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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'26CV4043 TWR AHG

Randeep Malik, Petitioner, v. Warden, Imperial Regional Adult Detention Facility Field Office Director, San Diego Field Office Markwayne Mullin, Secretary of the U.S. Department of Homeland Security Todd Blanche, Acting Attorney General of the United States Respondents.	**Case No.:** _____ (Assigned by Clerk) **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 Randeep Malik ("Petitioner") files this Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 challenging Petitioner's current immigration detention at the Imperial Regional Adult Detention Facility in Calexico, California ("Imperial Regional Detention Facility").

2. Petitioner seeks immediate release because the government has re-detained and is continuing to detain Petitioner without constitutionally adequate process and without a lawful basis for continued confinement. Petitioner also seeks injunctive relief to prevent future re-detention absent notice and a prompt, meaningful hearing before a neutral decision-maker.

3. Absent an order from this Court, Petitioner will remain unlawfully detained, separated from family and community, and deprived of liberty without the process required by the Constitution and laws of the United States.

4. Petitioner asks this Court to declare Petitioner's detention unlawful, grant the writ, order Petitioner's immediate release, and issue appropriate declaratory and injunctive relief.

JURISDICTION

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

6. This Court has 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).

7. 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

8. Venue is proper in this District because Petitioner is detained at Imperial Regional Adult Detention Facility in Calexico, California, which is within the Southern District of California.

9. 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 events or omissions giving rise to the claims occurred in this District.

REQUIREMENTS OF 28 U.S.C. § 2243

10. Under 28 U.S.C. § 2243, the Court must grant the writ or issue an order to show cause "forthwith," unless it appears from the petition that Petitioner is not entitled to relief. If an order to show cause is issued, the Court must require Respondents to make a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed."

11. Given the ongoing deprivation of liberty, Petitioner respectfully requests prompt consideration consistent with § 2243.

PARTIES

12. Petitioner is a thirty two (32) years old citizen of India. Petitioner's A-Number is [redacted] Petitioner is currently detained at Imperial Regional Adult Detention Facility in Calexico, California.

13. Respondent Warden, is the Warden (Facility Administrator) of Imperial Regional Adult Detention Facility in Calexico, California has immediate physical custody of Petitioner. This Respondent is a proper habeas custodian.

14. Respondent, current acting field office director, is sued in an official capacity as the Field Office Director of ICE Enforcement and Removal Operations ("ERO") for the San Diego Field Office, which exercises authority over detention decisions for facilities in Southern California, including Imperial Regional Adult Detention Facility in Calexico, California. This Respondent has authority to effectuate Petitioner's release.

15. Respondent Markwayne Mullin is sued in an official capacity as the Secretary of the U.S. Department of Homeland Security ("DHS"), which oversees ICE. Secretary Noem is a legal custodian of Petitioner.

16. Respondent Todd Blanche is sued in an official capacity as the Acting Attorney General of the United States, the senior official of the U.S. Department of Justice, which oversees the Executive Office for Immigration Review ("EOIR"), including immigration courts and the Board of Immigration Appeals. Attorney General Bondi is a legal custodian of Petitioner for purposes of the relief requested.

STATEMENT OF FACTS

17. Petitioner Randeep Malik is a native and citizen of India. He entered the United States on or about May 12, 2023, after departing India on or about April 14, 2023. Petitioner thereafter applied for asylum and was placed in removal proceedings. On December 11, 2025, Immigration Judge entered an in absentia order for removal. Petitioner had no knowledge of this hearing as he was never served with a notice of this hearing. Petitioner was unrepresented at this time. A motion to reopen was filed on June 24, 2026 which was subsequently granted due to lack of notice of prior hearing that resulted in removal. The order on motion to reopen was granted by the immigration judge on June 22, 2026. Petitioner currently has a pending asylum claim before an immigration judge which is scheduled for a master hearing on July 27, 2026.

18. Petitioner was initially detained at the time of entry but was later released shortly thereafter. Following release, Petitioner complied with all ICE conditions, including reporting requirements, check-ins, address updates, and any other conditions imposed. Petitioner did not abscond and remained available to immigration authorities.

19. On or about July 4, 2026, in California, Petitioner was detained by ICE during a bus stop and transferred to Imperial Regional Detention Facility.

20. ICE did not provide Petitioner advance notice that re-detention would occur and did not provide a prompt hearing before a neutral decision-maker to contest the reasons for re-detention or present evidence in support of release.

21. Petitioner has significant equities demonstrating suitability for release, including residing in the country for over three (3) years without posing any flight risk, was employed, had established his life here, and a stable residence. Petitioner does not pose a danger and is not a flight risk.

22. Petitioner remains detained at Imperial Regional Adult Detention Facility as of the filing of this Petition.

LEGAL FRAMEWORK (SUMMARY)

23. 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).

24. Immigration detention must comply with the Fifth Amendment's Due Process Clause. Detention without meaningful process, or detention that becomes unreasonable or arbitrary under the circumstances, violates due process.

25. Where immigration detention is governed by 8 U.S.C. § 1226(a), due process requires an individualized custody determination that is meaningful in practice, including a fair opportunity to present evidence and a constitutionally adequate allocation of burdens.

CLAIMS FOR RELIEF

COUNT ONE

Violation of the Fifth Amendment Right to Due Process

26. Petitioner realleges and incorporates paragraphs 1–25.

27. ICE re-detained and is continuing to detain Petitioner without providing constitutionally adequate notice and a prompt, meaningful hearing before a neutral decision-maker to justify continued detention.

28. Petitioner's ongoing detention is unreasonable and arbitrary under the totality of circumstances, including Petitioner's compliance history and availability of less restrictive alternatives.

29. Accordingly, Petitioner's detention violates the Due Process Clause of the Fifth Amendment.

COUNT TWO

Violation of the INA and Implementing Regulations (8 U.S.C. § 1226 and 8 C.F.R. § 236.1)

30. Petitioner realleges and incorporates paragraphs 1–29.

31. To the extent Petitioner's detention is governed by 8 U.S.C. § 1226(a), Respondents have failed to provide a lawful and meaningful custody determination consistent with governing statute and regulations, including consideration of release on conditions and less restrictive alternatives.

32. Alternatively, if Respondents claim detention is governed by 8 U.S.C. § 1225 or another mandatory detention provision, Respondents are misclassifying Petitioner and unlawfully denying Petitioner the opportunity for a bond hearing under § 1226(a).

33. Accordingly, Respondents' detention of Petitioner violates the INA and implementing regulations.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

A. Assume jurisdiction over this matter;

B. Issue an Order to Show Cause directing Respondents to show cause why the Petition should not be granted within three (3) days, or such shorter time as the Court deems appropriate;

C. Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment and is otherwise unlawful;

D. Issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from ICE custody;

E. In the alternative to immediate release, order Respondents to provide a custody hearing before a neutral adjudicator within seven (7) days, at which Respondents bear the burden to justify continued detention and Petitioner may present evidence and propose less restrictive alternatives;

F. Enjoin Respondents from re-detaining Petitioner absent notice and a prompt, meaningful hearing before a neutral decision-maker; and

G. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

/s/ Tanvir Joshi, Esq.

TANVIR JOSHI
Joshi Law Firm
Counsel for Petitioner
Dated: July 14, 2026

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

36. I represent Petitioner, Randeep Malik, and submit this verification on Petitioner's behalf.

37. 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 records, and investigation to date.

Dated this 14th day of July, 2026.

/s/ Tanvir Joshi

TANVIR JOSHI, ESQ.