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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, et
al.

Respondents.

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

**Traverse in support of
petition for writ of
habeas corpus**

**[Civil Immigration Habeas,
28 U.S.C. § 2241]**

1 On May 27, 2026, Petitioner Balihar Singh filed an amended petition
2 requesting that this Court order his “immediate release” because Respondents had
3 “revoked Mr. Singh’s parole” in violation of the regulations, the statute, and due
4 process. ECF No. 10 at 1. Despite being paroled into the United States, complying
5 with all his court dates, and timely submitting an application for relief, Mr. Singh
6 was arrested while driving through an immigration checkpoint. ECF No. 10, Exh.
7 A. He was not advised why his parole was being revoked and did not receive an
8 informal interview. *See id.*

9 Respondents’ Return does not respond to Mr. Singh’s parole-based claim at
10 all. ECF No. 13. Instead, they argue exclusively that “Petitioner must exhaust his
11 administrative remedies” by “appeal[ing] the result of his bond hearing” to the BIA”
12 before raising the issue before this Court. ECF No. 13 at 2.

13 But Mr. Singh is not asking this Court to reconsider the IJ’s bond
14 determination—which is the only determination the BIA could review. *See Venega-*
15 *Maltez v. Semaia*, No. 5:26-cv-00525-JAK (AGR), 2026 WL 846035, at *7 (C.D.
16 Cal. Mar. 24, 2026) (citing 8 C.F.R. § 1003.1(d)(3)). Rather, Mr. Singh asks this
17 Court to consider Respondents’ failure to comply with the regulations, the statute,
18 and due process during his unlawful arrest at an immigration checkpoint on
19 November 28, 2025, not on the IJ’s actions in 2026. ECF No. 10 at 2-7. Mr. Singh
20 need not exhaust these claims to the BIA because “[a]n exception to the exhaustion
21 requirement has been carved for constitutional challenges to . . . [DHS] procedures.”
22 *Sola v. Holder*, 720 F.3d 1134, 1135 (9th Cir. 2013) (per curiam) (quoting
23 *Rashtabadi v. INS*, 23 F.3d 1562, 1567 (9th Cir. 1994)). Because the BIA cannot
24 resolve these parole-based claims, he need not administratively exhaust them.

25 Moreover, Respondents have failed to address or rebut any of Mr. Singh’s
26 parole-based claims on the merits. Accordingly, Respondents have waived, or at
27 least forfeited, their opportunity to contest the regulatory and Due Process
28 violations or argue against immediate release. *See United States v. Castillo-*

1 *Marin*, 684 F.3d 914, 919 (9th Cir. 2012) (determining that the government
2 concedes an argument that “was available at the time it filed its answering brief”)
3 (citing *United States v. McEnry*, 659 F.3d 893, 902 (9th Cir. 2011)). Because
4 Respondents have waived the merits of this textbook parole violation, this Court
5 should grant the petition and order Mr. Singh’s immediate release.
6

7 Respectfully submitted,
8

9 Dated: June 2, 2026

s/ Kara Hartzler

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