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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 No-- 1:26-cv-05297-JLT-EGC

PETITIONER'S REPLY TO RESPONDENTS' OPPOSITION AND RESPONSE TO ORDER TO SHOW CAUSE

I. INTRODUCTION

Respondents begin their opposition with a remarkable concession: "This case is in the category of immigration habeas cases for which the Court has typically ordered immediate release." (ECF No. 7).

That acknowledgment largely resolves this case. Respondents recognize that this Petition falls squarely within the category of immigration habeas cases in which this Court has repeatedly ordered immediate release after concluding that DHS violated the Fifth Amendment by revoking previously granted liberty without constitutionally adequate process.

Yet Respondents never explain why this case should come out differently. They do not dispute Petitioner's factual allegations. They do not contend Petitioner violated the conditions of his release. They do not identify any emergency that justified dispensing with pre-deprivation process. They do not produce the documentation this Court specifically ordered concerning any alleged violations of Petitioner's release conditions. Instead, Respondents rely solely on the argument that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b).

That argument misses Petitioner's claim entirely. Petitioner does not principally challenge Respondents' statutory detention authority. He challenges Respondents' revocation of his previously granted liberty without notice, without an individualized determination, and without any meaningful opportunity to be heard. Respondents never address that constitutional claim.

Having acknowledged that this case falls within the category of habeas cases in which this Court has typically ordered immediate release, while simultaneously failing to rebut the constitutional violation alleged in the Petition, Respondents have provided no basis for a different result here. The Court should grant the Petition and order Petitioner's immediate release.

II. RESPONDENTS FAILED TO COMPLY WITH THE COURT'S ORDER.

The Court specifically directed Respondents to produce "available documentation related to any asserted violations of release conditions."

Respondents produced none. That omission is significant. If DHS contends Petitioner's release was revoked because he violated supervision conditions, Respondents were expressly ordered to provide those records. Instead, they submitted only historical processing documents from Petitioner's initial entry in 2023 that say nothing about Petitioner's years of successful compliance following his release.

The Court requested evidence explaining why DHS revoked Petitioner's liberty. That request went to the central factual issue in this case. Respondents' inability to produce any such evidence speaks volumes. Respondents provided none. More specifically, although the Court expressly directed Respondents to produce any available documentation relating to asserted violations of Petitioner's release conditions, Respondents submitted no such evidence. They identify no violation of Petitioner's release conditions and produce no documentation supporting any asserted basis for revoking Petitioner's release Respondents do not identify a single violation of Petitioner's conditions of release, nor do they dispute Petitioner's allegation that he fully complied with every reporting requirement and supervision condition imposed by DHS. Petitioner alleges—and Respondents do not dispute—that ICE instructed him to report for what was represented as an administrative appointment. When Petitioner complied exactly as directed, DHS immediately detained him without identifying any violation of his release conditions, any changed circumstance, or any legal basis for dispensing with pre-deprivation process. Respondents' failure to produce the very evidence this Court requested confirms that Petitioner's liberty was not revoked because of any violation of his release conditions, but rather pursuant to DHS's unilateral decision to re-detain him despite his complete complian. Respondents' failure to produce the very evidence this Court requested confirms that Petitioner's liberty was not revoked because of any violation of his release conditions, but rather pursuant to DHS's unilateral decision to re-detain him despite his complete compliance.

Their failure to produce the very evidence requested by the Court strongly confirms Petitioner's allegation that no constitutionally adequate process preceded his detention. Respondents had every incentive to produce evidence if one existed. The Court specifically ordered them to do so. Rather than submitting evidence that Petitioner violated any release condition, Respondents relied exclusively on

Petitioner's initial processing documents from 2023—documents that say nothing about why DHS chose to revoke Petitioner's liberty years later. That omission is telling.

III. RESPONDENTS NEVER ADDRESS PETITIONER'S PROCEDURAL DUE PROCESS CLAIM.

Respondents' opposition never addresses Petitioner's actual claim. Petitioner does not principally dispute whether Respondents possess statutory authority to detain certain noncitizens under the Immigration and Nationality Act. Rather, Petitioner challenges the manner in which Respondents exercised that authority by revoking his previously granted liberty without providing the procedural safeguards required by the Fifth Amendment.

Specifically, Petitioner alleges that Respondents detained him without prior notice, without identifying any alleged violation of his release conditions, without an individualized determination that detention had become necessary, without any meaningful opportunity to respond, and without any neutral decisionmaker before extinguishing the liberty that DHS itself had previously granted. Those allegations form the basis of Petitioner's procedural due process claim.

Respondents do not attempt to rebut any of these allegations. They never argue that pre-deprivation process was provided. They never contend that exigent circumstances justified dispensing with such process. They never explain why notice and an opportunity to be heard were constitutionally unnecessary. Nor do they identify any authority holding that DHS may revoke a previously granted release without affording the procedural protections guaranteed by the Fifth Amendment.

Instead, Respondents argue only that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b). But even assuming Respondents are ultimately correct regarding the applicable detention statute, that does not answer the constitutional question presented here. The existence of statutory detention authority does not eliminate the Government's independent obligation to provide constitutionally adequate procedures before depriving an individual of an established liberty interest.

Because Respondents never address Petitioner's procedural due process claim, they fail to rebut Petitioner's showing that Respondents violated the Fifth Amendment when they revoked his liberty without constitutionally required pre-deprivation process. Their silence on the dispositive constitutional issue provides an independent basis for granting the Petition and ordering Petitioner's immediate release.

IV. MEZEI AND THURAISSIGIAM DO NOT CONTROL THIS CASE.

Respondents' reliance on *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206 (1953), and *Department of Homeland Security v. Thuraissigiam*, 591 U.S. 103 (2020), is misplaced because neither case addresses the constitutional question presented here.

Both decisions involved challenges arising from the Government's initial treatment of arriving or recently encountered noncitizens seeking admission into the United States. Neither case involved an individual whom DHS had already exercised its discretion to release into the United States, permitted to remain at liberty for years, and then re-detained without notice or any pre-deprivation process.

That distinction is dispositive. Indeed, Respondents themselves acknowledge that this case falls within the category of immigration habeas cases in which this Court has typically ordered immediate release, confirming that this case is materially different from the initial-entry cases on which they rely.

Petitioner does not challenge Respondents' initial decision to detain him upon his entry into the United States. Nor does he claim a constitutional right to admission. Instead, Petitioner challenges Respondents' subsequent decision to revoke the liberty that DHS itself previously granted after Petitioner spent years complying with every condition of his release. During that time, Petitioner remained continuously available to immigration authorities, complied with DHS supervision, maintained lawful employment, and appeared for all required appointments. Respondents do not dispute those allegations.

Once DHS exercised its discretion to release Petitioner and allowed him to remain at liberty while his removal proceedings continued, Petitioner acquired a substantial liberty interest protected by the Due Process Clause. The constitutional issue before this Court is therefore not whether Congress authorized

detention under the INA, but whether Respondents could extinguish that established liberty interest without providing notice, an individualized determination, and a meaningful opportunity to be heard.

Neither *Mezei* nor *Thuraissigiam* considered that question. Neither decision holds that the Government may revoke previously granted liberty without constitutionally adequate procedures. Accordingly, those cases do not resolve—and do not even address—the procedural due process violation alleged in this Petition.

Respondents' exclusive reliance on *Mezei* and *Thuraissigiam* therefore reinforces, rather than defeats, Petitioner's claim. By citing cases addressing only the Government's authority over initial admission, Respondents again fail to confront the actual constitutional issue presented: whether the Fifth Amendment permits DHS to revoke previously granted liberty without any pre-deprivation process. It does not.

V. RESPONDENTS AGREE THIS COURT SHOULD DECIDE THE MERITS NOW.

Respondents expressly state that they submit on the existing record, request no hearing, do not oppose conversion of the TRO request into a preliminary injunction, and request that the Court decide the Petition in its entirety.

Accordingly, both parties agree that the present record is sufficient for the Court to resolve the merits.

Because Respondents have not disputed Petitioner's factual allegations or rebutted the constitutional violation alleged in the Petition, further briefing is unnecessary.

VI. IMMEDIATE RELEASE REMAINS THE ONLY REMEDY THAT FULLY REDRESSES THE CONSTITUTIONAL VIOLATION.

The constitutional injury occurred when Respondents revoked Petitioner's liberty without providing the process the Fifth Amendment requires.

That violation cannot be undone through post-deprivation procedures.

Respondents have now conceded that this case falls within the category of immigration habeas cases in which this Court has typically ordered immediate release. They have produced no evidence that Petitioner violated any release condition, no evidence justifying the revocation of his liberty, and no response to Petitioner's Fifth Amendment claim. On this record, immediate release is not merely appropriate—it is the only remedy that fully restores the liberty Respondents unconstitutionally deprived. Respondents chose to stand on a two-page opposition that neither disputes Petitioner's facts nor answers Petitioner's constitutional claim. Their own filing recognizes that this case falls within the category of immigration habeas cases in which this Court has typically ordered immediate release. On this record, the Court should do so here.

Respectfully submitted,

/s/ Gurpreet Kaur
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Dated this 17th day of July, 2026.