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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**

NOTICE OF MOTION FOR TEMPORARY RESTRAINING ORDER

PLEASE TAKE NOTICE that Petitioner Harmanjot Singh hereby moves this Court, pursuant to Federal Rule of Civil Procedure 65 and Local Rule 231, for a Temporary Restraining Order ("TRO") ordering his immediate release from the California City ICE Processing Center, or in the alternative, ordering an immediate individualized bond hearing before a neutral decisionmaker where the government must justify detention by clear and convincing evidence and where dismissed arrests are excluded from considerations of dangerousness.

Petitioner Harmanjot Singh has been trapped in immigration detention since March 10, 2026, without access to any operational administrative bail forum. The Immigration Judge has

completely closed the doors to custody review by expanding the border-centric doctrine of Matter of Yajure Hurtado deep into the interior of the United States to cover an individual who entered legally as a child on a visa. Furthermore, the agency has justified this baseline denial of liberty by resurrecting a 13-count felony arrest string out of Utah that was thrown out of court in its entirety on March 5, 2026. Emergency intervention is required to stop this ongoing erosion of procedural due process.

A TRO must issue under Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7 (2008) because all four prongs tip heavily in Petitioner's favor: (1) Likelihood of success on the merits; (2) Likelihood of irreparable harm; (3) Balance of equities; and (4) The public interest.

1. The Jurisdictional Defect: While the Ninth Circuit issued a partial stay in late March 2026 on the nationwide scope of Maldonado-Bautista v. DHS, it explicitly preserved individual habeas pathways within a detainee's district of confinement. Section 235(b)(2) applies strictly to border encounters and individuals caught surreptitiously entering without inspection. It cannot programmatically encompass an interior resident who entered via a visa port of entry.

2. The Abuse of the Dismissed History: The IJ's alternative finding of dangerousness turns due process on its head. Under settled Ninth Circuit law (Martinez v. Clark), the government must prove danger or flight risk by clear and convincing evidence. The IJ shifted this entire burden to the detainee and used unadjudicated, dropped felony counts as the core evidence to sustain that burden. Because the Utah charges were dismissed due to a missing witness and a total lack of prosecution, they retain zero evidentiary weight. The remaining property allegations are non-violent shoplifting infractions that carry a constitutional presumption of innocence and cannot legally justify structural confinement.

3. Likelihood of Irreparable Harm: Civil detention causes deep, irremediable injury every single day it endures. Petitioner is completely blocked from meeting privately with counsel, securing the vital physical records from rural California clerks required to defend his case, and preparing for his impending individual merits asylum hearing.

4. Balance of Equities and Public Interest: The balance of equities tips sharply in favor of Petitioner. The government has no legitimate public or administrative interest in maintaining the unlawful detention of an interior resident based on an admitted data error and dismissed criminal charges. The public interest is always served when federal courts enforce the structural guarantees of constitutional due process.

WHEREFORE, Petitioner respectfully requests that this Court grant this Motion for a Temporary Restraining Order, order his immediate release under reasonable supervision, or alternatively, compel Respondents to provide an individualized bond hearing within seven (7) days with the burden placed squarely on the government.

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

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