority.
3. Conditions of release included mandatory reporting, travel and residence restrictions, participation in Alternatives to Detention ("ATD"), including electronic monitoring, and broad compliance obligations subject to unilateral ICE enforcement.

C. Current Custody and Ongoing Proceedings

1. Petitioner's removal proceedings remain pending, and no final order of removal has been entered.
2. Prior to Petitioner being detained, Petitioner's case is pending with the Sacramento Immigration Court.
3. Petitioner filed a Form I-589 Application for Asylum and Withholding of within the filing 1-year filing deadline, which remains pending.

VIII. LEGAL FRAMEWORK

Due process requires that if DHS seeks to re-arrest a person like Petitioner—who has lived in the United States for years without incident after DHS first released him, and has attended all required immigration check-ins and complied with the terms of his release—the government

must afford a hearing before a neutral decisionmaker to determine whether re-detention is justified, and whether the person is a flight risk or danger to the community.

A writ of habeas corpus is "available to every individual detained within the United States." *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004) (citing U.S. Const., Art I, § 9, cl. 2). "The essence of habeas corpus is an attack by a person in custody upon the legality of that custody, and . . . the traditional function of the writ is to secure release from illegal custody." *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973). A court may grant a writ of habeas corpus to a petitioner who demonstrates to be in custody in violation of the Constitution or federal law. 28 U.S.C. § 2241(c)(3). Traditionally, "the writ of habeas corpus has served as a means of reviewing the legality of Executive detention, and it is in that context that its protections have been strongest." *I.N.S. v. St. Cyr*, 533 U.S. 289, 301 (2001). Accordingly, challenges to immigration-related detention are within the purview of a district court's habeas jurisdiction. *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001); see also *Demore v. Kim*, 538 U.S. 510, 517 (2003).

"The Due Process Clause of the Fifth Amendment provides, 'No person shall ... be deprived of life, liberty, or property, without due process of law.' *U.S. Const. amend. V*." *Hernandez v. United States*, 757 F.3d 249 (5th Cir. 2014). "[T]he Due Process Clause applies to all persons within the United States, including aliens, whether their presence is lawful, unlawful, temporary, or permanent." *Zadvydas*, 533 U.S. at 679. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint— lies at the heart of the liberty that Clause protects." *Id.* at 690. A person at risk of suffering a serious loss being given notice and an opportunity to be heard, in a meaningful manner and at a meaningful time, is the essence of procedural due process. *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).

There are various ways that a petitioner may be granted some form of parole. The choice is discretionary and is made on a case-by-case basis. Parole can be made for humanitarian reasons or for it providing a significant public benefit under 8 U.S.C. § 1182(d)(5)(A), or it can be for conditional parole under 8 U.S.C. § 1226(a). Courts have recognized that typically, the term "released on their own recognizance" refers to conditional parole. *Ortega-Cervantes v. Gonzales*, 501 F.3d 1111, 1115 (9th Cir. 2007) ("It is apparent that the INS used the phrase 'released on recognizance' as another name for 'conditional parole' under § 1226(a)"). While courts have recognized these as distinct procedures, they have consistently applied the same procedural due process analysis to petitioners under these forms of parole. In the context of 8 U.S.C. § 1182(d)(5)(A), courts have held that such parole status entitles the petitioner to certain due process rights under both procedural due process and the Administrative Procedure Act ("APA"). See *Y-Z-L-H v. Bostock*, 792 F. Supp. 3d 1123, 1146 (D. Or. 2025) (finding violation under APA); *Mata Velasquez v. Kurzdorfer,* 794 F. Supp. 3d 128, 154 (W.D.N.Y. 2025) (finding violation under procedural due process). Similarly, for conditional release under § 1226(a), the court in *Pinchi* explained similar procedural due process rights:

> [Petitioner's] release from ICE custody after her initial apprehension reflected a determination by the government that she was neither a flight risk nor a danger to the community, and [Petitioner] has a strong interest in remaining at liberty unless she no longer meets those criteria. The regulations authorizing ICE to release a noncitizen from custody require that the noncitizen "demonstrate to the satisfaction of the officer that such release would not pose a danger to property or persons" and that the noncitizen is "likely to appear for any future proceeding." 8 C.F.R. § 1236.1(c)(8). "Release [therefore] reflects a determination by the government that the noncitizen is not a danger

> to the community or a flight risk." *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1176 (N.D. Cal. 2017), aff'd sub nom. *Saravia for A.H. v. Sessions*, 905 F.3d 1137 (9th Cir. 2018). [Petitioner] was apprehended by ICE officers when she crossed the border into the United States . . . ICE then released her on her own recognizance. If ICE was not authorized to release [Petitioner] if she was a danger to the community or a flight risk, the Court must infer from [the] release that ICE determined she was neither. [Petitioner's] release from ICE custody constituted an "implied promise" that his liberty would not be revoked unless he "failed to live up to the conditions of his release." *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972). The regulatory framework makes clear that those conditions were that he remain neither a danger to the community nor a flight risk. . . . Accordingly, [Petitioner's] private interest in retaining his liberty is significant. *Pinchi, 792 F. Supp. 3d at 1034-35.*

Several district courts have followed suit and found due process violations where the petitioners in the cases were specifically identified to be released under Order of Release on Recognizance. See *C.A.R.V. v. Wofford*, No. 1:25-CV01395 JLT SKO, 2025 WL 3059549, at *9 (E.D. Cal. Nov. 3, 2025) (finding due process violation where petitioner was originally released on OREC); *Leiva Flores*, 2025 WL 3228306, at *5 (similarly finding procedural due process violation for petitioner released on OREC and requiring hearing before detention); *Faizyan*, 2025 WL 3208844, at *7 (same).

"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). Consistent with this principle, individuals released on parole or other forms of conditional release have a liberty interest in their "continued liberty."

Morrissey v. Brewer, 408 U.S. 471, 482 (1972). 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 its termination inflicts a 'grievous loss' on the [released individual] and often on others." *Id.*

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

Due process thus guarantees notice and an individualized hearing before a neutral decisionmaker 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 be made "by someone not directly involved in the case" (citation modified)).

A. A Bond Hearing Does Not Cure an Ongoing Constitutional Violation as Immediate Release is the Only Reasonable Remedy

Petitioner challenges the lawfulness of his current detention. Detention that is unconstitutional at its inception cannot be justified by a delayed administrative hearing, such as a bond hearing, when the hearing should have been conducted before the deprivation of the respondent's freedom. Fuentes v. Shevin, 407 U.S. 67, 81–82 (1972). Where detention is

unlawful due to lack of due process, the court should order immediate release, not delayed administrative remediation.

Further, the structural design of the immigration court system further undermines the effectiveness of bond hearings as a remedy. Immigration judges are not Article III judges but employees of the Department of Justice, subject to policy directives and administrative oversight from the Executive Branch. See Josh Gerstein & Kyle Cheney, *Judges Keep Ordering Immigration Hearings — but Say the Results Are Often a Sham*, Politico (Mar. 6, 2026), https://www.politico.com/news/2026/03/06/immigration-case-hearings-judges-00815660. This structure, combined with aggressive enforcement policies and administrative pressure to accelerate removals, has led critics—including former immigration judges—to warn that the system increasingly prioritizes enforcement outcomes over neutral adjudication. *Id.* In such circumstances, the theoretical availability of a bond hearing does not guarantee a meaningful or impartial review of detention. *Id.*

This concern is not hypothetical. It is confirmed by the government's own characterization of the role. The DOJ's official recruitment materials explicitly invite applicants to "become a deportation judge," describing the position in terms of determining "whether an alien has to leave the United States or gets to stay". *Department of Justice (2026)* https://join.justice.gov/. This terminology is revealing. While the statutory title remains "immigration judge," the DOJ's own public-facing language rebrands the role in outcome-oriented terms, i.e., deportation.

This is not a neutral label. It reflects an institutional expectation and mission orientation that is fundamentally inconsistent with the role of a neutral decisionmaker. See, e.g., the DOJ recruitment language urging applicants to "apply today to become a deportation judge,"

emphasizing removal as the defining function of the position. Such framing signals that the adjudicator's purpose is not to impartially weigh liberty interests, but to effectuate enforcement priorities.

Additionally, recent reports indicate that immigration court proceedings have at times been used in ways that undermine the very purpose of judicial process, for example, individuals appearing for scheduled proceedings have been detained or funneled into expedited enforcement actions rather than receiving meaningful adjudication. Id. These practices reinforce the reality that administrative processes within the immigration system cannot reliably safeguard liberty interests once detention has already occurred.

For these reasons, the Government's potential suggestion that a bond hearing could cure the constitutional violation is misplaced. Due process requires that the Government provide notice and an opportunity to be heard before revoking an individual's liberty. A delayed administrative hearing within an overburdened and structurally constrained immigration court system cannot retroactively cure an unconstitutional detention. Where detention was imposed without the constitutionally required process, the appropriate remedy is immediate release, not a speculative future hearing that may occur only after prolonged confinement.

IX. CLAIM FOR RELIEF

Violation of Fifth Amendment Right to Due Process

Procedural Due Process

Petitioner restates and realleges all the prior paragraphs as if fully set forth herein. Due process does not permit the government to re-detain Petitioner and strip him of his liberty without written notice and a pre-deprivation hearing before a neutral decisionmaker to determine

whether re-detention is warranted based on danger or flight risk. See *Morrissey*, 408 U.S. at 487–88. Such written notice and hearing must occur prior to any re-detention.

Respondents revoked Petitioner release and deprived him of liberty without providing him written notice and a meaningful opportunity to be heard by a neutral decisionmaker prior to his re-detention. Accordingly, Petitioner's re-detention violates the Due Process Clause of the Fifth Amendment.

X. PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

1. Assume jurisdiction over this matter;
2. 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 proceeding absent written notice and a hearing prior to re-detention where Respondents must prove by clear and convincing evidence that he is a flight risk or danger to the community and that no alternatives to detention would mitigate those risks;
3. Declare that Petitioner's re-detention 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 ordering immediate release;
4. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law.

Respectfully submitted,

Dated: 4/3/2026

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EXHIBITS

Exhibit A: Notice to Appear (NTA)

Exhibit B: Order of Release on Recognizance (I-220A)

Exhibit C: ICE Detention Information / Detainee Locator Record

Exhibit D: Josh Gerstein & Kyle Cheney
Judges Keep Ordering Immigration Hearings — but Say the Results Are Often a Sham
Politico (Mar. 6, 2026)
https://www.politico.com/news/2026/03/06/immigration-case-hearings-judges-00815660

Exhibit E: Department of Justice: https://join.justice.gov/