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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

Harmanjot Singh, Petitioner	Case No.: _____ (Assigned by Clerk)
v. Warden, California City Immigration Processing Center Field Office Director, ICE Enforcement and Removal Operations, San Francisco Field Office Markwayne Mullin, Secretary of the U.S. Department of Homeland Security Todd Blanche, Acting Attorney General of the United States Respondents.	**PETITION FOR WRIT OF HABEAS CORPUS (28 U.S.C. § 2241)** **AND** **COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241 (IMMIGRATION DETENTION)

INTRODUCTION

1. Petitioner Harmanjot Singh ("Petitioner"), Alien Registration Number [redacted] by and through his undersigned counsel, the Joshi Law Firm, respectfully petitions this Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 to remedy his unlawful, unconstitutional, and mandatory civil immigration detention without a valid administrative bail forum at the California City ICE Processing Center.

2. Petitioner is a twenty-nine (29)-year-old native and citizen of India who entered the United States completely legally as a minor on May 8, 2014, via a valid B1/B2

nonimmigrant visitor visa. Since his lawful arrival over twelve years ago, Petitioner has never departed the United States, has never re-entered, and has remained continuously present in the interior of the country. He is a named derivative rider on his parents' active, timely filed, and pending Form I-589 Application for Asylum.

3. On March 10, 2026, immediately following the complete dismissal of state criminal charges in Salt Lake County, Utah, Petitioner was seized by Immigration and Customs Enforcement ("ICE") and placed into mandatory, no-bond detention. This detention was predicated on a demonstrably false, automated administrative allegation that he departed and illegally re-entered the United States without inspection.

4. On May 29, 2026, an Immigration Judge ("IJ") denied Petitioner's request for a custody redetermination. The IJ erroneously concluded that the Executive Office for Immigration Review ("EOIR") lacked jurisdiction over Petitioner's custody under the border-centric doctrine of Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025), accepting the government's unverified database entry characterizing Petitioner as an unadmitted "applicant for admission." Alternatively, the IJ relied on unadjudicated, completely dismissed criminal allegations to deem Petitioner a danger to the community.

5. Because Petitioner entered legally, has zero criminal convictions, and has a viable path to legal status through an active asylum application currently marked "ready for individual hearing" on the EOIR portal, his ongoing indefinite civil confinement violates both the Immigration and Nationality Act ("INA") and the Due Process Clause of the Fifth Amendment. Petitioner requests immediate release under reasonable conditions or, alternatively, a constitutionally compliant custody hearing before a neutral decisionmaker where the government bears the clear and convincing burden of proof.

JURISDICTION & VENUE

6. This action arises under the Constitution of the United States and the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101 et seq.

7. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in federal immigration custody and challenges the legality of that custody.

8. This Court also has jurisdiction under 28 U.S.C. § 1331 and Article I, § 9, cl. 2 of the United States Constitution.

9. This Court may grant relief under 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

10. Venue is proper in the Eastern District because Petitioner is physically confined within this judicial district at the California City ICE Processing Center, and his immediate custodian is located within this district.

11. Venue is also proper under 28 U.S.C. § 1391(e) because Respondents are officers, employees, or agencies of the United States, and a substantial part of the relevant custody decisions and effects of detention occurred in this District.

STATEMENT OF FACTS

12. On May 8, 2014, Petitioner arrived at the Los Angeles International Airport Port of Entry as a minor in the lawful custody of his parents. He was inspected and admitted under a valid B1/B2 visa, documented via Admission Record Number [redacted] with authorization to remain until November 7, 2014. Shortly after arrival, his parents submitted a Form I-589 application for asylum, listing Petitioner as a dependent child rider, which remains pending.

13. In the Form I-213, DHS alleges that Petitioner departed the United States on May 19, 2019, based on a single automated computer log in the Arrival and Departure Information System ("ADIS"). This automated "ghost entry" is facially false and completely contradicted by the government's own records: the exact same Form I-213 states that Petitioner was physically arrested by local law enforcement in California on May 17, 2019. It is physically and programmatically impossible for Petitioner to have been in California local custody on May 17 and simultaneously boarded an international flight out of the country on May 19.

14. Petitioner has never been convicted of any crime, has never entered a plea of guilt, and has no criminal record under federal or state law. On October 31, 2024, Petitioner was arrested in Salt Lake County, Utah. On March 5, 2026, the Third Judicial District Court of Salt Lake County dismissed every single count in that felony matter in its entirety (Case No. [redacted] due to a complete lack of merit and prosecution. Petitioner's historical citations in Merced and Stanislaus counties were dismissed, and his current pending counts in Fresno and Tulare counties are strictly non-violent, minor commercial property allegations (misdemeanor shoplifting) where he has maintained a strict plea of Not Guilty.

15. On March 5, 2026, upon the total dismissal of his Utah charges, Petitioner was transferred into ICE custody. On March 10, 2026, DHS served him with a Notice to

Appear, charging removability under INA § 212(a)(6)(A)(i). On March 12, 2026, he was transferred to the California City ICE Processing Center, where he has remained detained for nearly four months.

16. Petitioner's Master Calendar immigration proceedings have successfully concluded. His asylum claim is formally categorized on the EOIR portal as "ready for individual hearing," and he is currently awaiting an Individual Merits trial date. If released, Petitioner will reside at a stable home located at [redacted] California, under the direct physical supervision and full financial sponsorship of [redacted] a documented, tax-paying commercial sponsor.

17. On May 29, 2026, Immigration Judge Vikram Badrinath issued a written order denying bond. The IJ held that under Matter of Yajure Hurtado, the court lacked jurisdiction because DHS chose to classify Petitioner as an unadmitted border-crosser under INA § 235(b)(2). Alternatively, the IJ ruled that Petitioner failed to meet his burden to prove he was not a danger, explicitly weaponizing the unadjudicated, dismissed Utah arrests as circumstantial evidence of dangerousness.

18. Petitioner realleges and incorporates all preceding paragraphs. Freedom from physical confinement is a foundational liberty interest protected by the Fifth Amendment. The government violates procedural due process when it relies on unverified, error-prone automated computer logs to strip an interior resident who entered legally of his constitutional right to a physical custody hearing.

19. By extending the border-centric doctrine of Matter of Yajure Hurtado to an interior resident who entered with inspection, and by stripping the immigration court of jurisdiction based entirely on unproven DHS allegations of an entry-without-inspection re-entry, Respondents have completely insulated the deprivation of Petitioner's liberty from neutral administrative review, violating the Due Process Clause.

20. Petitioner realleges and incorporates all preceding paragraphs. Due process forbids the government from depriving an individual of civil liberty through a presumption of dangerousness extracted from dismissed, unadjudicated arrests. The Immigration Judge unconstitutionally shifted the burden to Petitioner to disprove dangerousness by weaponizing a 13-count felony arrest sheet that had been dismissed without prejudice nearly three months prior. Dropped charges carry zero operational weight. To the extent pending non-violent shoplifting allegations exist, they are minor commercial property claims that cannot support a finding of severe danger to persons or property.

LEGAL FRAMEWORK

21. A federal district court may grant habeas relief where a person is "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c).

22. Immigration detention must comply with the Fifth Amendment Due Process Clause. Zadvydas v. Davis, 533 U.S. 678, 693-94 (2001).

23. Procedural due process claims are analyzed by asking whether a protected liberty interest exists and, if so, what process is constitutionally required. Morrissey v. Brewer, 408 U.S. 471, 481-82 (1972); Mathews v. Eldridge, 424 U.S. 319, 335 (1976).

24. A person previously released from custody has a significant liberty interest in remaining free from physical restraint. See Morrissey, 408 U.S. at 482; Young v. Harper, 520 U.S. 143, 147-49 (1997). Courts in this District have applied those principles to immigration re-detention following prior release.

25. When due process requires a custody hearing, the government must justify continued detention by clear and convincing evidence and the hearing must meaningfully consider flight risk, danger, and less restrictive alternatives. See Martinez v. Clark, 124 F.4th 775, 784-86 (9th Cir. 2024); Hernandez v. Sessions, 872 F.3d 976, 990-91 (9th Cir. 2017).

CLAIMS FOR RELIEF
COUNT ONE

Violation of the Fifth Amendment Right to Procedural Due Process

26. **Unconstitutional Disruption of Interior Custody Jurisdiction:** Respondents violated Petitioner's procedural due process rights by stretching the border-centric holding of Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025), into the interior of the United States to strip the Immigration Court of bond jurisdiction over a noncitizen who originally entered legally.

27. **Fabrication of Mandatory Border Detention Status via Programmatic Error:** Respondents arbitrarily reclassified Petitioner as an unadmitted "applicant for admission" under INA § 235(b)(2) based entirely on a demonstrably false electronic entry in the Arrival and Departure Information System (ADIS) alleging a May 19, 2019 departure.

This unverified automated entry is facially contradicted by the government's own Form I-213, which records that Petitioner was physically arrested and held in local law enforcement custody in California on May 17, 2019. It is programmatically impossible to have been in a California jail on May 17 and simultaneously boarded an international flight on May 19

28. **Irreparable Structural Impairment of Direct Defense Prep:** Petitioner's ongoing physical confinement at the California City ICE Processing Center inflicts an active constitutional injury by subverting his right to assist counsel in preparing his defense. His underlying asylum application has concluded its Master Calendar track and is formally marked on the EOIR portal as "ready for individual hearing." By maintaining his detention, Respondents structurally block Petitioner from executing the paper-based requests, physical forms, and clerk fees strictly required by rural and municipal California court divisions to secure the certified dockets necessary to prove his clean record and preserve his asylum trial equities.

COUNT TWO

Unlawful and Arbitrary Detention Under 28 U.S.C. § 2241 and the INA

29. **Total Absence of Statutory Criminal Triggers Supporting Mandatory Detention:** Petitioner has zero criminal convictions, has never entered a plea of guilt, and maintains an absolute lack of any criminal adjudication in his history. Because every single arrest historically brought against Petitioner has resulted in a formal dismissal or baseline closure, there is no valid statutory trigger under the INA (such as mandatory detention under INA § 236(c)) to strip him of an operational, discretionary administrative bond forum under INA § 236(a).

30. **Unconstitutional Shifting of Burden via Dismissed Arrest Sheets:** The Immigration Judge fundamentally flipped the constitutional presumption of innocence by requiring Petitioner to disprove a baseline narrative of "dangerousness" derived entirely from a 13-count Utah felony arrest sheet that had been dismissed in its entirety on March 5, 2026.

Because the state court dropped every single charge without prejudice due to a total lack of merit and a failure to produce a witness, those unadjudicated allegations carry zero legal weight and cannot serve as the basis for a deprivation of civil liberty.

31. **Ineligibility of Minor Property Counts to Support Confinement:** Petitioner's remaining pending counts in Fresno and Tulare County are strictly non-violent commercial property disputes (misdemeanor shoplifting under CPC § 459.5(a) and grand theft property under CPC § 487(a)). These minor, unresolved property citations cannot, as a matter of law, sustain a clear and convincing showing that Petitioner's release poses an unacceptable risk of imminent danger to other persons or property.

32. **Adequacy of Less Restrictive Alternatives to Manage Alleged Risk:** Any structural concerns regarding flight risk or historical warrants are fully neutralized by Petitioner's comprehensive relocation and release plan. Petitioner has put forth a stable, verifiable interior release address at 5100 Gleaming Gem Way, Bakersfield, California, under the direct physical oversight and full financial sponsorship of a documented commercial sponsor, and has expressed an absolute willingness to integrate into the Alternative to Detention (ATD) framework, including electronic location monitoring.

WHEREFORE, Petitioner respectfully requests that this Court enter judgment in his favor and grant the following relief:

A. Assume jurisdiction over this matter and issue a Writ of Habeas Corpus or an Order to Show Cause directed to Respondents requiring them to answer within three (3) days;

B. Declare that Petitioner's mandatory detention without a bond hearing is unconstitutional, and that the border-centric holding of Matter of Yajure Hurtado cannot apply to a noncitizen who originally entered legally via a valid nonimmigrant visa;

C. Declare that the agency's reliance on completely dismissed, unadjudicated criminal arrest sheets to establish circumstantial evidence of dangerousness or to alter a detainee's baseline burden of proof violates the Due Process Clause;

D. Issue a Writ of Habeas Corpus compelling Respondents to immediately release Petitioner from physical custody at the California City ICE Processing Center under reasonable, non-monetary conditions;

E. In the alternative, compel Respondents to bring Petitioner before a neutral decisionmaker within seven (7) days for a constitutionally adequate custody redetermination hearing, subject to the following strict procedural parameters:

i. The government shall bear the absolute burden of proof to justify continued detention by clear and convincing evidence;

ii. The decisionmaker must explicitly consider less restrictive alternatives to physical detention, including electronic location monitoring and the stable Bakersfield residential plan proposed at 5100 Gleaming Gem Way;

iii. The government shall be completely precluded from introducing or relying upon the completely dismissed multi-count Utah felony matter (Case No. 241913622 FS) as evidence of danger or risk of flight;

F. Enjoin and restrain Respondents from re-detaining or re-arresting Petitioner under these immigration proceedings absent advance written notice detailing a specific, newly manifested material change in circumstances and a pre-deprivation hearing before a neutral decisionmaker;

G. Order Respondents not to transfer Petitioner outside the jurisdiction of the U.S. District Court for the Eastern District of California during the pendency of these federal proceedings;

H. Award Petitioner reasonable attorney's fees and litigation costs under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412; and

I. Grant such other and further relief as this Court deems just, proper, and legally necessary.

DATED: July 7, 2026
Respectfully submitted,
JOSHI LAW FIRM

By: /s/ Tanvir Joshi
TANVIR JOSHI
Attorney for Petitioner

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

33. I represent Petitioner, Harmanjot Singh, and submit this verification on Petitioner's behalf. 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, information, and belief based on communications with Petitioner, review of available records, and investigation to date.

34. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: July 7, 2026

/s/Tanvir Joshi

TANVIR JOSHI, ESQ.