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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RESHAM SINGH Petitioner, v. TONYA ANDREWS, Administrator of Golden State Annex; DAVID J. VENTURELLA, Acting Director of Immigration and Customs Enforcement; MARKWAYNE MULLIN, Secretary of the U.S. Department of Homeland Security; TODD BLANCHE, Attorney General of the United States Respondents.	Civil Action No. **VERIFIED PETITION FOR HABEAS CORPUS**

INTRODUCTION

1. Petitioner Singh respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 challenging his unlawful detention and seeking immediate release from custody. This case arises from Respondents' abrupt and unconstitutional revocation of Petitioner's liberty after nearly three years of complete compliance with every condition imposed by the Department of Homeland Security ("DHS").

2. Petitioner is a native and citizen of India who entered the United States without inspection on or about July 15, 2023. Shortly after his entry, DHS briefly detained him pursuant to a Form I-200.

DHS thereafter exercised its discretion to release Petitioner on his own recognizance, enrolled him in the Alternatives to Detention ("ATD") program, required periodic reporting to Immigration and Customs Enforcement ("ICE"), and permitted him to remain at liberty while his removal proceedings remained pending.

3. On August 7, 2023, DHS served Petitioner with a Notice to Appear charging him solely under INA § 212(a)(6)(A)(i). Petitioner has since appeared in removal proceedings pursuant to 8 U.S.C. § 1229a. He has a timely filed application for asylum that remains pending before the Immigration Court and has maintained valid employment authorization throughout these proceedings.

4. Following his release, Petitioner faithfully complied with every condition imposed by DHS. He appeared for every required ICE appointment, complied with every ATD requirement, maintained communication with immigration authorities, remained at his known residence, and continued lawful employment pursuant to his employment authorization. Petitioner has never violated any condition of his release. Aside from a minor traffic citation that was paid and subsequently dismissed, Petitioner has no criminal history whatsoever. Throughout this period, DHS always knew where Petitioner lived, where he worked, and how to contact him.

5. On July 8, 2025, DHS issued Interim Guidance asserting that certain noncitizens who entered without inspection remain subject to mandatory detention under 8 U.S.C. § 1225(b). DHS has since relied upon that guidance, together with Matter of Q. Li, 29 I&N Dec. 66 (BIA 2025), and Matter of Yajure-Hurtado, 29 I&N Dec. 216 (BIA 2025), to justify the re-detention of previously released noncitizens. Whether Petitioner's detention is governed by § 1225(b) or § 1226(a) remains a disputed legal issue currently being litigated in numerous federal courts, including within this Circuit.

6. On July 3, 2026, Petitioner received a telephone call from ICE instructing him to report to the ICE office the following morning. ICE informed Petitioner only that he needed to appear to complete

paperwork. At no time did ICE advise Petitioner that his liberty was under review, that DHS intended to revoke his release, or that he would be detained if he appeared.

7. Having faithfully complied with every ICE reporting requirement since his release in July 2023, Petitioner appeared at the ICE office as instructed on July 4, 2026. Upon his arrival, ICE officers immediately took Petitioner into custody. Petitioner repeatedly asked why he was being detained and informed the officers that he had a pending asylum application and valid employment authorization. He provided his employment authorization document and advised officers that he had complied with every reporting obligation imposed by DHS. ICE nevertheless detained Petitioner without providing any explanation, citation, individualized custody determination, or legal basis for revoking his previously granted liberty.

8. Before taking Petitioner into custody, Respondents provided no advance notice that his release was under review, no opportunity to respond to the reasons for his detention, no individualized custody determination, and no pre-deprivation hearing before a neutral decisionmaker. Instead, Respondents summarily revoked Petitioner's liberty despite his lengthy history of compliance, stable employment, family ties, and pending asylum proceedings.

9. Freedom from physical restraint lies at the core of the liberty protected by the Due Process Clause. After allowing Petitioner to remain at liberty for nearly three years while fully complying with every condition imposed by DHS, Respondents revoked that liberty without notice, without any meaningful opportunity to be heard, and without the individualized pre-deprivation process required by the Fifth Amendment.

10. Immediate habeas relief is necessary to restore the status quo ante, remedy Respondents' ongoing constitutional violation, and prevent Petitioner's continued detention without constitutionally adequate process.

JURISDICTION

11. This action arises under the Constitution of the United States and the INA, 8 U.S.C. § 1101 *et seq.*

12. 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).

13. 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.

VENUE

14. Venue is proper because Petitioner is detained in Golden State Annex, which is within the jurisdiction of this District. Venue is also proper in this District because Respondents are officers, employees, or agencies of the United States. *See* 28 U.S.C. § 1391(e).

PARTIES

15. Respondent Tonya Andrews is sued in her official capacity as Warden of the Golden State Annex. Respondent Andrews is the physical custodian of Petitioner.

16. Respondent David Venturella is sued in his official capacity as the Acting Director of U.S. Immigration and Customs Enforcement. Respondent Venturella is a legal custodian of Petitioner and has authority to release him.

17. Respondent Mullin is sued in his official capacity as the Secretary of the U.S. Department of Homeland Security. In this capacity, Respondent Mullin is responsible for the implementation and enforcement of the INA, and oversees ICE, the component agency responsible for Petitioner's detention and custody. Respondent Mullin is a legal custodian of Petitioner.

18. Respondent Todd Blanche is sued in his official capacity as the Attorney General of the

United States and the senior official of the U.S. Department of Justice. In that capacity, he has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review ("EOIR"), which administers the immigration courts and the BIA. Respondent Blanche is a legal custodian of Petitioner.

STATEMENT OF FACTS

19. Petitioner Singh is a native and citizen of India.

20. Petitioner entered the United States without inspection on or about July 15, 2023.

21. Shortly after his entry, DHS briefly detained Petitioner pursuant to a Form I-200, Warrant for Arrest of Alien.

22. DHS thereafter exercised its discretion to release Petitioner on his own recognizance and permitted him to remain at liberty while removal proceedings were pending.

23. As a condition of his release, DHS enrolled Petitioner in the Alternatives to Detention ("ATD") program and required periodic reporting to ICE.

24. On August 7, 2023, DHS served Petitioner with a Notice to Appear charging him solely under INA § 212(a)(6)(A)(i).

25. Petitioner timely filed an application for asylum, which remains pending before the Immigration Court.

26. Based upon his pending asylum application, Petitioner obtained valid employment authorization and has remained lawfully employed throughout these proceedings.

27. Since his release in July 2023, Petitioner has fully complied with every condition imposed by DHS. He has appeared for every scheduled ICE reporting appointment, complied with all ATD requirements, maintained communication with immigration authorities, remained at his known residence, and fully cooperated with DHS at all times. DHS has never alleged that Petitioner violated any condition of release or failed to comply with any reporting obligation.

28. Petitioner has no criminal history. His only contact with law enforcement consists of a minor traffic citation, which was paid and has since been dismissed.

29. Throughout Petitioner's release, DHS knew where he resided, where he worked, and how to contact him.

30. On July 8, 2025, DHS issued Interim Guidance asserting that certain noncitizens previously released into the interior of the United States remain subject to detention under 8 U.S.C. § 1225(b). DHS has subsequently relied upon that guidance, together with Matter of Q. Li, 29 I&N Dec. 66 (BIA 2025), and Matter of Yajure-Hurtado, 29 I&N Dec. 216 (BIA 2025), to justify the re-detention of previously released noncitizens.

31. On July 3, 2026, ICE contacted Petitioner by telephone and instructed him to report to the ICE office the following morning. ICE informed Petitioner only that he needed to appear to complete paperwork. ICE did not advise Petitioner that DHS intended to revoke his release, that his liberty was under review, or that he would be detained if he appeared.

32. Having faithfully complied with every prior reporting requirement for nearly three years, Petitioner relied upon ICE's representations and voluntarily appeared at the ICE office on July 4, 2026, exactly as instructed.

33. Upon Petitioner's arrival, ICE officers immediately took him into custody. Petitioner repeatedly asked why he was being detained but was not provided any explanation or legal basis for his detention.

34. Petitioner informed ICE officers that he had a pending asylum application before the Immigration Court and possessed valid employment authorization based upon that application. Petitioner provided his employment authorization document and advised officers that he had complied with every condition of his release since July 2023. ICE officers nevertheless detained Petitioner without

providing him any meaningful opportunity to address the basis for his detention.

35. Before revoking Petitioner's liberty, Respondents did not provide advance notice that his release was under review, did not provide an individualized custody determination, did not permit Petitioner to respond to the asserted basis for detention, and did not afford Petitioner any pre-deprivation hearing before a neutral decisionmaker.

36. Respondents detained Petitioner without identifying any violation of his release conditions, without alleging that he had failed to comply with DHS supervision, without alleging that he posed a danger to the community or a flight risk, and without providing any individualized determination that immediate detention was necessary.

37. At the time of his detention, Petitioner remained employed pursuant to valid employment authorization, maintained substantial family and community ties, had a pending asylum application before the Immigration Court, and had faithfully complied with every condition imposed by DHS supervision since his release nearly three years earlier.

38. Respondents' revocation of Petitioner's previously granted liberty occurred without notice, without any meaningful opportunity to be heard, and without any individualized pre-deprivation process, notwithstanding Petitioner's extensive history of compliance and the absence of any exigent circumstances warranting immediate detention.

STATUTORY FRAMEWORK

39. The INA prescribes three basic forms of detention for noncitizens in removal proceedings. First, 8 U.S.C. § 1226(a) authorizes the detention of noncitizens in standard non-expedited removal proceedings before an IJ. *See* 8 U.S.C. § 1226(a); 8 U.S.C. § 1229a. Individuals in section 1226(a) detention are entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are

subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

40. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under 8 U.S.C. § 1225(b)(2).

41. Finally, the INA also provides for detention of noncitizens who are subject to final orders of removal, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b). The detention provisions at section 1226(a) and 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act ("IIRIRA") of 1996, Pub. L. No. 104-208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Section 1226(c) was most recently amended earlier this year by the Laken Riley Act ("LRA"), Pub. L. No. 119-1, 139 Stat. 3 (2025).

42. Following enactment of the IIRIRA, the EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under section 1225 and that they were instead detained under section 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997). In the decades that followed, most noncitizens who entered without inspection—unless they were subject to some other detention authority—received bond hearings. This practice was also consistent with the practice prior to the enactment of the IIRIRA, in which noncitizens who were not deemed "arriving" were entitled to a custody hearing before an IJ or other hearing officer. See 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that section 1226(a) simply "restates" the detention authority previously found at section 1252(a)).

43. On July 8, 2025, DHS issued a memo to all employees of ICE stating that "[t]his message serves as notice that DHS, in coordination with the Department of Justice (DOJ), has revisited its legal position on detention and release authorities. DHS has determined that section 235 of the Immigration and

Nationality Act (INA) [8 U.S.C. § 1225], rather than section 236 [8 U.S.C. § 1226], is the applicable immigration detention authority for all applicants for admission. The following interim guidance is intended to ensure immediate and consistent application of the Department's legal interpretation while additional operational guidance is developed." The memo further stated DHS' new position with regard to custody determinations as follows:

> An "applicant for admission" is an alien present in the United States who has not been admitted or who arrives in the United States, whether or not at a designated port of arrival. INA § 235(a)(1) [8 U.S.C. § 1225(a)(1)]. **Effective immediately, it is the position of DHS that such aliens are subject to detention under INA § 235(b) [8 U.S.C. § 1225(b)] and may not be released from ICE custody except by INA § 212(d)(5) parole.** These aliens are also ineligible for a custody redetermination hearing ("bond hearing") before an immigration judge and may not be released for the duration of their removal proceedings absent a parole by DHS. For custody purposes, these aliens are now treated in the same manner that "arriving aliens" have historically been treated. **The only aliens eligible for a custody determination and release on recognizance, bond, or other conditions under INA § 236(a) [8 U.S.C. § 1226(a)] during removal proceedings are aliens admitted to the United States and chargeable with deportability under INA § 237, with the exception of those subject to mandatory detention under INA § 236(c) [8 U.S.C. § 1226(c)].**
>
> Moving forward, ICE will not issue Form I-286, Notice of Custody Determination, to applicants for admission because Form I-286 applies by its terms only to custody determinations under INA § 236 and part 236 of Title 8 of the Code of Federal Regulations. With a limited exception for certain habeas petitioners, on which the Office of the Principal Legal Advisor (OPLA) will individually advise, if Enforcement and Removal Operations (ERO) previously conducted a custody determination for an applicant for admission still detained in ICE custody, ERO will affirmatively cancel the Form I-286. *See* https://www.aila.org/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission (last accessed October 18, 2025) (emphasis original).

44. As a result, DHS now considers all noncitizens who have entered the United States without inspection and are subject to the grounds of inadmissibility, including long-time U.S. residents, to be subject to mandatory detention under section 1225(b) and ineligible for release on bond. Conversely, according to DHS "[t]he only aliens eligible for a custody determination and release on recognizance, bond, or other conditions under INA § 236(a) [8 U.S.C. § 1226(a)] during removal proceedings are aliens admitted to the United States and

chargeable with deportability under INA § 237, with the exception of those subject to mandatory detention under INA § 236(c) [8 U.S.C. § 1226(c)]." *Id.*

45. Shortly thereafter, the Board of Immigration Appeals ("BIA") issued decisions reflecting a similar interpretation. In *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), and *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), the Board concluded that Immigration Judges lack bond authority over certain noncitizens present in the United States without admission because, in the Board's view, 8 U.S.C. § 1225(b)(2)(A) mandates detention of such "applicants for admission" during removal proceedings.

46. Federal courts, however, have rejected DHS's attempt to reclassify noncitizens already placed in removal proceedings as subject to mandatory detention under § 1225(b). Courts have recognized that such individuals remain properly detained, if at all, under 8 U.S.C. § 1226(a) and therefore retain the statutory right to seek release on bond. See, e.g., *Bautista–Maldonado v. DHS* (holding that DHS may not retroactively convert individuals already in removal proceedings into § 1225(b) detainees in order to deny them access to bond). Courts in this District have repeatedly rejected materially identical re-detention practices. (*Labrador-Prato v. Noem, 1:25-cv-01598-DC-SCR, 2025 WL 3458802 (E.D. Cal. Dec. 2, 2025), Selis Tinoco v. Noem, 1:25-cv-01762-DC-JDP, 2025 WL 3567862 (E.D. Cal. Dec. 14, 2025).*

47. Petitioner Singh entered the United States on or about July 15, 2023, without inspection, and was thereafter placed in removal proceedings under 8 U.S.C. § 1229a. Shortly after entry, DHS briefly detained Petitioner pursuant to a Form I-200 but then exercised its discretion to release him on an Order of Release on Recognizance ("ROR"), subject to Alternatives to Detention ("ATD") supervision and periodic ICE reporting requirements. DHS thereafter permitted Petitioner to remain at liberty while his removal proceedings were pending.

Although Respondents now contend that Petitioner's detention is governed by 8 U.S.C. § 1225(b), Petitioner maintains that his custody is governed by 8 U.S.C. § 1226(a). Regardless of which statutory provision ultimately applies, Respondents cannot constitutionally revoke previously granted liberty without affording the procedural protections guaranteed by the Fifth Amendment.

48. On information and belief, Respondents rely upon DHS's July 8, 2025 Interim Guidance, together with *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), and *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), to assert that Petitioner is subject to mandatory detention under § 1225(b) and therefore ineligible for bond. That interpretation conflicts with the statutory structure of the INA and improperly attempts to convert a discretionary custody determination into mandatory detention after DHS previously granted Petitioner liberty and permitted him to remain free for years.

49. Neither *Matter of Yajure-Hurtado* nor *Matter of Q. Li* authorizes DHS to summarily re-detain an individual who was previously released on an Order of Release on Recognizance and who has remained fully compliant with every condition of supervision for years. Those decisions address the scope of Immigration Judge bond jurisdiction, not whether DHS may revoke an established liberty interest without constitutionally adequate process.

50. Respondents' position improperly collapses the distinction between initial inspection-stage custody and post-release detention, rendering DHS's own discretionary release determination meaningless. More fundamentally, regardless of the statutory detention authority ultimately applicable, nothing in the INA authorizes Respondents to revoke Petitioner's previously granted liberty without providing the process required by the Fifth Amendment.

51. Independent of the statutory dispute, Petitioner's re-detention violates the Due Process Clause because Respondents revoked his previously granted liberty without providing any notice,

individualized custody determination, opportunity to be heard, or pre-deprivation hearing.

52. DHS initially determined that detention was unnecessary and released Petitioner on an Order of Release on Recognizance subject to ATD supervision and periodic ICE reporting requirements.

53. Petitioner reasonably relied upon that custody determination and built his life around the liberty granted by DHS. He obtained valid employment authorization based upon his pending asylum application, maintained lawful employment, established significant family and community ties, complied with every reporting requirement, and remained actively engaged in his immigration proceedings.

54. Petitioner never violated any condition of his release. Throughout the period of supervision, DHS never alleged that Petitioner failed to report, absconded, violated any ATD requirement, or otherwise failed to comply with any condition imposed by DHS.

55. Throughout Petitioner's release, DHS knew Petitioner's residential address, employment information, and contact information. DHS also knew Petitioner possessed valid employment authorization based upon his pending asylum application and remained in ongoing removal proceedings.

56. On July 3, 2026, ICE contacted Petitioner by telephone and instructed him to report to the ICE office the following morning. ICE advised Petitioner only that he needed to appear to complete paperwork. ICE did not inform Petitioner that his previously granted liberty was under review, that DHS intended to revoke his release, or that he would be detained if he appeared.

57. Having faithfully complied with every ICE reporting requirement since his release in July 2023, Petitioner voluntarily appeared at the ICE office on July 4, 2026, exactly as instructed.

58. Upon Petitioner's arrival, ICE officers immediately took him into custody. Petitioner asked why he was being detained, but ICE officers failed to provide any explanation or identify any legal basis for revoking his liberty.

59. Petitioner informed ICE officers that he had a pending asylum application before the Immigration Court, possessed valid employment authorization, and had faithfully complied with every reporting obligation imposed by DHS since his release. Petitioner provided his employment authorization document to ICE officers and advised them that he remained gainfully employed.

60. ICE officers nevertheless detained Petitioner without providing him any meaningful opportunity to respond, address any purported basis for detention, or explain why continued release remained appropriate.

61. Prior to revoking Petitioner's release, Respondents provided no advance notice that his liberty was under review, no opportunity to contest detention, no individualized custody determination, and no pre-deprivation hearing before a neutral decisionmaker.

62. Respondents likewise failed to identify any violation of Petitioner's release conditions, any material change in circumstances, or any individualized basis demonstrating that Petitioner posed either a danger to the community or a flight risk before depriving him of his liberty.

63. At the time of his detention, Petitioner had successfully lived in the community for nearly three years while fully complying with every condition imposed by DHS. He had appeared for every ICE appointment, complied with all ATD requirements, maintained valid employment authorization, remained gainfully employed, continued pursuing his pending asylum application before the Immigration Court, and maintained substantial family and community ties. Petitioner has no criminal history other than a minor traffic citation that was paid and subsequently dismissed.

64. Petitioner was afforded no meaningful opportunity to consult with counsel, present evidence on his own behalf, respond to any asserted basis for detention, or otherwise challenge the revocation of his previously granted liberty before being taken into immigration custody.

65. Once the Government grants liberty through a formal custody determination and permits an individual to remain free for years while fully complying with all supervision requirements, that liberty constitutes a protected interest that cannot be revoked without constitutionally adequate procedures. *See Morrissey v. Brewer*, 408 U.S. 471, 482 (1972).

66. Respondents revoked Petitioner's liberty without advance notice, without a hearing, without any individualized process, and without any determination—made after constitutionally adequate procedures—that continued detention was necessary.

67. On information and belief, Respondents' actions were undertaken pursuant to DHS's July 8, 2025 Interim Guidance and the legal interpretations reflected in *Matter of Q. Li* and *Matter of Yajure-Hurtado*, rather than any individualized assessment of Petitioner's extensive compliance history, reliance interests, family ties, employment, or present circumstances.

68. The Due Process Clause does not permit the Government to grant liberty, permit an individual to rely upon that liberty for years through exemplary compliance with DHS supervision, and then summarily revoke that liberty without first providing advance notice and a meaningful opportunity to be heard before a neutral decisionmaker. That is precisely what occurred here.

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Substantive Due Process

69. The allegations in the above paragraphs are realleged and incorporated herein.

70. Petitioner challenges Respondents' arbitrary revocation of his previously granted liberty and his continued detention in violation of the Fifth Amendment. Although Respondents contend that Petitioner's detention is governed by 8 U.S.C. §1225(b), Petitioner maintains that his detention is governed by §1226(a). Regardless of which statutory provision ultimately applies, the Constitution prohibits

Respondents from arbitrarily revoking Petitioner's previously granted liberty without constitutionally adequate justification.

71. The Fifth Amendment provides: "No person shall be … deprived of life, liberty, or property, without due process of law." U.S. Const. amend. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

72. Shortly after Petitioner entered the United States on July 15, 2023, DHS exercised its discretionary custody authority and released him on his own recognizance subject to supervision requirements.

73. DHS thereafter permitted Petitioner to remain at liberty in the United States for more than three years while he participated in removal proceedings under 8 U.S.C. § 1229a and pursued asylum relief.

74. During that entire period, Petitioner fully complied with every condition imposed by DHS. He appeared for all ICE appointments, complied with all reporting requirements, maintained valid employment authorization based upon his pending asylum application, and never violated any condition of release.

75. Respondents never alleged that Petitioner absconded, failed to report, violated any condition of release, posed a danger to the community, or presented a flight risk.

76. On July 3, 2026, ICE instructed Petitioner to report to the ICE office the following morning to complete paperwork. ICE did not inform Petitioner that his liberty was under review or that he would be detained.

77. Having faithfully complied with every reporting obligation since his release, Petitioner voluntarily appeared at the ICE office on July 4, 2026, exactly as instructed. Upon his arrival, Respondents

immediately took him into custody and revoked the liberty previously granted by DHS.

78. Respondents revoked Petitioner's liberty without identifying any violation of his release conditions, any material change in circumstances, or any individualized basis demonstrating that detention was necessary to further a legitimate governmental interest.

79. On information and belief, Respondents instead detained Petitioner pursuant to DHS's July 8, 2025 Interim Guidance and the legal interpretations reflected in *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), and *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), rather than based upon any individualized assessment of Petitioner's extensive compliance history or present circumstances.

80. By summarily revoking Petitioner's previously granted liberty after nearly three years of exemplary compliance with DHS supervision, Respondents extinguished a substantial liberty interest upon which Petitioner reasonably relied in establishing employment, maintaining family and community relationships, and pursuing relief from removal.

81. Government action that arbitrarily deprives an individual of physical liberty without any individualized justification bears no reasonable relationship to a legitimate governmental objective and violates the substantive component of the Due Process Clause.

82. Respondents' decision to revoke Petitioner's liberty was arbitrary, capricious, and conscience-shocking because it disregarded Petitioner's complete compliance history, the absence of any violation of release conditions, the lack of any individualized finding that he presented a danger or flight risk, and the significant reliance interests created by DHS's own decision to permit Petitioner to remain at liberty for nearly three years.

83. Respondents' continued detention of Petitioner based solely upon a changed interpretation of detention authority, rather than any individualized determination that detention is necessary, constitutes arbitrary governmental action prohibited by the Fifth Amendment.

84. As a direct and proximate result of Respondents' unconstitutional conduct, Petitioner has suffered and continues to suffer the loss of his physical liberty and the attendant disruption to his employment, family life, and pursuit of asylum relief.

85. Immediate release is the appropriate remedy because Respondents' arbitrary revocation of Petitioner's previously granted liberty violated the substantive protections of the Fifth Amendment, and that constitutional violation continues through Petitioner's ongoing detention.

COUNT TWO

Violation of Petitioner's Procedural Due Process Rights

86. The allegations in the above paragraphs are realleged and incorporated herein.

87. In *Mathews v. Eldridge*, the U.S. Supreme Court set forth the factors to consider in determining if government action deprives an individual's Fifth Amendment right to procedural due process or whether the government process is constitutionally adequate. 424 U.S. 319 (1976) The *Mathews* factors are as follows: First, the private interest that will be affected by the official action; [S]econd, 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; Third, the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail. *Id.* at 335.

88. The risk of erroneous deprivation is substantial. DHS re-detained Petitioner without any individualized custody review, without alleging any violation or changed circumstance, and without affording him access to a bond hearing. The probable value of additional safeguards—namely, an individualized bond hearing before a neutral adjudicator—is immense.

89. Procedural due process requires notice and a meaningful opportunity to be heard before the government deprives an individual of a protected liberty interest, except in extraordinary circumstances

not present here.

90. Petitioner possessed a substantial liberty interest in remaining free from physical detention. That liberty interest was strengthened by DHS's own discretionary decision to release him on an Order of Release on Recognizance and to permit him to remain at liberty under DHS supervision for nearly three years.

91. During that period, Petitioner faithfully complied with every condition imposed by DHS. He appeared for every ICE reporting appointment, complied with every ATD requirement, maintained valid employment authorization, remained gainfully employed, pursued his pending asylum application, and established significant family and community ties.

92. On July 3, 2026, ICE instructed Petitioner to report to the ICE office the following morning to complete paperwork. ICE did not advise Petitioner that his liberty was under review, that DHS intended to revoke his release, or that he would be detained.

93. Relying upon DHS's representations and his nearly three-year history of successful compliance, Petitioner voluntarily appeared at the ICE office on July 4, 2026, exactly as instructed.

94. Upon Petitioner's arrival, Respondents immediately detained him and revoked the liberty previously granted by DHS.

95. Prior to detaining Petitioner, Respondents failed to provide:

a. notice that DHS intended to revoke Petitioner's release;
b. notice that DHS considered Petitioner subject to mandatory detention;
c. notice of any alleged violation of Petitioner's release conditions;
d. notice of any material change in circumstances supporting detention;
e. an individualized custody determination;
f. a meaningful opportunity to present evidence or respond to the asserted basis for detention;
g. an opportunity to be represented by counsel before his liberty was revoked; or
h. a pre-deprivation hearing before a neutral decisionmaker

96. On Respondents likewise failed to identify any violation of Petitioner's release conditions,

any failure to comply with ATD supervision, any failure to appear for ICE reporting, any material change in circumstances, or any individualized basis demonstrating that Petitioner posed either a danger to the community or a risk of flight before depriving him of his liberty.

97. Under the first *Mathews* factor, Petitioner's interest in remaining free from physical detention is among the most fundamental liberty interests protected by the Constitution. Freedom from physical restraint lies at the core of the liberty protected by the Due Process Clause.

98. Under the second *Mathews* factor, the risk of an erroneous deprivation created by Respondents' procedures was extraordinarily high. By providing no notice, no opportunity to respond, and no individualized pre-deprivation process whatsoever, Respondents eliminated any meaningful opportunity to consider Petitioner's extensive compliance history, lawful employment, pending asylum application, family and community ties, or any other individualized circumstances before revoking his liberty.

99. The value of additional procedural safeguards was substantial. Providing advance notice and a meaningful opportunity to be heard before revoking Petitioner's previously granted liberty would have significantly reduced the risk of erroneous detention while imposing only minimal administrative burdens on the Government.

100. Under the third *Mathews* factor, Respondents possessed no legitimate governmental interest in dispensing with pre-deprivation procedures. Petitioner had remained continuously compliant with DHS supervision for nearly three years, maintained a known residence, remained lawfully employed pursuant to valid employment authorization, consistently appeared for every ICE appointment, and voluntarily appeared at the ICE office on July 4, 2026, after being instructed to report.

101. No exigent circumstances existed that justified dispensing with constitutionally required pre-deprivation procedures. Respondents had ample opportunity to provide Petitioner notice and an

opportunity to be heard before revoking his liberty.

102. Instead, Respondents summarily revoked Petitioner's liberty without any meaningful pre-deprivation process and detained him pursuant to a categorical legal interpretation rather than an individualized determination based upon Petitioner's own circumstances.

103. Respondents therefore deprived Petitioner of his liberty without the procedural safeguards required by the Due Process Clause of the Fifth Amendment.

104. The constitutional violation was complete the moment Respondents revoked Petitioner's previously granted liberty without first providing constitutionally adequate notice and a meaningful opportunity to be heard.

105. Any subsequent custody review, custody redetermination, or bond proceeding cannot retroactively cure the completed constitutional violation because due process required constitutionally adequate procedures before Petitioner's liberty was revoked. See *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 542 (1985); *Fuentes v. Shevin*, 407 U.S. 67, 81–82 (1972).

106. Respondents' actions violated Petitioner's procedural due process rights under the Fifth Amendment.

107. Immediate release is the appropriate remedy to restore the status quo ante and remedy Respondents' ongoing unconstitutional deprivation of Petitioner's liberty. A post-deprivation bond hearing cannot restore the liberty interest that Respondents unconstitutionally extinguished without due process

COUNT THREE

Violation of the Immigration and Nationality Act

108. The allegations in the above paragraphs are realleged and incorporated herein.

109. Petitioner was placed in removal proceedings under 8 U.S.C. § 1229a and released on an Order of Release on Recognizance. Under the statutory structure of the INA, detention in such proceedings

is governed by 8 U.S.C. § 1226(a), absent a separate mandatory detention provision not applicable here.

110. Section 1226(a) authorizes discretionary detention and expressly permits release on bond. Nothing in the statute authorizes DHS to retroactively reclassify a noncitizen already placed in § 1229a proceedings and previously released under § 1226(a) as subject to mandatory detention under § 1225(b).

111. Neither Matter of Q. Li nor Matter of Yajure-Hurtado authorizes DHS to revoke long-standing liberty interests previously granted through discretionary release where the noncitizen remained fully compliant and committed no violation of release conditions.

112. Respondents' categorical denial of bond eligibility and reliance on § 1225(b) exceed statutory authority and are contrary to law.

113. Because Petitioner's detention is not authorized by the INA, habeas relief under 28 U.S.C. § 2241 is warranted.

COUNT FOUR

Violation of the Administrative Procedure Act

114. The allegations above are incorporated herein. This Court has jurisdiction under 28 U.S.C. § 1331 and 5 U.S.C. §§ 702 and 706 to review final agency action for which there is no other adequate remedy in a court.

115. DHS's determination that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b), and its re-detention of him on July 4, 2026 based solely on that interpretation, constitute final agency action within the meaning of 5 U.S.C. § 704. The custody determination is definitive, determines Petitioner's rights and obligations, and has immediate legal consequences—namely, his continued physical detention and categorical ineligibility for bond.

116. The Administrative Procedure Act directs courts to "hold unlawful and set aside agency action" that is contrary to law; in excess of statutory jurisdiction, authority, or limitations; or arbitrary,

capricious, or otherwise not in accordance with law. 5 U.S.C. § 706(2).

117. DHS's application of § 1225(b) to Petitioner—who was arrested pursuant to a Form I-200, released on an Order of Release on Recognizance, and placed in removal proceedings under 8 U.S.C. § 1229a—is contrary to the structure and plain language of the Immigration and Nationality Act. Petitioner is subject, if at all, to detention under 8 U.S.C. § 1226(a), which authorizes discretionary detention and eligibility for release on bond.

118. By reclassifying Petitioner as subject to mandatory detention under § 1225(b), DHS has acted in excess of its statutory authority and effectively nullified the bond eligibility expressly provided under § 1226(a).

119. DHS's action is also arbitrary and capricious. The agency:

a. provided no individualized custody determination;

b. relied solely on a revised legal interpretation rather than any new conduct or changed factual circumstance;

c. disregarded Petitioner's more than three years of full compliance with supervision;

d. failed to account for Petitioner's reliance interests created through years of government-authorized liberty; and

e. failed to meaningfully consider Petitioner's lawful employment authorization, family ties, and pending asylum proceedings.

120. An agency must provide a reasoned explanation when it changes course, particularly where prior action has created reliance interests. DHS offered no individualized or reasoned explanation for reversing its earlier custody determination that detention was unnecessary.

121. Because Respondents' custody determination is contrary to law, in excess of statutory

authority, arbitrary and capricious, and retroactively applies a new legal interpretation to extinguish an existing liberty interest, it must be set aside pursuant to 5 U.S.C. § 706(2).

122. Petitioner respectfully requests declaratory and injunctive relief vacating the unlawful custody determination and restoring his eligibility for release under 8 U.S.C. § 1226(a), including access to a bond hearing before an Immigration Judge.

COUNT FIVE

Violation of the Fourth Amendment

123. Petitioner realleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

124. The Fourth Amendment protects individuals against unreasonable searches and seizures.

125. Shortly, after entering the United States on or about **July 15, 2023**, DHS exercised its discretionary custody authority and released Petitioner on an Order of Release on Recognizance, subject to Alternatives to Detention ("ATD") supervision and periodic ICE reporting requirements.

126. During nearly three years of supervision, Petitioner faithfully complied with every condition imposed by DHS. He appeared for every required ICE appointment, complied with every ATD requirement, maintained valid employment authorization based upon his pending asylum application, remained gainfully employed, and continued pursuing relief before the Immigration Court.

127. Throughout Petitioner's release, DHS knew Petitioner's identity, residential address, employment information, immigration history, and complete compliance history. DHS never alleged that Petitioner violated any condition of release, failed to report, absconded, or otherwise failed to comply with DHS supervision.

128. On July 3, 2026, ICE instructed Petitioner by telephone to report to the ICE office the following morning to complete paperwork. ICE did not advise Petitioner that his liberty was under review

or that he would be detained.

129. Relying upon DHS's representations and his lengthy history of successful compliance, Petitioner voluntarily appeared at the ICE office on July 4, 2026, exactly as instructed.

130. Upon Petitioner's arrival, ICE officers immediately seized and detained Petitioner. Petitioner fully cooperated with ICE officers, identified himself, informed them that he had a pending asylum application and valid employment authorization, and advised that he had complied with every condition of DHS supervision since his release.

131. Petitioner repeatedly requested an explanation for his detention. ICE officers did not identify any violation of Petitioner's release conditions, any failure to comply with DHS supervision, any material change in circumstances, or any individualized factual basis demonstrating that immediate detention was necessary.

132. On information and belief, Petitioner's seizure resulted from DHS's July 8, 2025 Interim Guidance and the agency's reliance upon *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), and *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), rather than any individualized assessment of Petitioner's own conduct, compliance history, or present circumstances.

133. At the time of the seizure, Petitioner maintained a fixed residence known to DHS, possessed valid employment authorization, remained gainfully employed, maintained substantial family and community ties, had a pending asylum application before the Immigration Court, and had fully complied with every condition imposed by DHS since his release in July 2023.

134. Under the totality of the circumstances, Respondents' seizure of Petitioner was objectively unreasonable. Respondents seized Petitioner despite his nearly three-year history of complete compliance, voluntary appearance at the ICE office, and the absence of any individualized facts suggesting that he posed a danger to the community, presented a risk of flight, or had violated any condition of his release.

135. Respondents conducted no individualized assessment demonstrating that immediate custodial arrest was reasonably necessary before depriving Petitioner of his liberty. Instead, Respondents relied upon a categorical interpretation of detention authority to seize Petitioner without regard to his individual circumstances.

136. No exigent circumstances justified Petitioner's immediate seizure. Respondents had known Petitioner's identity, residence, employment, and whereabouts throughout the period of his release, and Petitioner voluntarily appeared at the ICE office after being instructed to do so.

137. Under these circumstances, Respondents' decision to seize Petitioner without any individualized justification constituted an unreasonable seizure in violation of the Fourth Amendment.

138. Petitioner's continued detention is the direct and ongoing consequence of that unconstitutional seizure.

139. Because Petitioner's seizure and continued detention violate the Fourth Amendment, habeas relief under 28 U.S.C. § 2241 is warranted.

140. Petitioner respectfully requests that this Court order his immediate release and grant such further relief as the Court deems just and proper.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Grant the Petition for Writ of Habeas Corpus;
2. Declare that Respondents' re-detention of Petitioner on July 4, 2026, without pre-deprivation process, violates the Fifth Amendment, the INA, the APA, and the Fourth Amendment;
3. Declare that Petitioner's detention, if authorized at all, is governed by 8 U.S.C. § 1226(a), not § 1225(b);

4. Order Respondents to immediately release Petitioner from custody and restore the status quo ante by reinstating the conditions of release previously granted by DHS;
5. Enjoin Respondents from re-detaining Petitioner absent constitutionally adequate pre-deprivation process;
6. Vacate Respondents' unlawful custody determination pursuant to 5 U.S.C. § 706(2);
7. Award attorneys' fees and costs pursuant to the Equal Access to Justice Act;
8. Grant such other relief as the Court deems just and proper.

Respectfully,

/s/Gurpreet Kaur
Gurpreet Kaur, Esq.
Attorney for Petitioner

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, and I submit this verification on his behalf. Because Petitioner is detained at the Golden State Annex Facility and immediate relief is sought, counsel verifies this petition on his behalf pursuant to 28 U.S.C. § 2242. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 9th day of July, 2026.

/s/ Gurpreet Kaur
Gurpreet Kaur, Esq.