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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; KRISTI NOEM, Secretary of the U.S. Department of Homeland Security; PAMELA BONDI, Attorney General of the United States Respondents.	Civil Action No. **MOTION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION**

MOTION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION

I. INTRODUCTION

Petitioner Singh respectfully moves this Court for an emergency Temporary Restraining Order ("TRO") ordering his immediate release and prohibiting Respondents from continuing to detain him without constitutionally required process.

This case arises from a straightforward constitutional violation. After permitting Petitioner to remain at liberty for nearly three years while he faithfully complied with every condition imposed by the Department of Homeland Security ("DHS"), Respondents abruptly revoked that liberty without advance notice, without a meaningful opportunity to be heard, without any individualized determination that detention was necessary, and without any pre-deprivation hearing.

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 but thereafter exercised its discretion to release him on an Order of Release on Recognizance ("ROR"), enrolled him in the Alternatives to Detention ("ATD") program, and required periodic reporting to Immigration and Customs Enforcement ("ICE"). DHS subsequently served Petitioner with a Notice to Appear on August 7, 2023, charging him solely under INA § 212(a)(6)(A)(i). Petitioner remains in pre-final-order removal proceedings under 8 U.S.C. § 1229a and has a timely filed application for asylum pending before the Immigration Court.

Since his release, Petitioner has faithfully complied with every condition imposed by DHS. He has appeared for every required ICE appointment, complied with every ATD requirement, maintained valid employment authorization based upon his pending asylum application, remained gainfully employed, maintained a known residence, and established substantial family and community ties within the United States. Petitioner has never violated any condition of his release. Other than a minor traffic citation that

was paid and subsequently dismissed, Petitioner has no criminal history. Throughout the entire period of supervision, DHS knew where Petitioner lived, where he worked, and how to contact him.

On July 8, 2025, DHS issued Interim Guidance asserting that certain noncitizens who entered without inspection remain subject to detention under 8 U.S.C. § 1225(b). Respondents have since relied upon that policy, 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 contend that previously released noncitizens are now subject to mandatory detention without bond.

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 his liberty was under review, that DHS intended to revoke his release, or that he would be detained if he appeared.

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. Upon his arrival, ICE officers immediately took Petitioner into custody. Petitioner repeatedly asked why he was being detained and informed ICE officers that he had a pending asylum application, valid employment authorization, and had complied with every condition imposed by DHS since his release. Petitioner produced his employment authorization document and advised ICE that he remained lawfully employed. ICE nevertheless detained Petitioner without providing any explanation, identifying any violation of his release conditions, or providing any legal basis for revoking his previously granted liberty.

Before revoking Petitioner's liberty, Respondents provided no advance notice that his release was under review, no opportunity to consult with counsel, no opportunity to present evidence on his own behalf, no individualized custody determination, and no pre-deprivation hearing before a neutral decisionmaker. Nor did Respondents identify any violation of Petitioner's release conditions, any material

change in circumstances, or any individualized basis demonstrating that immediate detention was necessary.

Respondents contend that Petitioner's detention is governed by 8 U.S.C. § 1225(b), while Petitioner maintains that his detention is governed by 8 U.S.C. § 1226(a). Regardless of which statutory provision ultimately applies, the Constitution does not permit the Government to revoke previously granted liberty without first providing constitutionally adequate procedural protections.

This case does not concern Petitioner's initial detention following his entry into the United States. Rather, it concerns Respondents' revocation of government-granted liberty after nearly three years of complete compliance with DHS supervision. The Constitution does not permit the Government to grant liberty, permit an individual to rely upon that liberty for years, and then summarily revoke that liberty without advance notice, without a meaningful opportunity to be heard, and without individualized pre-deprivation process.

Absent immediate relief, Petitioner will continue to suffer irreparable harm through unlawful physical detention. The constitutional violation was complete the moment Respondents revoked Petitioner's previously granted liberty without due process. A later custody review or bond hearing cannot restore the liberty that Respondents unlawfully extinguished. Immediate release is therefore necessary to restore the status quo ante and prevent Respondents from continuing to benefit from their unconstitutional conduct.

II. FACTUAL BACKGROUND

1. Petitioner Singh is a native and citizen of India currently in removal proceedings under 8 U.S.C. § 1229a.
2. Petitioner entered the United States without inspection on or about July 15, 2023.

3. Shortly after his entry, DHS briefly detained Petitioner pursuant to a Form I-200, Warrant for Arrest of Alien.
4. DHS thereafter exercised its discretion to release Petitioner on an Order of Release on Recognizance, enrolled him in the Alternatives to Detention ("ATD") program, and required periodic reporting to ICE.
5. On August 7, 2023, DHS served Petitioner with a Notice to Appear charging removability solely under INA § 212(a)(6)(A)(i).
6. Petitioner remains in pre-final-order removal proceedings and has a timely filed application for asylum pending before the Immigration Court.
7. Based upon his pending asylum application, Petitioner obtained valid employment authorization and has remained lawfully employed throughout these proceedings.
8. Since his release, Petitioner has fully complied with every condition imposed by DHS.
9. Petitioner has appeared for every scheduled ICE appointment, complied with every ATD requirement, maintained continuous communication with immigration authorities, and never failed to report as directed.
10. Petitioner has never absconded, never violated any condition of release, and has never been advised by DHS that he failed to comply with any condition imposed upon him.
11. Other than a minor traffic citation that was paid and subsequently dismissed, Petitioner has no criminal history.
12. During this period, Petitioner maintained lawful employment, established substantial family and community ties, and remained actively engaged in his removal proceedings before the Immigration Court.

13. Throughout Petitioner's release, DHS knew Petitioner's residential address, employment information, and contact information.

14. At no point during Petitioner's release did DHS advise Petitioner that his release was under review or that DHS intended to revoke the liberty it had previously granted.

15. On July 8, 2025, DHS issued Interim Guidance asserting that certain noncitizens who entered without inspection remain subject to detention under 8 U.S.C. § 1225(b).

16. Respondents now rely upon that policy, 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 contend that Petitioner is subject to mandatory detention and ineligible for bond.

17. The detention authority applicable to Petitioner remains disputed, including whether his detention is governed by 8 U.S.C. § 1225(b) or 8 U.S.C. § 1226(a).

18. On July 3, 2026, ICE contacted Petitioner by telephone and instructed him 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 if he appeared.

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

20. Upon Petitioner's arrival, ICE officers immediately took him into custody.

21. 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, or any legal basis for revoking his previously granted liberty.

22. 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

condition imposed by DHS since his release. Petitioner produced his employment authorization document and advised ICE officers that he remained lawfully employed. ICE officers nevertheless detained Petitioner without providing him any meaningful opportunity to respond or explain why continued release remained appropriate.

23. Prior to detaining Petitioner, Respondents provided no advance notice that his release was under review, no individualized custody determination, no opportunity to be heard, and no pre-deprivation hearing before a neutral decisionmaker.

24. Respondents did not identify any violation of Petitioner's release conditions, any material change in circumstances, or any individualized basis demonstrating that Petitioner posed a danger to the community or a flight risk before revoking his liberty.

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

26. Respondents revoked Petitioner's previously granted liberty without advance notice, without a hearing, 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

III. LEGAL STANDARD

The standards governing a TRO and a preliminary injunction are "substantially identical." *Stuhlbarg Int'l Sales Co. v. John D. Bush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001).

A TRO may issue where the movant demonstrates: A likelihood of success on the merits, a likelihood of irreparable harm absent relief, that the balance of equities tips in his favor, and that an injunction is in the public interest. *Winter v. NRDC*, 555 U.S. 7, 20 (2008).

Alternatively, a TRO may issue where serious questions go to the merits and the balance of hardships tips sharply in the movant's favor. *Friends of the Wild Swan v. Weber*, 767 F.3d 936, 942 (9th Cir. 2014).

IV. ARGUMENT

A. Petitioner Is Likely to Succeed on the Merits

1. Respondents Violated Due Process By Revoking Petitioner's Liberty Without Pre-Deprivation Process

Shortly after Petitioner entered the United States on or about July 15, 2023, DHS briefly detained him pursuant to a Form I-200 and then exercised its discretionary custody authority to release him on an Order of Release on Recognizance, subject to Alternatives to Detention ("ATD") supervision and periodic ICE reporting requirements. DHS thereafter permitted Petitioner to remain at liberty while his removal proceedings remained pending.

For nearly three years, Petitioner fully 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 never violated any condition of his release. Other than a minor traffic citation that was paid and subsequently dismissed, Petitioner has no criminal history. Throughout that period, DHS knew where Petitioner resided, where he worked, and how to contact him.

On July 3, 2026, ICE contacted Petitioner by telephone and instructed him 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 if he appeared.

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 arrival, ICE officers immediately took him into custody. Petitioner asked why he was being detained and informed ICE that he had a pending asylum application, possessed valid employment authorization, and had complied with every condition imposed by DHS. ICE nevertheless detained him without providing any explanation, identifying any violation, or giving him any meaningful opportunity to respond.

Before revoking Petitioner's previously granted liberty, Respondents provided no advance notice that his release was under review, no individualized custody determination, no opportunity to consult with counsel, no opportunity to present information on his own behalf, and no pre-deprivation hearing before a neutral decisionmaker. Nor did Respondents identify any violation of Petitioner's release conditions, any material change in circumstances, or any individualized basis demonstrating that immediate detention was necessary.

This case does not concern Petitioner's initial detention following his entry into the United States. Rather, it concerns Respondents' revocation of previously granted liberty after nearly three years of complete compliance with DHS supervision.

The Supreme Court has long recognized that once the Government grants conditional liberty, that liberty constitutes a protected interest that cannot be revoked without constitutionally adequate procedures. Morrissey v. Brewer, 408 U.S. 471, 482 (1972). Ordinarily, due process requires notice and a meaningful opportunity to be heard before the Government deprives an individual of a protected liberty interest. Mathews v. Eldridge, 424 U.S. 319, 333-35 (1976); Fuentes v. Shevin, 407 U.S. 67, 80-82 (1972).

The constitutional injury was complete the moment Respondents revoked Petitioner's previously granted liberty without providing constitutionally adequate pre-deprivation process. A later custody review or bond hearing cannot retroactively cure that completed constitutional violation.

No exigent circumstances justified dispensing with those constitutional safeguards. Respondents had permitted Petitioner to remain at liberty for nearly three years while fully complying with every condition of supervision. They identified no violation of Petitioner's release conditions, no danger to the community, no flight risk, and no material change in circumstances requiring immediate detention without prior process.

Because Respondents revoked Petitioner's previously granted liberty without notice, without any meaningful opportunity to be heard, and without any individualized pre-deprivation process, Petitioner is likely to succeed on his procedural due process claim.

2. Petitioner Is Likely to Succeed on His Statutory Claim

Petitioner entered the United States without inspection on or about July 15, 2023. Shortly thereafter, DHS briefly detained him pursuant to a Form I-200 but exercised its discretionary authority to release him on an Order of Release on Recognizance subject to ATD supervision and periodic ICE reporting requirements. On August 7, 2023, DHS served Petitioner with a Notice to Appear charging him solely under INA § 212(a)(6)(A)(i). Petitioner remains in pre-final-order removal proceedings under 8 U.S.C. § 1229a and has a pending asylum application before the Immigration Court.

Respondents now contend that Petitioner's detention is governed by 8 U.S.C. § 1225(b), while Petitioner maintains that his detention is governed by 8 U.S.C. § 1226(a). Regardless of which statutory provision ultimately applies, nothing in the Immigration and Nationality Act authorizes Respondents to revoke previously granted liberty without affording the procedural protections required by the Fifth Amendment.

Section 1226(a) authorizes discretionary detention and release pending removal proceedings. By contrast, § 1225(b) governs detention during the admission process. Nothing in the INA authorizes DHS to release a noncitizen into the community, permit him to remain at liberty for years while complying with every condition of supervision, and then summarily revoke that liberty solely because of a subsequent change in the agency's interpretation of the detention statutes.

For nearly three years, DHS itself determined that continued detention was unnecessary. Petitioner relied upon that determination by maintaining lawful employment, complying with every reporting requirement, establishing substantial family and community ties, and actively pursuing his asylum application.

Respondents now 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). Neither decision, however, authorizes DHS to revoke previously granted liberty after years of successful supervision without providing individualized process. Those decisions address Immigration Judge bond jurisdiction and the Government's interpretation of the detention statutes. They do not authorize the summary revocation of liberty challenged here.

Moreover, judges within the Eastern District of California have rejected DHS's interpretation that individuals in Petitioner's position are categorically subject to detention under § 1225(b), concluding instead that such individuals remain detained, if at all, under § 1226(a). Accordingly, Petitioner has demonstrated a strong likelihood of success on his statutory claim.

3. Revoking Previously Granted Liberty Without Individualized Justification Violates Substantive Due Process

Even if Respondents could establish statutory authority supporting Petitioner's detention, the Fifth Amendment independently prohibits arbitrary governmental action that interferes with protected liberty interests.

DHS affirmatively determined that continued detention was unnecessary when it exercised its discretion to release Petitioner on an Order of Release on Recognizance and permitted him to remain at liberty for nearly three years. During that period, Petitioner fully complied with every condition imposed by DHS, maintained valid employment authorization, remained gainfully employed, established substantial family and community ties, and actively pursued his pending asylum application.

Respondents never alleged that Petitioner violated any condition of release, failed to comply with DHS supervision, posed a danger to the community, or presented a flight risk. Other than a minor traffic citation that was paid and subsequently dismissed, Petitioner has no criminal history.

Instead, on information and belief, Respondents revoked Petitioner's liberty pursuant to DHS's July 8, 2025 Interim Guidance and their interpretation of Matter of Q. Li and Matter of Yajure-Hurtado, rather than because of any newly discovered misconduct, material change in circumstances, or individualized determination that detention had become necessary.

Revoking liberty previously granted through a formal discretionary custody determination after nearly three years of complete compliance—and doing so without any individualized justification demonstrating that immediate detention was necessary—is arbitrary governmental action that bears no reasonable relationship to a legitimate governmental objective. Such arbitrary action violates the substantive component of the Fifth Amendment's Due Process Clause.

Petitioner has therefore demonstrated a strong likelihood of success on his substantive due process claim.

B. Petitioner Is Suffering Irreparable Harm

Loss of physical liberty constitutes irreparable harm as a matter of law. Melendres v. Arpaio, 695 F.3d 990, 1002 (9th Cir. 2012).

Petitioner is suffering ongoing and irreparable harm due to Respondents' unlawful detention. He was released and remained at liberty while fully complying with every condition of supervision. He attended all ICE appointments, complied with ATD monitoring, maintained lawful employment pursuant to valid work authorization based upon his pending asylum application, maintained a known address, and continued pursuing asylum relief before the Immigration Court.

On July 4, 2026, after ICE instructed Petitioner to appear for paperwork, ICE seized and detained him without advance notice, without identifying any violation of his release conditions, and without providing any pre-deprivation process. His detention appears to be based on DHS's July 8, 2025 policy reinterpretation and reliance on Matter of Q. Li and Matter of Yajure-Hurtado, rather than any individualized assessment of his conduct or circumstances.

Each additional day of detention compounds the constitutional injury and cannot be remedied by monetary damages or after-the-fact relief. Petitioner also faces the loss of employment, disruption of family and community ties, and impairment of his ability to meaningfully pursue his pending asylum proceedings.

The harm is particularly acute because Respondents contend Petitioner is categorically ineligible for bond despite DHS's prior determination that detention was unnecessary and despite his nearly three years of successful compliance.

Absent immediate injunctive relief, Petitioner will continue to suffer an ongoing violation of his constitutional rights. He also faces a risk of transfer outside this District, which would frustrate this Court's jurisdiction and impair meaningful judicial review.

C. The Balance of Equities and Public Interest Favor Relief

The balance of equities weighs sharply in Petitioner's favor. DHS previously exercised its discretion to release Petitioner and permitted him to remain at liberty under supervision for more than three years, thereby demonstrating that continued detention was unnecessary during that period. Respondents cannot now claim harm from either releasing him under those same conditions or providing a constitutionally adequate custody determination under § 1226(a). The requested relief simply restores the status quo ante by returning Petitioner to the same conditions of supervision under which DHS itself determined he could safely remain in the community for more than three years.

By contrast, Petitioner suffers the ongoing loss of physical liberty—the most fundamental of liberty interests—each day he remains detained.

The public interest is served by ensuring that federal agencies comply with the Constitution and the Immigration and Nationality Act. An injunction here would not impede lawful immigration enforcement; it would simply require Respondents to act within legal limits.

Because the requested relief halts unlawful government conduct, the Court may waive any bond requirement under Rule 65(c).

D. Immediate Release—Not Merely a Bond Hearing—Is the Proper Remedy

Where the Government detains an individual without statutory authority or in violation of the Constitution, habeas courts possess broad remedial power to order release. Boumediene v. Bush, 553 U.S. 723, 779 (2008).

Here, DHS released Petitioner on an Order of Release on Recognizance, permitted him to remain at liberty for more than three years, and then re-detained him without notice, without any violation, and without any individualized justification.

A belated bond hearing does not cure this constitutional violation. The injury is not merely the denial of a hearing—it is the arbitrary deprivation of liberty at the moment of re-detention.

Where detention rests on an erroneous statutory classification, continued confinement cannot be justified pending future administrative proceedings.

Allowing the Government to cure unlawful detention only after judicial intervention would incentivize noncompliance and undermine the protections guaranteed by the Due Process Clause.

Under these circumstances, release is the only remedy that restores Petitioner to the position he occupied prior to the constitutional violation.

Accordingly, this Court should order Petitioner's immediate release, or, at minimum, prohibit further detention absent constitutionally compliant pre-deprivation process consistent with § 1226(a).

V. REQUESTED RELIEF

Petitioner respectfully requests that the Court:

1. Issue a Temporary Restraining Order Prohibiting Respondents from transferring Petitioner outside the Eastern District of California during the pendency of this action;
2. Order Petitioner's immediate release under the same conditions previously imposed by DHS;
3. In the alternative, prohibit Respondents from re-detaining Petitioner absent constitutionally adequate pre-deprivation process consistent with the Fifth Amendment; and
4. Issue an Order to Show Cause why a preliminary injunction should not be granted; and
5. Grant such other and further relief as the Court deems just and proper.

Respectfully,

/s/ Gurpreet Kaur
Gurpreet Kaur, Esq.

Dated this 9th day of July, 2026.