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IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

GURDIT SINGH, Petitioner, v. CHRISTOPHER CHESTNUT, Respondents.	CASE NO. 1:26-CV-05356 **RESPONDENTS' MOTION TO DISMISS**

INTRODUCTION

Petitioner previously filed a petition for writ of habeas corpus which was granted. Petitioner was afforded a bond hearing pursuant to that order and was denied bond based on flight risk. His present petition constitutes an abuse of the writ and should be dismissed.

FACTUAL BACKGROUND

On June 12, 2026, the U.S. District Court for the Eastern District of California granted Petitioner's previous habeas petition and ordered a bond hearing. Ex. 1. On June 26, 2026, that bond hearing occurred and the immigration judge denied bond, finding Petitioner to be a flight risk. Ex. 2. Petitioner has not appealed that decision. On June 15, 2026, Petitioner filed the present petition.

LEGAL ARGUMENT

I. Petitioner's claim was previously decided and constitutes an abuse of the writ.

District judges are not

> required to entertain an application for a writ of habeas corpus to inquire into the detention of a person pursuant to a judgment of a court of the United States if it appears that the legality of such detention has been determined by a judge or court of the United States on a prior application for a writ of habeas corpus and the petition presents no new ground not heretofore presented and determined

absent such inquiry serving the ends of justice. 28 U.S.C. § 2244(a).

The abuse of writ doctrine codified under § 2244(a) applies in § 2241 proceedings. *See Felker v. Turpin*, 518 U.S. 651, 664 (1996) (noting in a § 2241 action that § 2244's restrictions on successive petitions "constitute a modified res judicata rule, a restraint on what is called in habeas corpus practice 'abuse of the writ'") (quoting *McCleskey v. Zant*, 499 U.S. 467 (1991)); *Barapind v. Reno*, 225 F.3d 1100, 1111 (9th Cir. 2000) ("[Section] 2244(a) prevents a federal inmate from using § 2241 'to call into question the validity of a conviction or sentence that has already been subject to collateral review.'") (quoting *Valona v. United States*, 138 F.3d 693 (7th Cir. 1998)); *Tate v. Borla*, No. 1:25-CV-01704 JLT SKO (HC), 2025 WL 3769421, at *1 (E.D. Cal. Dec. 31, 2025); *Nedd v. On Habeas Corpus*, No. 1:25-CV-01736 JLT SKO, 2026 WL 130392, at *1 (E.D. Cal. Jan. 16, 2026). Under the abuse of the writ doctrine, a court need not entertain a petition that abuses the habeas process. One frequently recognized indicator of abusiveness is whether the petitioner could have asserted his present claims in his prior petition. *See, e.g., Slack v. McDaniel*, 529 U.S. 473, 485–86 (2000); *Zant*, 499 U.S. at 470; *cf. United States ex rel. Gregoire v. Watkins*, 164 F.2d 137, 138 (2d Cir.1947) (Swan, J.) (a prisoner may not "again and again call upon a court to repeat the same ruling.").

The proper disposition of such successive petitions is dismissal. *See Del Raine v. Adams*, 58 Fed. Appx. 762 (9th Cir. 2003) ("The district court properly dismissed Del Raine's [§ 2241] petition as successive because he raises the same claims raised in a prior habeas petition, and denied on the merits

by the Middle District of Pennsylvania"); *Razzoli v. FCI Allenwood*, 200 Fed. Appx. 166, 168 (3d Cir. 2006) ("[T]his claim has already been adjudicated by the Eastern District of New York. Thus, bringing the claim again at this time is barred by the doctrine of abuse of the writ." (internal citations omitted)) *Brown v. Grondolsky*, No. 08-5811 (NLH), 2009 WL 3030082, at *5 (D. N.J. Sept. 16, 2009) (dismissing § 2241 petition under abuse of writ doctrine because petitioner's sentence computation claim was denied in earlier habeas proceeding where court found that the BOP properly applied credits for time served) (citing inter alia *Razzoli*, 200 Fed. Appx. at 168).

Here, Petitioner argues in the present petition the same issues that were conclusively decided (or could have been conclusively decided) in the prior petition, for which there was issued a final judgment on the merits. Accordingly, there is no remaining case or controversy before this Court not previously addressed or that could have been addressed in the previous petition, and the present petition should be dismissed as an abuse of the writ.

II. Otherwise, Petitioner did not exhaust his administrative remedies.

"[Courts] require, as a prudential matter, that habeas petitioners exhaust available judicial and administrative remedies before seeking relief under § 2241." *Castro-Cortez v. INS*, 239 F.3d 1037, 1047 (9th Cir. 2001), abrogated on other grounds, *Fernandez-Vargas v. Gonzalez*, 548 U.S. 30 (2006). "Administrative exhaustion can be either statutorily required or judicially imposed as a matter of prudence." *Puga v. Chertoff*, 488 F.3d 812, 815 (9th Cir. 2007) (citing *Noriega-Lopez v. Ashcroft*, 335 F.3d 874 (9th Cir. 2003)). Although a court does have discretion to waive prudential exhaustion, "this discretion is not unfettered." *Laing v. Ashcroft*, 370 F.3d 994, 998 (9th Cir. 2004) (citing *Castro Cortez*, 239 F.3d at 1047). In general terms, exhaustion may be waived "where administrative remedies are inadequate or not efficacious, pursuit of administrative remedies would be a futile gesture, irreparable injury will result, or the administrative proceedings would be void." *Id.* at 1000 (quoting *S.E.C. v. G.C. George Sec., Inc.*, 637 F.2d 685 (9th Cir. 1981).

In *Leonardo v. Crawford*, the alien filed a petition for a writ of habeas corpus following an immigration judge's denial of bond on the basis that he presented a danger. 646 F.3d 1157, 1159 (9th Cir. 2011). The district court dismissed the petition, however, because the alien had not appealed that decision to the BIA. The Ninth Circuit agreed that dismissal was the proper disposition of the petition because the alien had not exhausted his administrative remedies by making that appeal. *Id.* at 1160.

Just as in *Leonardo*, Petitioner here has not exhausted his administrative remedies: Petitioner was denied bond by an immigration judge and has not appealed that decision to the BIA. Thus, just as in *Leonardo*, dismissal is the proper result here.

CONCLUSION

For the reasons set forth above, Respondents respectfully request that the Court dismiss the Petition for a Writ of Habeas Corpus and Motion for Temporary Restraining Order. Respondents do not request a hearing.

Dated: July 16, 2026

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By: */s/ Sean Davis*
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