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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

SEHAJVEER SINGH (A# 245-003-055),

Petitioner,

v.

WARDEN OF GOLDEN STATE ANNEX
FACILITY, et al.,

Respondents.

Case No. 1:26-cv-00172-JLT-EPG

**ORDER WITHDRAWING THE REFERENCE
OF THIS MATTER TO THE MAGISTRATE
JUDGE AND GRANTING PETITION FOR
WRIT OF HABEAS CORPUS**

(Doc. 1)

Sehajveer Singh is a federal immigration detainee proceeding with a pending habeas petition pursuant to 28 U.S.C. § 2241. (Doc. 1.) This matter was initially referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. In the interest of justice and to promote judicial and party efficiency, the undersigned hereby withdraws that reference, and for the reasons set forth below, **GRANTS** the Petition.

I. FACTUAL & PROCEDURAL BACKGROUND

Petitioner is a citizen of India who entered the United States on April 2, 2023, where he was encountered by federal immigration officials near San Ysidro, California. (Doc. 1 at 10.) He was later released from custody on his own recognizance and served with a Notice to Appear charging him as a noncitizen present in the United States who had not been admitted or paroled under INA § 212(a)(6)(A)(i). (*Id.*) On March 26, 2025, Petitioner was arrested by Fresno County Sheriff’s deputies for reckless driving. (Doc. 14 at 1-2.)

1 On November 22, 2025, Petitioner was arrested by Immigration and Customs
2 Enforcement¹ and is currently detained at Golden State Annex Detention Facility in McFarland,
3 California. (*Id.*) On January 10, 2026, Petitioner filed petition for a writ of habeas corpus pursuant
4 to 28 U.S.C. § 2241, asserting that his due process rights have been violated. (Doc. 1.) On
5 February 13, 2026, Respondents filed a response to the Petition on the grounds that Petitioner’s
6 detention is “mandatory” under expedited removal procedures set forth at 8 U.S.C. § 1225(b)(2).
7 (Doc. 14 at 1.)

8 II. LEGAL STANDARD

9 The Constitution guarantees that the writ of habeas corpus is “available to every
10 individual detained within the United States.” *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004)
11 (citing U.S. Const., Art I, § 9, cl. 2). Section 2241 of Title 28 confers the federal courts with the
12 power to issue writs of habeas corpus to persons “in custody in violation of the Constitution or
13 laws or treaties of the United States.” 28 U.S.C. § 2241. This includes challenges by non-citizens
14 in immigration-related matters. *See Zadvydas v. Davis*, 533 U.S. 678, 687 (2001); *see also A.A. R.*
15 *P. v. Trump*, 145 S. Ct. 1364, 1367 (2025).

16 III. DISCUSSION

17 Petitioner claims that his ongoing detention without notice and a pre-deprivation hearing
18 before a neutral decisionmaker violated his rights under the Due Process Clause of the Fifth
19 Amendment. (Doc. 1 at 18.)² To the extent that Respondents substantively address Petitioner’s
20 due process argument, they assert that Petitioner is an “applicant for admission” subject to
21 mandatory detention under 8 U.S.C. § 1225(b)(2)(A) of the INA and therefore categorically
22 ineligible for a bond hearing. (Doc. 14 at 1-2.) Courts nationwide, including this one, have
23 overwhelmingly rejected Respondents’ new legal position and found the DHS policy unlawful.

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25 ¹ In Petitioner’s A-File submitted by Respondents, Petitioner incurred multiple Alternative to Detention
26 (ATD) Violations, including a failed virtual home visit and multiple missed biometric check-ins. (Doc. 14
at 6.)

27 ² Petitioner also claims his unlawful detention constitutes a violation of the Immigration and Nationality
28 Act and the Administrative Procedure Act. (Doc. 1 at 13.) Given that Petitioner’s due process claim serves
as the basis for relief and Petitioner’s immediate release from detention, the Court declines to address
Petitioner’s additional claims.

1 See e.g., *Espinoza v. Kaiser*, No. 1:25-CV-01101 JLT SKO, 2025 WL 2581185 (E.D. Cal. Sept.
2 5, 2025); *Ortiz Donis v. Chestnut*, 1:25-CV-01228-JLT, 2025 WL 2879514 (E.D. Cal. Oct. 9,
3 2025); *M.R.R. v. Chestnut*, No. 1:25-CV-01517-JLT-SKO, 2025 WL 3265446 (E.D. Cal. Nov.
4 24, 2025); *Aguilera v. Albarran*, No. 1:25-CV-01619 JLT SAB, 2025 WL 3485016 (E.D. Cal.
5 Dec. 4, 2025); *J.E.H.G. v. Chestnut*, No. 1:25-CV-01673-JLT-SKO, 2025 WL 3523108 (E.D.
6 Cal. Dec. 9, 2025); *Garcia v. Chestnut*, No. 1:25-CV-01907-JLT-CDB, 2025 WL 3771348 (E.D.
7 Cal. Dec. 31, 2025); *Carlos v. Chestnut*, No. 1:26-CV-00007-JLT-SKO (HC), 2026 WL 145889
8 (E.D. Cal. Jan. 20, 2026).

9 Respondents offer little to rebut Petitioner’s due process claim and do not provide any
10 justification for detaining Petitioner. Therefore, for the reasons stated in this Court’s prior orders,
11 the Court finds that Petitioner’s re-detention without a pre-deprivation hearing violated the Due
12 Process Clause of the Fifth Amendment. However, because the Court cannot conclude that the
13 arrest was without any colorable basis, it will require that Petitioner be provided a bond hearing.

14 IV. CONCLUSION AND ORDER

- 15 1. The petition for writ of habeas corpus (Doc. 1) is **GRANTED**.
- 16 2. **Within 14 days** of the date of service of this order, unless Petitioner consents to a
17 later date, Respondent **SHALL** provide Petitioner with an substantive bond hearing before an
18 immigration judge that complies with the requirements set forth in *Singh v. Holder*, 638 F.3d
19 1196 (9th Cir. 2011), and where “the government must prove by clear and convincing evidence
20 that [Petitioner] is a flight risk or a danger to the community to justify denial of bond,” *id.* at
21 1203. In the event Petitioner is “determined not to be a danger to the community and not to be so
22 great a flight risk as to require detention without bond,” the immigration judge should consider
23 Petitioner’s financial circumstances and alternative conditions of release. *Hernandez v. Sessions*,
24 872 F.3d 976, 1000 (9th Cir. 2017). If Respondents fail to provide a timely bond hearing in
25 accordance with this order, Respondents are ordered to immediately release Petitioner.

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3. The Clerk of Court is directed to close this case and enter judgment for Petitioner.

IT IS SO ORDERED.

Dated: March 20, 2026


UNITED STATES DISTRICT JUDGE