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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA

Chirag Kumar SANDHU, A[redacted] Petitioner, v. ALAN CROSBY, Jail Administrator, Liberty County Jail, GARRETT J. RIPA, Field Office Director Miami Filed Office, U.S. Immigration and Customs Enforcement, Department of Homeland Security and TODD M. LYONS, Acting Director, U.S. Immigration and Customs Enforcement; MARKWAY MULLIN, Secretary of the Department Of Homeland Security ("DHS"); U.S. Department of Homeland Security, and TODD BLANCHE, Acting Attorney General of the United States, *Acting in their official capacities* Respondents.	No. _____ Petition for Writ of Habeas Corpus

PETITION FOR WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241

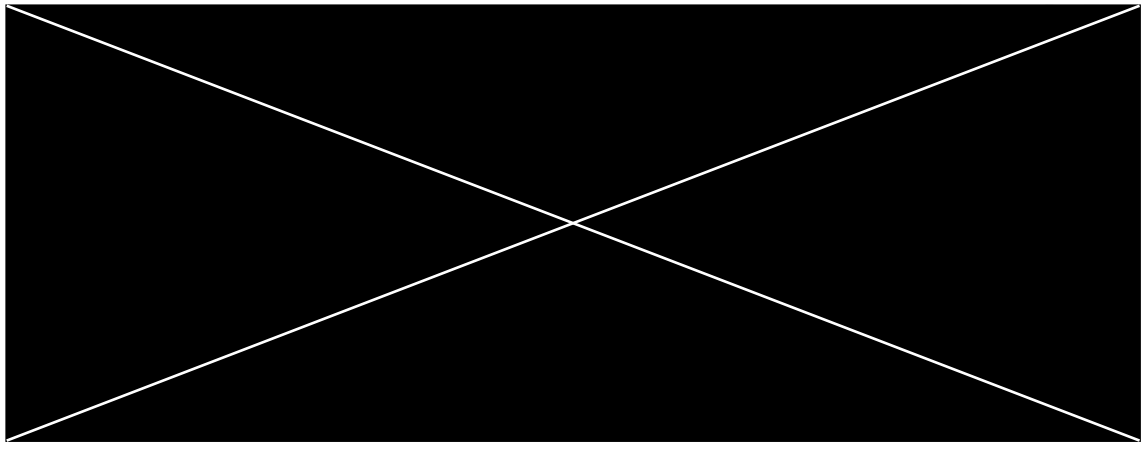
This is a petition for a writ of habeas corpus filed on behalf of Mr. Chirag Kumar Sandhu, seeking relief to remedy his unlawful detention. Respondent is detaining Mr. Sandhu pending proceedings before the San Francisco Asylum Office. He is not in removal proceeding and does not have a final removal order. He is not yet scheduled for any hearing before the Immigration Court. Mr. Sandhu has fully cooperated with Respondents. To date, Respondents have been unable or unwilling to remove Mr. Sandhu who was detained on or about March 29, 2026 and thus, he has been detained for more than two (2) weeks. Mr. Sandhu is not a flight risk or a danger to the community. Respondents have not yet commenced removal proceedings against him in immigration court but accepted his asylum application before the Asylum Office, thus entitling him to present his asylum claim with the due process rights under 8 U.S.C. § 1229a.

FACTUAL BACKGROUND

1. Prior to his detention, the petitioner had not committed any crimes. His prolonged detention is no longer justified under the Constitution or the Immigration and Nationality Act (INA). On or about March 29, 2026, Respondent Garrett J. Ripa arrested Mr. Sandhu while he was stopped at an Immigration inspection point while driving a truck in the course of his employment. He had not committed any crime, there was nothing untoward regarding the load he carried, he was in possession of a valid commercial trucking license, and he was not in violation of any supervisory order or Immigration Court order. He was, nevertheless, placed in the custody of the Liberty County Jail. Mr. Sandhu's detention was not made for the purpose of executing a removal order as no such removal order had issued and to date, he has not been scheduled to appear for any Immigration Court hearing.

2. Petitioner submits that he entered the United States on May 21, 2022 along the Arizona border without inspection or admission. He affirmatively filed for asylum on Form I-589 before

U.S. Citizenship and Immigration Services (USCIS) which received his application on August 8, 2022. It is pending before the San Francisco Asylum Office. Petitioner's application is not yet pending before any Immigration Court. He has never committed any crimes after entering the United States. He obtained work authorization, gained employment in various trucking firms and has no criminal history. He also built strong ties to his community and [redacted] located in Fresno, CA which he regularly attends.



United States. He entered the United States on May 21, 2022 along the Arizona border without inspection or admission. He timely submitted an application for asylum under INA § 208 on August 8, 2022 which had been pending before the San Francisco Asylum Office before his unlawful detention.

4. Mr. Sandhu submits that his detention is in violation of his constitutional rights. His prolonged detention is no longer justified under the Constitution or the Immigration and Nationality Act (INA). Petitioner seeks an order from this Court declaring his continued and prolonged detention unlawful and ordering Respondents to release Mr. Sandhu from their custody.

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CUSTODY

5. Mr. Sandhu is in the physical custody of Respondent Garrett, Field Office Director for Detention and Removal, U.S. Immigration and Customs Enforcement (USICE), the Department of Homeland Security (DHS), and Respondent Alan Crosby, Jail Administrator of the Liberty County Jail. At the time of the filing of this petition, Petitioner is detained at the Liberty County Jail in Bristol, Fl. The Liberty County Jail contracts with the DHS to detain aliens such as Petitioner. Mr. Sandhu is under the direct control of Respondents and their agents.

JURISDICTION

6. This action arises under the Constitution of the United States, the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101 et. seq., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA"), Pub. L. No. 104-208, 110 Stat. 1570. This Court has jurisdiction under 28 U.S.C. 2241, art. I, § 9, cl. 2 of the United States Constitution ("Suspension Clause") and 28 U.S.C. § 1331, as Petitioner is presently in custody under color of authority of the United States and such custody is in violation of the U.S. Constitution, laws, or treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. § 2241, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

7. Venue lies in the United States Northern District Court for Floria, the judicial district in which Respondents, Alan Crosby and Garrett J. Ripa reside and where Petitioner is detained. 28 U.S.C. § 1391(e). Venue is proper in this District under 28 U.S.C. §§ 1391(b) and (e)(1) because Petitioner is detained within the District of Northern Florida and his immediate physical custodian is located within this District. *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004); *see* also *United States v. Scott*, 803 F.2d 1095, 1096 (10th Cir. 1986) ("A § 2241 petition for a writ of habeas

corpus must be addressed to the federal district court in the district where the prisoner is confined.").

PARTIES

8. Petitioner, Mr. Sandhu, is a national and citizen of India. Petitioner entered the United States on or about October 11, 2023 along the Arizona border without inspection or admission. He was not encountered by DHS and filed an affirmative application for asylum relief before the Asylum Office in San Francisco. Petitioner has not yet been issued a Notice to Appear so that there are no charges pending against him under the Immigration and Nationality Act (INA). To date, a hearing has not been scheduled before any Immigration Court.

9. Immigration and Customs Enforcement of the Department of Homeland Security (DHS) has detained Petitioner since approximately March 29, 2026.

10. Petitioner contends that he is not subject to the mandatory detention provisions of INA § 236(c), 8 U.S.C. § 1226(c) and he asserts that his detention without an individualized bond hearing violates his due process rights under the Fifth Amendment of the Constitution of the United States as there is no evidence of record to establish he is a flight risk or danger to the community yet the Petitioner remains in detention. Since being detained, the Respondent have not given any indication they seek to remove petitioner to a third country. Petitioner does not have any meaningful way to contest his detention or request bond as he has not been placed in removal proceedings and moreover, such relief is no longer available. See: *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

11. Respondent Garrett R. Ripa is the Field Office Director for Detention and Removal, USICE, DHS. Respondent Alan Crosby is a custodial official acting within the boundaries of the Northern

judicial district of the United States Court for the District of Florida. Pursuant to Respondent Ripa's orders, Petitioner remains detained.

12. Respondent Alan Crosby is the Jail Administrator of the Liberty County Jail in Bristol, Fl. He is Petitioner's immediate custodian and resides in the judicial district of the United States Court for the Northern District of Florida.

13. Respondent Markway Mullin is the nominated Secretary of the Department of Homeland Security (DHS) and has authority over the actions of all other DHS Respondents in this case, as well as all operations of DHS. Respondent Mullin is a legal custodian of Petitioner and is charged with faithfully administering the immigration laws of the United States.

14. Respondent Todd Blanche is the Acting Attorney General of the United States, and as such has authority over the Department of Justice and is charged with faithfully administering the immigration laws of the United States.

15. Respondent U.S. Immigration Customs Enforcement is the federal agency responsible for custody decisions relating to non-citizens charged with being removable from the United States, including the arrest, detention, and custody status of non-citizens.

16. Respondent U.S. Department of Homeland Security is the federal agency that has authority over the actions of ICE and all other DHS Respondents.

17. This action is commenced against all Respondents in their official capacities.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

18. Mr. Sandhu has exhausted his administrative remedies to the extent required by law to secure his release because of recent Board of Immigration Appeals' case law prohibiting an Immigration Judge from entertaining a bond request for an alien who entered the United States without admission or inspection. See: *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). Moreover,

Respondents have failed to initiate removal proceedings so that the Petitioner cannot request an Immigration Judge for bond. Petitioner has fully cooperated with Respondents and has not delayed or obstructed in any manner. Petitioner's only remedy is by way of this judicial action.

STANDARD OF LAW

19. The Constitution guarantees the availability of the writ of habeas corpus "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 writ of habeas corpus may be granted to a petitioner who demonstrates that he is in custody in violation of the Constitution or federal law. 28 U.S.C. § 2241(c)(3). Historically, "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, a district court's habeas jurisdiction includes challenges to immigration detention. *See Zadvydas v. Davis*, 533 U.S. 678, 687 (2001); *Tran v. Mukasey*, 515 F.3d 478, 482 (5th Cir. 2008).

20. The INA gives the Attorney General or the Secretary of Homeland Security discretion to grant asylum to noncitizens who satisfy the definition of "refugee." Under that definition, individuals generally are eligible for asylum if they have experienced past persecution or have a well-founded fear of future persecution on account of race, religion, nationality, membership in a particular social group, or political opinion and if they are unable or unwilling to return to and avail themselves of the protection of their homeland because of that persecution of fear. 8 U.S.C. § 1101(a)(42)(A). Petitioner submitted an application for asylum under INA § 208 on August 8, 2022 which remains pending before the San Francisco Asylum Office.

21. Noncitizens seeking asylum are guaranteed Due Process under the Fifth Amendment to the U.S. Constitution. *Reno v. Flores*, 507 U.S. 292, 306 (1993). Noncitizens who are applicants for asylum are entitled to a full hearing in immigration court before they can be removed from the United States. 8 U.S.C. § 1229a. Consistent with due process, noncitizens may seek administrative appellate review before the Board of Immigration Appeals of removal orders entered against them and judicial review in federal court upon a petition for review. 8 U.S.C. § 1252(a)

22. Petitioner contends that his ongoing, prolonged detention without a hearing violates his due process rights under the Fifth Amendment. The Fifth Amendment Due Process Clause prohibits government deprivation of an individual's life, liberty, or property without due process of law. *Hernandez v. Sessions*, 872 F.3d 976, 990 (9th Cir. 2017). The Due Process Clause applies to all "persons" within the borders of the United States, regardless of immigration status. *Zadvydas*, 533 U.S. at 693 ("[T]he Due Process Clause applies to all 'persons' within the United States, including noncitizens, whether their presence here is lawful, unlawful, temporary, or permanent."). These due process rights extend to immigration proceedings, including deportation proceedings. *Id.* at 693–94; *see Demore v. Kim*, 538 U.S. 510, 523 (2003). Courts examine procedural due process claims in two steps: the first asks whether there exists a protected liberty interest under the Due Process Clause, and the second examines the procedures necessary to ensure any deprivation of that protected liberty interest accords with the Constitution. *See Kentucky Dep't of Corrections v. Thompson*, 490 U.S. 454, 460 (1989); *Morrissey v. Brewer*, 408 U.S. 471, 481 (1972) ("Once it is determined that due process applies, the question remains what process is due.").

23. "Freedom from imprisonment—from government custody, detention, or other forms of physical restrain—lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas*, 533 U.S. at 690. "Even individuals who face significant constraints on their liberty or over whose

liberty the government wields significant discretion retain a protected interest in their liberty." *Pinchi v. Noem*, 792 F. Supp. 3d 1025, 1032 (N.D. Cal. July 24, 2025). To determine whether an individual's specific conditional release rises to the level of a protected liberty interest, courts have "compar[ed] the specific conditional release in the case before them with the liberty interest in parole as characterized by *Morrissey*." *R.D.T.M. v. Wofford*, No. 1:25-CV- 01141-KES-SKO, 2025 WL 2617255, at *3 (E.D. Cal. Sept. 9, 2025).

24. Here, the Court must find that the Petitioner developed "enduring attachments of normal life" after entering the United States as described in *Morrissey*, 408 U.S. at 482. Prior to detention, Petitioner lived in the United States for nearly four years. During that time, he lawfully obtained work authorization and developed strong ties to the community. Petitioner does not have any criminal history. For these reasons, the Court must find the Petitioner's matter creates a substantial liberty interest protected by the Fifth Amendment. *See Salcedo Aceros v. Kaiser*, No. 25-CV-06924-EMC, 2025 WL 2637503, at *6 (N.D. Cal. Sept. 12, 2025) ("Accordingly, a noncitizen release from custody pending immigration proceedings has a protected liberty interest in remaining out of custody.").

25. Here, there is no evidence on the record to suggest Petitioner is a member of the group subject to mandatory detention under § 1225(b)(1) or that he sought or is seeking asylum through the § 1225(b)(1) process. There is no evidence in the record that an immigration officer made the requisite determinations for § 1225(b)(1) to apply to Petitioner. Mr. Sandhu entered the United States to seek asylum and did not undergo nor is he currently in § 1225(b)(1) asylum proceedings.

REQUIREMENTS OF 28 U.S.C. § 2243

26. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. §

2243. If an order to show cause 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.* (emphasis added).

CLAIMS FOR RELIEF

COUNT ONE
CONSTITUTIONAL CLAIM

27. Petitioner re-alleges and incorporates by reference paragraphs 1 through 26.

28. Petitioner established a protected liberty interest, protected by Due Process. The Court must consider three factors: (1) "the private interest that will be affected by the official action;" (2) "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;" and (3) "the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail." *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976). Due process rights in the immigration context "must account for the government's countervailing interests in immigration enforcement." *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1206 (9th Cir. 2022). As to the first *Mathews* factor – Petitioner's private interest – Petitioner had never before been in DHS or any other state of custody. In that time, Petitioner lawfully secured employment and built ties to his local community and Hindu Temple. The time Petitioner has spent in the United States, as well as his established relationships, create a powerful private interest in Petitioner's continued liberty. *See Doe v. Becerra*, 787 F. Supp. 3d 1083, 1094 (E.D. Cal. 2025).

29. As to the second *Mathews* factor – the risk of erroneous deprivation – the Court must find the risk here be considerable. The risk of an erroneous deprivation of Petitioner's liberty interest is

high where he has received virtually no procedural safeguards such as a bond or custody redetermination hearing. *A.E. v. Andrews*, No. 1:25-CV-00107-KES-SKO, 2025 WL 1424382, at *5 (E.D. Cal. May 16, 2025). This is particularly so where, as here, Petitioner has no criminal history and has complied with the conditions of his release; *see R.D.T.M. v. Wofford*, No. 1:25-CV-01141-KES-SKO, 2025 WL 2686866, at *6 (E.D. Cal. Sept. 18, 2025).

30. As to the third *Mathews* factor, the government's interest in detaining Petitioner without a hearing before a neutral decisionmaker is negligible. *R.D.T.M.*, 2025 WL 2686866 at *6. Custody hearings in immigration court are "routine and impose a 'minimal' cost," and the government's interest is further diminished here where Petitioner was never issued a Notice to Appear before an Immigration Court, lawfully obtained employment authorization and has no criminal history. "The government has no legitimate interest in detaining individuals who have been determined not to be a danger to the community and whose appearance at future immigration proceedings can be reasonably ensured by [ ] bond or alternative conditions."). *Hernandez*, 872 F.3d at 994.

31. Petitioner's detention violates his right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.

COUNT TWO
STATUTORY CLAIM

32. Petitioner re-alleges and incorporates by reference paragraphs 1 through 31.

33. Petitioner continued detention violates the Immigration and Nationality Act and the U.S. Constitution.

COUNT THREE

34. If he prevails, Petitioner requests attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412.

PRAYER FOR RELIEF

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

(a) Assume jurisdiction over this matter;

(b) Issue an order directing Respondents to show cause why the writ should not be granted;

(c) Issue a writ of habeas corpus ordering Respondents to release Mr. Singh on his own recognizance or under parole, a low bond or reasonable conditions of supervision shown;

(d) Award Petitioner reasonable costs and attorney's fees; and,

(e) Grant any other relief which this Court deems just and proper.

Respectfully submitted,

/s// *Inna Lipkin*

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By: /s// *Inna Lipkin*
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VERIFICATION OF COUNSEL

I, Inna Lipkin, hereby certify that I am familiar with the case of the named petitioner and that the facts as stated above are true and correct to the best of my knowledge and belief.

/s// Inna Lipkin *04/05/2026*

Inna Lipkin Date