

1 Saime Atakan
2 GlobalB Law Firm, PC
3 8909 W Olympic Blvd. Ste 207
4 Beverly Hills, CA 90211
5 Tel: (909) 334 2398
6 Email: saime@globalb.law
7 Attorney for Gurtaj Singh

8 **UNITED STATES DISTRICT COURT**

9 **EASTERN DISTRICT OF CALIFORNIA**

Gurtaj SINGH

Petitioner,

v.

DAVID J. VENTURELLA, in his official capacity as
Acting Director, U.S. Immigration and Customs
Enforcement; **CHRISTOPHER CHESTNUT**, in his
official capacity as Warden/ Facility Director of
California City Immigration Processing Center;
MARKWAYNE MULLIN in his official capacity as
the Secretary of Homeland Security; **TODD**
BLANCHE in his official capacity as the Attorney
General of the United States,

Respondents.

Case No.

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

EXECUTIVE SUMMARY

1. Petitioner Gurtaj Singh (“Petitioner”) respectfully submits this Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging the constitutionality of his continued civil immigration detention by the Department of Homeland Security (“DHS”) and its component agency, U.S. Immigration and Customs Enforcement (“ICE”). This Petition seeks judicial intervention to remedy an ongoing deprivation of liberty that has become unreasonable, excessive, and unconstitutional under the Fifth Amendment.

2. Petitioner’s immigration proceedings remain pending before the Board of Immigration Appeals (“BIA”). Petitioner timely exercised his legal right to appeal and has not caused delay in these proceedings. Exhibit A, for Automated Case Information.

3. Petitioner has been detained in ICE custody continuously since December 10, 2025. His detention has now exceeded 6 (six) months. Exhibit B, for Notice to Appear.

4. During his detention, Petitioner twice applied for a custody redetermination. Both requests for a bond were denied by the Immigration Judge. See Exhibit C, Immigration Judge Bond Denial Orders. By completely disregarding the objective facts in the case, the Immigration Judge committed a clear error of judgment. Petitioner did not appeal these denials to the BIA because the administrative appeal process is notoriously lengthy; pursuing such an appeal would have indefinitely prolonged his unjustified and continuous detention during the pendency of the review.

5. Petitioner attempted to obtain custody review through available immigration court procedures by filing a request for custody redetermination under Rodriguez V. Robbins. However, the filing was rejected and no custody review was provided. As a result, Petitioner has been left

1 without any meaningful mechanism to challenge his continued detention. Exhibit D, Rejection
2 Notice.

3 6. Petitioner's detention has become excessive in relation to the legitimate regulatory goals
4 of immigration custody. Continued detention no longer reasonably serves the purposes of ensuring
5 appearance at proceedings or protecting the community.

6 7. Petitioner poses no danger to the community and presents no risk of flight. Petitioner has
7 resided in California for 10 years and has never relocated outside the state. He has strong family
8 ties, longstanding community involvement, stable employment history, and no criminal history.
9 Exhibit E, from Sikhism Temple Head Priest.

10 8. Petitioner is married and is the father of one child. His wife is currently expecting their
11 second child and requires both emotional and financial support during pregnancy and childbirth.
12 Petitioner's detention prevents him from supporting his family during this critical period. Exhibit
13 F, for declaration from Petitioner's wife, Marriage Certificate, and pregnancy documents.

14 9. Petitioner additionally worked together with his brother and his continued detention has
15 caused substantial disruption to ongoing business operations and economic hardship for the family.
16 Exhibit G, for declaration from brother. Exhibit H, for declaration from a close friend, and
17 financial support.

18 10. Petitioner also suffers from hypertension and ongoing health concerns that have become
19 increasingly difficult to manage while detained. Exhibit I, health reports.

20 11. Petitioner therefore respectfully requests that this Court issue a writ of habeas corpus and
21 order his immediate release from detention. In the alternative, Petitioner requests a constitutionally
22 adequate bond hearing at which Respondents bear the burden of proving by clear and convincing
23 evidence that continued detention remains necessary.

INTRODUCTION

1. Petitioner Gurtaj Singh is a citizen of India who lawfully entered the United States under a B-1 nonimmigrant visa. Following his entry, and as a result of having faced persecution in his home country, he timely applied for asylum, obtained work authorization, and complied with all requirements imposed on him by immigration authorities. Petitioner has had no arrests or adverse interactions with law enforcement during his time in the United States. His immigration case is now in BIA, for appeal review.

2. The Fifth Amendment protects all persons within the United States from arbitrary deprivations of liberty.

3. Although immigration detention may initially be justified to ensure appearance at future proceedings and protect the public where necessary, due process imposes constitutional limits on prolonged detention.

4. Petitioner's continued confinement now exceeds six months with no foreseeable conclusion of proceedings.

5. Petitioner diligently pursued all available legal remedies and remains in active appellate proceedings before the Board of Immigration Appeals.

6. Despite this prolonged detention, the Government has never established that Petitioner poses a danger to the community or a flight risk sufficient to justify continued confinement.

7. Petitioner's continued detention has therefore become excessive, unreasonable, and unconstitutional under the Fifth Amendment.

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1 **JURISDICTION**

2 1. This action arises under the Fifth Amendment to the Constitution of the United States,
3 which guarantees due process of law; 28 U.S.C. § 2241 et seq. (habeas corpus); the Immigration
4 and Nationality Act (“INA”), 8 U.S.C. § 1101 et seq.; and Title 8 of the Code of Federal
5 Regulations.

6 2. This Court has jurisdiction pursuant to 28 U.S.C. § 2241, because Petitioner is in custody
7 under the authority of the United States and challenges the legality of that custody, and pursuant
8 to 28 U.S.C. § 1331, because this action presents questions of federal law and the United States
9 Constitution.

10 3. This Court is further authorized to grant relief pursuant to the Suspension Clause of the
11 United States Constitution, art. I, § 9, cl. 2; the All Writs Act, 28 U.S.C. § 1651; the Declaratory
12 Judgment Act, 28 U.S.C. §§ 2201–2202; and the federal habeas corpus statute, 28 U.S.C. § 2241.

13 **VENUE**

14 4. Venue is proper in this District pursuant to 28 U.S.C. § 2241 because it is the judicial
15 district where Petitioner is confined and where the Respondents Petitioner’s immediate custodians
16 may be reached by service of process.

17 5. Venue is further proper because Petitioner is detained at the California City Immigration
18 Processing Center in California City CA, which is located within the Eastern District of California,
19 and Respondents exercise custody and control over Petitioner within this District. See *Rasul v.*
20 *Bush*, 542 U.S. 466, 478–79 (2004).

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EXHAUSTION OF ADMINISTRATIVE REMEDIES

6. Although there is no statutory exhaustion requirement for a habeas petition brought by a civil immigration detainee under 28 U.S.C. § 2241, courts have at times required exhaustion as a prudential matter. See *Hernandez v. Sessions*, 872 F.3d 976, 988 (9th Cir. 2017); *Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011).

7. Petitioner has pursued all reasonably available administrative remedies concerning his continued detention and custody status.

8. First, Petitioner sought custody redetermination and requested release on bond. On December 30, 2025, the Immigration Judge denied bond, concluding that Petitioner was a flight risk such that no amount of bond or conditions would secure his future appearance and further finding that Petitioner had not established a stable address.

9. That determination was unsupported by the factual record and ignored substantial evidence demonstrating Petitioner's ties to the United States and lack of flight risk. Petitioner is an asylum seeker and has no lawful country of relocation outside the United States. Moreover, Petitioner's passport has expired, making international travel impracticable even if departure were contemplated. Petitioner resides in California with his wife and children, and his wife is currently pregnant. His brother also is in the United States and Petitioner has an established business in California. Petitioner has no intention of abandoning his family and leaving the jurisdiction.

10. To the extent Respondents assert that Petitioner presents a flight risk, the burden cannot rest on unsupported speculation. The record demonstrates otherwise. Petitioner has continuously resided in California for approximately ten years and has maintained a consistent residential

1 presence throughout that period. Petitioner's historical addresses are reflected in his tax filings
2 submitted as Exhibit J, Tax Returns. Since 2021 until today, he and his family reside at 5907
3 Fossridge Ct Bakersfield, CA 93313. In addition, Petitioner submits Exhibit K, Current Utility Bill
4 demonstrating his present residence. This current bill also shows Petitioner resides at the same
5 address, which is 5907 Fossridge Ct Bakersfield, CA 93313. These documents establish stable
6 housing. Despite the existence of this evidence, the initial custody determination was made without
7 meaningful engagement with the record.

8 11. Thereafter, Petitioner again sought custody redetermination. On March 26, 2026, the
9 request was denied on the ground that no material change in circumstances had occurred. Rather
10 than addressing the deficiencies in the original determination or evaluating the evidence
11 demonstrating Petitioner's community ties and lack of flight risk, the Immigration Court repeated
12 and relied upon the same legally deficient conclusions.

13 12. Finally, on June 19, 2026, Petitioner submitted an additional custody request based on
14 prolonged detention principles recognized under *Rodriguez v. Robbins*, seeking review of whether
15 continued detention remained justified after detention exceeded six months. Petitioner requested
16 an individualized custody review and bond determination based on the constitutional concerns
17 arising from prolonged civil detention.

18 13. The Immigration Court rejected the filing and declined to conduct any custody review,
19 stating only that "the case was closed." As a result, Petitioner was denied any meaningful
20 opportunity to obtain review of his ongoing detention.

1 14. At this stage, no further administrative remedy remains available that could provide timely
2 or effective relief. Petitioner has repeatedly attempted to obtain custody review through the
3 Immigration Court process and has been denied consideration on procedural and unsupported
4 grounds. Requiring additional exhaustion would therefore be futile and incapable of preventing
5 the ongoing constitutional injury caused by Petitioner's continued detention. Habeas corpus relief
6 is therefore appropriate.

7 **FACTUAL BACKGROUND**

8 15. Petitioner is a citizen of India. Petitioner entered the United States on May 7, 2016 pursuant
9 to a B-1 nonimmigrant visa. After arriving in the United States, Petitioner established his life in
10 California and continuously resided within the state for years. Petitioner subsequently sought
11 asylum and related immigration relief.

12 16. On April 27, 2026, the Immigration Judge denied Petitioner's applications. Petitioner
13 timely appealed that decision to the Board of Immigration Appeals on May 7, 2026. Petitioner's
14 appeal remains pending.

15 17. Petitioner has remained continuously detained by ICE since December 10, 2025. Petitioner
16 has now spent more than six months in civil immigration detention. Petitioner has diligently
17 pursued all available legal remedies and has not caused delay in these proceedings.

18 18. Petitioner has no criminal history. Petitioner has no history of violence. There is no
19 allegation that Petitioner conduct suggesting danger to the public. Throughout his residence in the
20 United States, Petitioner maintained strong family, employment, and community ties. He has never
21 left California, so there is no flight risk.

22 19. Petitioner is married and currently resides with extensive family support within the United
23 States. Petitioner and his wife already have one child together. Petitioner's wife is presently

1 pregnant with their second child and is expected to give birth in the near future. Petitioner's
2 continued detention has prevented him from assisting his wife during pregnancy and preparing for
3 childbirth. Petitioner's wife relies upon him emotionally and financially. Petitioner does not possess
4 a valid passport, he may not leave the country even if he wanted.

5 20. Petitioner also worked together with his brother and assisted ongoing business operations.
6 Since Petitioner's detention, those business operations have experienced substantial disruption.
7 Petitioner additionally suffers from hypertension and related health concerns. Continued detention
8 has made management of these conditions increasingly difficult.

9 21. Petitioner seeks release in order to continue supporting his family, maintain his health, and
10 appear for all future immigration proceedings.

11 **COUNT I**

12 **Prolonged Civil Immigration Detention in Violation of the Due Process Clause of the Fifth** 13 **Amendment**

14 22. Petitioner Harman Singh realleges and incorporates by reference all preceding paragraphs
15 of this Petition, including the detailed factual background concerning his detention history as
16 though fully set forth herein.

17 23. The Fifth Amendment's Due Process Clause protects all persons within the United States
18 from arbitrary deprivations of liberty. While the government possesses limited authority to detain
19 noncitizens during the pendency of immigration proceedings, that authority is not unlimited. Civil
20 immigration detention must remain temporary, non punitive, and reasonably related to a legitimate
21 governmental purpose, and it must be accompanied by meaningful procedural safeguards. The
22 government's ongoing detention of Petitioner is unjustified and unlawful.

1 24. The goals of immigration detention are to “ensur[e] [his] appearance ... at future
2 immigration proceedings,” and to “[p]revent[] danger to the community.” *Zadvydas*, 533 U.S. at
3 690. Neither goal is served by Petitioner’s detention.

4 25. Those interests diminish as detention becomes prolonged. Petitioner’s detention has
5 exceeded six months and continues while appellate proceedings remain pending. There is no
6 indication that proceedings will conclude in the immediate future. Petitioner has not delayed
7 proceedings. Petitioner exercised lawful appellate rights and pursued available legal remedies.

8 26. The Ninth Circuit has made clear that civil immigration detention must be justified by an
9 individualized determination and may not become “arbitrary or punitive in effect.” *Zadvydas v.*
10 *Davis*, 533 U.S. 678, 690 (2001); see also *Casas-Castrillon v. DHS*, 535 F.3d 942, 950 (9th Cir.
11 2008) (continued detention requires a “meaningful opportunity to contest the necessity of
12 detention”).

13 27. Moreover, once detention becomes prolonged, due process requires robust procedural
14 protections, including a bond hearing at which the government bears the burden of proving by
15 clear and convincing evidence that continued detention is justified. *Singh v. Holder*, 638 F.3d 1196,
16 1203–05 (9th Cir. 2011). ICE’s decision to detain Petitioner at a routine check-in—without any
17 intervening conduct—demonstrates that his detention is untethered to its civil purpose and weighs
18 heavily in favor of habeas relief or, at minimum, a constitutionally adequate bond hearing.

19 28. Accordingly, because the prior custody reviews were procedurally flawed and failed to
20 meaningfully evaluate the evidence, Petitioner’s continued prolonged detention is
21 unconstitutional, and habeas relief is required.

22 29. The unlawful denial of Petitioner’s custody redetermination based on the erroneous finding
23 regarding his stable address, combined with the subsequent summary rejection of his Rodriguez

1 hearing application - which the Immigration Court rejected under the guise that the "case was
2 closed" despite his detention exceeding six months - constitutes a severe constitutional violation.
3 Because the merits of Petitioner's prolonged and unlawful detention have never been meaningfully
4 reviewed on the record, the Immigration Court has failed to provide an adequate administrative
5 remedy. Accordingly, this systemic failure necessitates the intervention of this Court through a
6 writ of habeas corpus to resolve a constitutional injury that cannot be remedied within the
7 immigration court system.

8 **COUNT II**

9 **Continued Detention Does not Serve a Legitimate Regulatory Purpose**

10 30. Petitioner's continued immigration detention without an individualized bond hearing
11 violates due process under the *Mathews v. Eldridge* balancing test. First, Petitioner's private
12 interest in freedom from physical restraint is fundamental and weighs heavily in favor of greater
13 procedural protections. Second, the risk of erroneous deprivation under the current scheme is
14 substantial because Petitioner remains detained without a meaningful individualized custody
15 redetermination. Third, while the government has an interest in efficient administration of the
16 immigration system, that interest does not outweigh the severe liberty deprivation imposed by
17 prolonged detention, particularly where individualized hearings are routinely provided and
18 impose minimal administrative burden. Balancing these factors, due process requires an
19 individualized bond hearing, and Petitioner's continued detention without such a hearing is
20 unconstitutional.

1 31. Petitioner Gurtaj Singh realleges and incorporates by reference all preceding paragraphs of
2 this Petition, including the detailed factual background concerning his detention history as though
3 fully set forth herein.

4 32. Petitioner's continued detention no longer meaningfully advances either objective.
5 Petitioner timely appealed the Immigration Judge's removal order to the Board of Immigration
6 Appeals. As a result of that appeal, execution of removal is stayed during the pendency of BIA
7 review. Petitioner therefore is not subject to imminent removal and there is presently no
8 meaningful governmental interest in maintaining prolonged physical detention solely based on the
9 existence of pending proceedings.

10 33. The timing of adjudication before the Board remains uncertain. BIA proceedings may take
11 many months or significantly longer depending on administrative processing and appellate review.
12 Detaining Petitioner throughout an open-ended appellate process would impose a severe and
13 constitutionally disproportionate deprivation of liberty. Such prolonged detention would transform
14 civil custody into punishment in effect rather than regulation.

15 34. Civil detention must remain reasonably related to a legitimate governmental objective.
16 Petitioner presents neither danger to the community nor meaningful risk of flight. Petitioner has
17 lived in California for years. Petitioner has never relocated outside California. Petitioner has strong
18 family ties in the United States. Petitioner's wife and children reside in the United States.

19 35. Petitioner's brother and extended support network remain available to assist him upon
20 release. Petitioner has demonstrated stable employment history.

21 36. Petitioner has established community reputation and participation in charitable and
22 religious activities.

1 37. Petitioner has no criminal history. Petitioner has never demonstrated disregard for
2 immigration proceedings. These facts strongly undermine any justification for continued
3 detention.

4 38. Less restrictive alternatives are available. Reporting requirements, supervision, and other
5 alternatives adequately address any governmental concerns.

6 39. Continued detention is more restrictive and more burdensome than necessary to achieve
7 any legitimate governmental interest. By contrast, release would permit Petitioner to continue
8 supporting his family, return to productive employment, and continue contributing positively to
9 his community while remaining available for all future proceedings.

10 40. Under the totality of circumstances, continued detention no longer serves a lawful
11 regulatory objective and therefore violates due process.

12 **COUNT III**

13 **Failure to Provide Adequate Individualized Determination**

14 41. The repeated denial of bond based solely on “flight risk” and later on “no material
15 change” demonstrates a failure to provide a meaningful individualized custody determination.

16 42. Due process requires more than a cursory or repetitive denial. It requires a genuine
17 evaluation of current circumstances. Here, the Immigration Court failed to properly consider
18 critical factors, including: (1) Petitioner’s spouse in the United States (2) His pending asylum claim
19 where all the supporting evidence has been already submitted, (3) His lack of alternatives outside
20 the United States, (4) His clean record and compliance.

21 43. This mechanical denial process falls short of constitutional standards.

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COUNT IV

HUMANITARIAN AND MEDICAL FACTORS SUPPORT IMMEDIATE RELEASE

44. Petitioner Gurtaj Singh realleges and incorporates by reference all preceding paragraphs of this Petition, including the detailed factual background concerning his detention history as though fully set forth herein.

45. Individuals held in civil immigration detention retain constitutional protections under the Fifth Amendment. Because immigration detention is civil rather than punitive, the Government may not subject detainees to conditions that amount to punishment or unreasonably endanger health. Due process requires that individuals in civil detention receive constitutionally adequate conditions of confinement and meaningful access to necessary medical care.

46. Failure to provide adequate medical treatment during prolonged detention may render continued confinement unconstitutional. Petitioner suffers from hypertension and ongoing elevated blood pressure requiring consistent monitoring and access to appropriate medication.

47. While detained, Petitioner has experienced ongoing concerns regarding management of his medical condition. Petitioner has experienced difficulty obtaining adequate and consistent access to medication necessary to control his hypertension.

48. Lack of reliable treatment increases the risk of serious cardiovascular complications and unnecessary deterioration of Petitioner's health. Petitioner's medical concerns become increasingly serious as detention continues.

49. Continued detention therefore imposes consequences beyond ordinary restrictions associated with immigration custody. Petitioner's health concerns must be considered together with the length of detention and the absence of any legitimate need for continued confinement.

1 50. Petitioner's wife is currently pregnant with the couple's second child and is expected to
2 give birth in the near future. Petitioner's absence deprives his family of necessary emotional,
3 physical, and financial support during pregnancy and childbirth. Petitioner is also unable to provide
4 care and support for the couple's existing child.

5 51. These circumstances impose extraordinary hardship on the family unit.

6 52. Continued detention under circumstances involving prolonged confinement, inadequate
7 access to necessary medical treatment, and severe family hardship is excessive and constitutionally
8 unjustified. Immediate release is necessary to prevent ongoing constitutional injury.

9 **COMPARATIVE HABEAS CORPUS CASE LAW SUPPORTING RELIEF**

10 53. In the context of Mr. Singh, *Zadvydas v. Davis*, 533 U.S. 678 (2001) supports the argument
11 that ICE cannot detain him indefinitely without an individualized bond hearing or meaningful
12 review. Civil immigration detention is limited by due process and must be proportionate to its civil
13 purpose. Continued confinement in the California City Immigration Processing Center, without
14 review, particularly given these harms, mirrors the due process concerns addressed in *Zadvydas*
15 and justifies relief via habeas corpus.

16 54. For Mr. Singh, *Demore v. Kim*, 538 U.S. 510 (2003) supports the principle that civil
17 immigration detention, even if mandated by statute, must not be arbitrary or punitive and requires
18 meaningful individualized review. In Mr. Singh's case, his prolonged detention at California City
19 Immigration Processing Center without bond hearing similarly implicates Fifth Amendment
20 protections, while the unsanitary conditions and resulting harms provide additional factual support
21 for relief.

1 55. For Mr. Singh, *Cruz v. Beto*, 405 U.S. 319 (1972) establishes that civil detention does not
2 remove constitutional protections for religious freedom. ICE detention facilities must allow
3 detainees to practice their sincerely held beliefs, including meeting with religious leaders and
4 observing religious practices. Mr. Singh's inability to exercise his religion while in detention
5 constitutes a violation of his First Amendment rights, supporting his habeas corpus petition for
6 release or meaningful bond and custody review.

7 **PRAYER FOR RELIEF**

8 WHEREFORE, Petitioner Harman Singh respectfully request that this Court grant the following
9 relief:

10 **A. Immediate Release from ICE Custody**

- 11 1) Assume jurisdiction over this matter;
- 12 2) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner
13 immediately;
- 14 3) Order Respondents to show cause why the writ should not be granted within three days
15 and set a hearing on this Petition within five days of the return, as required by 28 U.S.C.
16 § 2243;
- 17 4) Declare that Petitioner's continued detention is no longer reasonably related to any
18 legitimate governmental purpose, and that under the totality of the circumstances,
19 detention has become excessive, arbitrary, and punitive in effect.
- 20 5) Declare that Respondents' actions violate the Administrative Procedure Act;
- 21 6) Order that Petitioner be released without bond, or, in the alternative, subject to
22 reasonable conditions of supervision, including but not limited to electronic

1 monitoring, reporting requirements, or participation in an Alternatives to Detention
2 (“ATD”) program, as the Court deems appropriate.

3 **B. Alternative Relief: Prompt and Constitutionally Adequate Custody Hearing**

4 7) In the alternative, issue a writ of Habeas Corpus ordering Respondents to provide
5 Petitioner with a constitutionally-adequate bond hearing, at which Respondents must
6 bear the burden by clear and convincing evidence of justifying his future detention by
7 demonstrating that he is a flight risk or a danger to the community;

8 8) Require consideration of less restrictive alternatives to detention, including release on
9 conditions, parole, or ATD, before any decision to continue confinement.

10 **C. Protection Against Transfer and Preservation of Jurisdiction**

11 9) Order Respondents to refrain from transferring Petitioner out of the jurisdiction of this
12 Court during the pendency of this habeas proceeding, so as to preserve this Court’s
13 jurisdiction.

14 10) Grant such other and further relief as this Court deems just, equitable, and proper under
15 the circumstances.

16 DATED: 07/03/2026

17 Saime Atakan

18 Attorney for Petitioner