FILED
JUL 13 2026
CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
DEPUTY CLERK

UNITED STATES DISTRICT COURT

FOR THE EASTERN OF CALIFORNIA

IN THE MATTER OF PETITIONER GURDIT SINGH PRO SE	V	RESPONDENT(S) WARDEN OF THE CALIFORNIA CITY DETENTION CENTER ET AL.

1: 2 6 CV 0 5 3 5 6 - *TLN-AC (HC)*

Respected Clerk Of The Court and Honourable Judge I hereby file Motion For Temporary Restraining Order and Preliminary Injunction against the respondents Warden Of California City Detention Center ET AL. In filing this motion I seek adequate remedy for the continued irreparable harms that face whilst detained.

- Petitioner request Immediate release and grant an injunction that respondents be enjoined from re-detaining petitioner absent a custody re determination hearing before neutral decision maker where the government proves by clear and convincing evidence that petitioner is a flight risk or a danger to community, and order that petitioner cannot be re detains, absent a change in circumstances.

MOTION FOR TEMPORARY RESTRAINING ORDER & PRELIMINARY INJUNCTION

United States District Judge

Introduction circumstances of case

petitioner respectfully request court to grant a Preliminary Injunction ordering his relief from Immigration Prolong Detention while immigration proceedings remain pending. Petitioner entered the United States on September 16th 2024 encountered by Custom Border Protection later petitioner was released on my own recognizance. Since petitioner was release he has stable address in the United States which is [redacted] with his care taker which is now his **legal guardian .**

ICE violated ***Due Process Cause*** because petitioner has a protected liberty interest in remaining out of custody and he was deprived of the liberty without ***Due process*** when re-detain without notice and a hearing. Petitioner has have a application of **I-360 (Special Immigrant Juvenile)** which is already approved by USCIS.

On 6th may 2026 an Immigration judge denied his Asylum (withholding of Removal) application with and gave order to remove to India . However, he timely appealed that decision on 8th may 2026 so as per United States immigration Laws my removal order is not administratively final which is still pending. Immigration Judge failed to weight my I-360 (Special Immigrant Juvenile) is approved and according to Immigration Law it is a legal pathway for Permanent Residence and adjustment of status.

All statements contained herein are supported by documentary evidence, including court records, immigration relief, medical records, sponsor documentation, character references, and supporting materials. Due to limitation of detention, I do not have direct access to all the documents at this time. However, this records remains available through my family members and friends outside of the detention facility and can be provided to court or government upon request through mail or appropriate way.

Irreparable Harm

"It is well established that the deprivation of the constitutional rights 'unquestionably constitutes irreparable injury" *Melendres V. Arpaio 695 F.3d 990* 'irreparable harms imposed on anyone subject to immigration detention including 'the economic burden imposed on detainees and their families as a result of detention' As per harms imposed on anyone subject to immigration detention, the psychological, physical and emotional well being constitutes harms.

I am a non punitive detainee, detained pending civil immigration proceedings in the California City Immigration Processing Center, which until recently was a State prison housing criminal inmates. This detention center is run under the same regiments that it previously did and houses non punitive detainees in the same conditions and hostility as criminal inmates.

Continued detention is causing intimidate and irreparable harm to my physical health , mental health, educational future and overall well being. Since entering immigration custody, I have experienced over crowded detention condition, inadequate access to proper nutrition consistent with my vegetarian dietary requirement and significant uncertainty regarding my future. During various transfer between detention facilitates, I experienced periods with insufficient food, inadequate living condition lead to skin infection and prolong confinement this conditions have significantly worsened by exciting anxiety and depression.

My mental health deteriorated substantially during detention. Prior to his re-detention, petitioner was already suffering from severe emotional distress arising from an abusive parenting. The uncertainty surrounding length of his detention has now become a major source of ***psychological suffering at such a young age.*** every additional day of confinement causes harm that cannot later be undone or compensate monetary damages.

Furthermore, the detention prevents me from pursing my education, rebuilding my life, supporting myself lawfully and maintaining the personal stability necessary for recovery form the trauma I have experienced. The financial strain that detention impose also extend to my friends and family who has financially supported me whilst detained through phone calls and commissary, the financial burden upon them also constitutes harm.

Since petitioner re-detains his immigration case has experienced prolong proceedings and delays that remain unresolved till date. petitioner continued confinement has accorded despite his I-360 which is also approved by USCIS. petitioner no criminal convictions, strong community ties and sponsor support. petitioner has a ongoing pursuit of relief through lawful immigration procedure the extra ordinary duration of his detention has transformed what was intended to temporary administrative measure into indefinite deprivation of liberty.

Legal basis supporting my Preliminary Injunctive Relief.

Preliminary Injunction is warranted because continued detention without a meaningful and timely resolution of immigration proceedings violates the fundamental principles of *Due Process* guaranteed by fifth amendment, immigration detention is intended to serve a legitimate governmental purpose and not to function as indefinite confinement. As detention for extended months without a definite end point, constitutional concerns become increasing significant.

ICE violated ***Due Process Cause*** because petitioner has a protected liberty interest in remaining out of custody and he was deprived of the liberty without ***Due process*** when re-detain without notice and a hearing. Petitioner has have a application of **I-360 (Special Immigrant Juvenile)** which is already approved by USCIS.

The balance of equities strongly favors relief. Petitioner was released on his own recognizance, maintaining the community ties, no criminal conviction, strong sponsor support, approved relief of **I-360 (Special Immigrant Juvenile)**, and Petitioner had demonstrated a willingness to comply what legal requirements. Petitioner is also prepared to comply with any reasonable condition of relief, including reporting requirements, supervision or any other condition deemed appropriately by the court.

Immigration Judge was issued a removal order at his final hearing on 6th May 2026. he already filed an Appeal at BIA Board of Immigration Appeals on 8th May 2026, the BIA appeal is still pending. As a result there is no intimidate administrative finality of my removal, For this reason I respectfully request that the court grant my Temporary Restraining order and Preliminary Injunction.

Likelihood that I will succeed on Merits

The Due Process Clause Of The Fifth Amendment provides that "No Person shall be ... deprived of life, liberty, or property without due process of law" *U.S Const. amend. V* . "Freedom from imprisonment - from government custody, detention or other forms of physical restraint - lies at the heart of liberty that [the Due Process] Clause protects" *Zadvydas 533 U.S at 690*

Quoting Wong Wing v United States 163 U.S. 228, 238 16 S. Ct 977 41 l. Ed 140 (1896)
"All persons within the territory of the United States are entitled to the protection" of the constitution. All persons, aliens and citizens alike, are protected by the due process clause; *Jenning 138 S. C.t at 862* (Breyer J, dissenting (No one can claim nor since the time of slavery has anyone to my knowledge successfully claimed that persons held within the United States are totally without constitutional protections.)

"We have grave doubts that any statute that allows for arbitrary prolonged detention without any process is constitutional or that those who founded our democracy precisely to protect against the government's arbitrary deprivation of liberty would have thought so. Arbitrary civil detention is not a feature of our American government. Liberty is the norm, and detention prior to trial or without trial is the carefully limited exception." *United States v. Salerno 481 U.S 739, 755. 107 S.Ct 2095, 95 L.Ed.2d 697 (1987)*

"It is well established that the fifth amendment entitles aliens to due process of the law in deportation proceedingsI" *DEMORE V KIM 583 U.S. 510, 523, 123 S CT. 1708, 155, L. Ed. 2d 724 (2003)*
"The Court found that whilst S1226(b)(2) mandates detention, prolonged detention without review violates Due Process." *AMADO V UNITED STATES DOJ 2025*

When detention becomes prolonged and unreasonable the Due Process Clause must be extended to non citizens. In relative cases throughout history and the historic practices of congress, ***6 months*** has always been referred to as the ***'bright white line'*** see *Rodriguez* and the point at which immigration detention becomes prolonged. Due Process has historically been extended to non citizens at this point.

Taking the recent rulings of other courts as well as the historic rulings throughout higher courts, of non citizens asserting claim of the Due Process Clause of the 5th Amendment, the judges have found in favor of the petitioners when detention becomes prolonged and indefinite. The likelihood of success in this matter is extremely high given prior rulings have found in favor of the petitioners.

Interest to public harms

When nomovant is the government the last two winter factors 'merge' *Baird v Bonta 81 F.4th 1036,1040 (9th Cir. 2023)*

"It is always in the public interest to prevent the violation of a party's constitutional right" *Preminger v Principi 422 F.3d 815,826 (9th Cir 2005)* "Public interests concerns are implicated when a constitutional right has been violated because all citizens have a stake in upholding the constitution. The public has a strong interest in upholding procedural protections against unlawful detention and the ninth circuit recognized that the costs to the public of immigration detentions are staggering" *Jorge M.F v. Wilkinson No 21-cv-01434-JST 2021 U.S.*

Upholding the constitution and the congressional intent of law and order is always in the interest of the public, All persons, aliens and citizens alike, are protected by the due process clause; *Jenning 138 S. C.t at 862* to allow the DHS to break the constitutional protections that congress provided is a violation upon all citizens and non citizen alike.

Freedom from imprisonment from government custody detention or other forms of physical restraint is at the heart of the liberty that the due process clause protects. *(Zadvydas V David 533 U.S at 690)*

The governments sole interest in my detention lies in assuring attendance in removal proceedings and 'should' an order of removal be imposed it's ability to carry out such order. However the likelihood that any such order will be imposed in the near future given that court proceedings are being continuously delayed, are extremely unlikely and speculative. The cost towards the taxpayer for immigration detention is staggering especially at a time when the public faces extreme economical hardship, the government is able is retain the same security as confinement in a GPS locator at a much lower cost to the United States tax payer.

The Public Interest also support granting relief the public has strongly interest in ensuring that governmental detention complies with constitutional requirement and fundamental principles of fairness. Pro Long Detention without a definite timeline raises a serious Due Process concerns, specially where an individual has substantial equity, no criminal conviction and on going immigration proceedings that may continued for extended period.

Conclusion

In line with historical rulings in the matter of *Demore, Zadvydas, Rodriguez, Aleman,* whilst these cases may differ in the fundamental matters, all these cases ruled that 6 months served as a white line period and detention beyond this period without definitive time lines were a violation of due process.

Petitioner request Immediate release and grant an injunction that respondents be enjoined from re-detaining petitioner absent a custody re determination hearing before neutral decision maker where the government proves by clear and convincing evidence that petitioner is a flight risk or a danger to community, and order that petitioner cannot be re detains, absent a change in circumstances.

I plead before the Honorable Judge for a 'speedy' order into this matter to not further prolong the detention as I am suffering from my physical and mental health.

Respectfully,

Gurdit Singh

[redacted]

California Immigration Processing Center California City, California

Gurdit Singh
SIGN

07/08/2026
DATE