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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

BALIHAR SINGH,

Petitioner,

v.

MARKWAYNE MULLIN, Secretary of
the Department of Homeland Security,
TODD BLANCHE, Acting Attorney
General, TODD M. LYONS, Acting
Director, Immigration and Customs
Enforcement, JESUS ROCHA, Acting
Field Office Director, San Diego Field
Office, JEREMY CASEY, Warden at
Imperial Regional Detention Facility,

Respondents.

Civil Case No.: 26-cv-2967-TWR-DDL

**Amended Petition
for a
Writ of Habeas Corpus**

1 INTRODUCTION

2 Balihar Singh is a citizen of India who was paroled into the United States
3 subject to the condition of a \$12,000 bond. But despite paying this bond,
4 complying with all his court dates, and timely submitting an application for relief,
5 Mr. Singh was arrested while driving through an immigration checkpoint. He was
6 not advised why his parole was being revoked and did not receive an informal
7 interview, nor has his bond been refunded.

8 Respondents have revoked Mr. Singh's parole in violation of the statute and
9 regulations, which require notification and an informal interview at which he
10 could contest his detention. Alternatively, the Due Process Clause of the Fifth
11 Amendment of the Constitution requires redeprivation notice and hearing. Either
12 way, the agency's actions violated the Administrative Procedures Act and the Due
13 Process Clause, and this Court should order his immediate release.

14 STATEMENT OF FACTS

15 Mr. Singh was born in India and left in 2017 due to persecution. Exhibit A,
16 Declaration of Balihar Singh, at ¶ 1. He crossed into the United States on
17 December 18, 2017, to seek asylum and was immediately arrested. *Id.* at ¶ 2. He
18 was in custody for about one month. *Id.* at ¶ 2. After a month, immigration
19 officials paroled him into the U.S. on the condition that he pay a \$12,000 bond.
20 *Id.* at ¶ 2. He paid the bond and was released on February 5, 2018. *Id.* at ¶ 2.

21 Mr. Singh briefly lived in Indiana and then moved to Fresno, California. *Id.*
22 at ¶ 3. He was placed in removal proceedings, applied for asylum, and attended all
23 his court hearings. *Id.* at ¶ 3. He received a work permit and a Social Security
24 number. *Id.* at ¶ 3. He has no criminal history. *Id.* at ¶ 3.

25 On November 28, 2025, Mr. Singh was driving from Callexico to Fresno
26 and went through an immigration checkpoint. *Id.* at ¶ 4. When he stopped at the
27 checkpoint, the agents took him into custody. *Id.* at ¶ 4. They did not tell
28 Mr. Singh why they were revoking his parole, nor did they give him written

1 notice or an informal interview at which he could contest his detention. *Id.* at ¶ 4.
2 All they said is that he “ha[s] a hearing coming up.” *Id.* at ¶ 4.

3 The agents transferred Mr. Singh to Imperial Regional Detention Facility,
4 where his removal proceedings continued. *Id.* at ¶ 5. His final merits hearing is
5 scheduled in August 2026. *Id.* at ¶ 5.

6 Although immigration officials revoked Mr. Singh’s parole, he does not
7 believe that they ever refunded the \$12,000 bond Mr. Singh paid as a condition of
8 parole. *Id.* at ¶ 6.

9
10 **CLAIMS FOR RELIEF**

11 **I. Count One: ICE failed to comply with its own regulations and the**
12 **Administrative Procedures Act in revoking Mr. Singh’s parole.**

13 N Immigration officials may parole individuals into the United States
14 under certain “terms and conditions,” including that “a bond may be required.” 8
15 C.F.R. § 212.5(c), (d). Here, ICE paroled Mr. Singh into the U.S. subject to the
16 condition that he pay a \$12,000 bond. Exh. A at ¶ 2. Respondents then arbitrarily
17 revoked that parole in violation of the regulations and the Administrative
18 Procedures Act.

19 Under the Administrative Procedures Act (APA), an agency action may be
20 held unlawful and set aside if it is “arbitrary, capricious, an abuse of discretion, or
21 otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A). An action is an
22 abuse of discretion if the agency “entirely failed to consider an important aspect
23 of the problem, offered an explanation for its decision that runs counter to the
24 evidence before the agency, or is so implausible that it could not be ascribed to a
25 difference in view or the product of agency expertise.” *Nat’l Ass’n of Home*
26 *Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle*
27 *Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43
28 (1983)). For a challenged agency action to be upheld, the agency “must explain
the evidence which is available, and must offer a rational connection between the

1 facts found and the choice made.” *Motor Vehicle Mfrs*, 463 U.S. at 52 (1983)
2 (internal quotations omitted) (quoting *Burlington Truck Lines, Inc. v. United*
3 *States*, 371 U.S. 156, 168 (1962)).

4 Here, regardless of whether the agency formally revoked Mr. Singh’s
5 parole, it violated the APA. If the agency did *not* revoke his parole, then it
6 inexplicably violated its own parole decision by detaining Mr. Singh. Doing so
7 violated the APA because the agency did not “offer a rational connection between
8 the facts found and the choice made”—i.e., the fact that Mr. Singh was still on
9 parole, yet the agency decided to detain him. *Motor Vehicle Mfrs*, 463 U.S. at 52.
10 And nothing suggests that there *was* a “rational” reason for this choice, given that
11 Mr. Singh had filed an asylum application and complied with all the conditions or
12 his parole. This was the epitome of an “arbitrary” and “capricious” act under the
13 APA. 5 U.S.C. § 706(2)(A).

14 But assuming the agency *had* revoked his parole, it also violated the APA.
15 Per ICE regulations, a person shall only be “returned to the custody from which
16 he was paroled” when “the purposes of such parole . . . have been served.” 8
17 U.S.C. § 1182(d)(5)(A); *see also* 8 C.F.R. § 212.5(e)(2)(i) (parole may only be
18 terminated “upon accomplishment of the purpose for which parole was
19 authorized”); *Y-Z-L-H*, 2025 WL 1898025, at *12 (same). Alternatively, the
20 regulations permit revocation of parole when “neither humanitarian reasons nor
21 public benefit warrants the [noncitizen’s] continued presence.” 8 C.F.R.
22 § 212.5(e)(2)(i). But under either scenario, parole shall only be “terminated upon
23 written notice to the alien.” 8 C.F.R. § 212.5(e)(2)(i). So under the statute and the
24 regulations, the agency may only revoke parole and re-detain a noncitizen when
25 the parole’s purpose is served or no humanitarian reasons warrant it *and* the
26 noncitizen receives written notice.

27 None of this occurred here. Because “the purpose[] of [Mr. Singh’s]
28 parole” was to allow him to apply for asylum, that purpose has not yet “been

1 served” because his asylum claim is still pending. 8 U.S.C. § 1182(d)(5)(A). And
2 the humanitarian reasons for parole—to avoid unnecessary detention when an
3 asylum seeker poses no danger or flight risk—remains the same. Put differently,
4 “upon Petitioner's entry into the United States, Respondents determined that
5 Petitioner was suitable for parole. Respondents have not provided a reasoned
6 explanation or any changed circumstances that would justify their current
7 departure from their prior decision.” *Y-Z-L-H v. Bostock*, 792 F. Supp. 3d 1123,
8 1146 (D. Or. 2025). Under the APA, “[i]t is Respondents’ burden to provide a
9 reasoned explanation for their action,” which they will not be able to do. *Id.*

10 What’s more, Mr. Singh never received adequate notification of a
11 revocation under 8 C.F.R. § 212.5(e). So if the agency revoked his parole, this
12 decision violated both the statute and the regulation and was “not in accordance
13 with law” under the APA. 5 U.S.C. § 706(2)(A).

14 In the case of someone released under § 241.13(i), the regulations also
15 explicitly require the interviewer to allow the re-detained person to “submit any
16 evidence or information that he or she believes shows there is no significant
17 likelihood he or she be removed in the reasonably foreseeable future, or that he or
18 she has not violated the order of supervision.” § 241.13(i)(3).

19 Numerous courts have released parolees on this basis. *See, e.g., Arias v.*
20 *Larose*, No. 3:25-CV-02595-BTM-MMP, 2025 WL 3295385, at *3 (S.D. Cal.
21 Nov. 25, 2025); *Noori v. LaRose*, No. 25-cv-1824-GPC-MSB, 2025 WL 2800149
22 (S.D. Cal. Oct. 1, 2025); *Salazar v. Casey*, No. 25-cv-2784 JLS-VET, 2025 WL
23 3063629 (S.D. Cal. Nov. 3, 2025); *Perez v. LaRose*, No. 25-cv-02620-RBM-JLB,
24 2025 WL 3171742 (S.D. Cal. Nov. 13, 2025); *Y-Z-L-H v. Bostock*, No. 25-cv-
25 965-SI, 2025 WL 1898025, at *13 (D. Or. July 9, 2025). Because Mr. Singh is in
26 the same position as these individuals, this Court should do the same and order his
27 immediate release.

II. Count Two: The Due Process Clause required notice and a chance to be heard before parole was revoked.

Additionally, “the revocation of [Mr. Singh’s] parole without justification or consideration of his individualized circumstances violates the Due Process Clause.” *Perez v. LaRose*, No. 3:25-CV-02620-RBM-JLB, 2025 WL 3171742, at *4 (S.D. Cal. Nov. 13, 2025). Mr. Singh was “entitled to notice of the reasons for revocation of his parole and a hearing before an immigration judge to determine whether detention is warranted” before ICE revoked his parole. *Id.* at *7.

“The Fifth Amendment guarantees that ‘[n]o person shall be ... deprived of life, liberty, or property, without due process of law.’” *Salazar*, 2025 WL 3063629, at *3 (quoting U.S. Const. amend. V). “[T]he Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (9th Cir. 2001).

“Generally, due process protections depend on the situation and must account for (1) the private interest at issue, (2) the risk of erroneous deprivation of that interest through the procedures used, and (3) the Government’s interest.” *Noori v. LaRose*, No. 25-cv-1824-GPC-MSB, 2025 WL 2800149 (S.D. Cal. Oct. 1, 2025); (citing *Mathews v. Eldridge*, 424 U.S. 319 (1976)). Weighing those considerations here, Respondents violated the Due Process Clause by revoking parole with no notice or hearing.

“First, Petitioner has a private interest in remaining free, which developed over the [months] he resided in the United States.” *Id.* at *10. It does not matter that parole is temporary or discretionary. “For example, *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972)—though analyzing the criminal parole context—found that ‘the liberty of a parolee, although indeterminate, includes many of the core values of unqualified liberty and its termination inflicts a grievous loss on the parolee

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1 and often others ... [thus it] must be seen within the protection of the [Fifth]
2 Amendment.” *Id.*

3 “Second, the risk of an erroneous deprivation of such interest is high as
4 Petitioner's parole was revoked without providing [him] a reason for revocation or
5 giving [him] an opportunity to be heard.” *Salazar*, 2025 WL 3063629, at *4.

6 “Civil immigration detention is permissible only to prevent flight or protect
7 against danger to the community.” *Perez*, 2025 WL 3171742, at *5. But here,
8 “[s]ince DHS's initial determination that Petitioner should be paroled because [he]
9 posed no danger to the community and was not a flight risk, there is no evidence
10 that these findings have changed.” *Id.*

11 “Third, the Government’s interest in detaining Petitioner without notice,
12 reasoning, and a hearing is low.” *Salazar*, 2025 WL 3063629, at *5 (cleaned up).

13 “Detention for its own sake, to meet an administrative quota, or because the
14 government has not yet established constitutionally required pre-detention
15 procedures is not a legitimate government interest.” *Pinchi v. Noem*, 792 F. Supp.
16 3d 1025, 1036 (N.D. Cal. 2025).

17 Thus, because Respondents did not provide “proper notice, reasoning, and a
18 pre-deprivation hearing” before revoking parole, Mr. Singh’s redetention violated
19 the Due Process Clause. *Salazar*, 2025 WL 3063629, at *5.

20 **III. This Court must hold an evidentiary hearing on any disputed facts.**

21 Resolution of a detention-based habeas petition may require an evidentiary
22 hearing. *Owino v. Napolitano*, 575 F.3d 952, 956 (9th Cir. 2009). Mr. Singh
23 hereby requests such a hearing on any material, disputed facts.

24 **IV. Prayer for relief**

25 For the foregoing reasons, Petitioner respectfully requests that this Court:

- 26 1. Order Respondents to immediately release Petitioner from custody,
27 subject to the conditions of his preexisting parole;
28

2. Order that prior to any re-detention of Petitioner, that Petitioner is entitled to notice of the reasons for revocation of his parole and a hearing before an immigration judge to determine whether detention is warranted. Respondents bear the burden of establishing, by clear and convincing evidence, that Petitioner poses a danger to the community or a risk of flight at that hearing; and
3. Order any other relief that the Court deems just and proper.

Respectfully submitted,

Dated: May 27, 2026

s/ Kara Hartzler

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