

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
10

11 FNU ANPREET SINGH,
12 Petitioner,
13 v.
14 TONYA ANDREWS, et al.,
15 Respondents.
16
17

Case No. 1:26-cv-05901-JLT-CDB

A-Number: 245-760-423

ORDER GRANTING THE PETITION FOR
WRIT OF HABEAS CORPUS IN PART;
DENYING THE MOTION FOR TEMPORARY
RESTRAINING ORDER AS MOOT; AND
DIRECTING RESPONDENTS TO PROVIDE
A SUBSTANTIVE BOND HEARING

(Docs. 1, 2)

18 **I. INTRODUCTION**

19 Before the Court is Fnu Anpreet Singh's request for a temporary restraining order (Doc.
20 2), filed in conjunction with his petition for a writ of habeas corpus brought under 28 U.S.C.
21 § 2241 challenging his ongoing detention. (Doc. 1.) For the foregoing reasons, the Court
22 **GRANTS IN PART** the petition for writ of habeas corpus.

23 **II. FACTUAL BACKGROUND**

24 Petitioner is a native and citizen of India who entered the United States without
25 inspection on January 24, 2024. (Doc. 1 at 5, ¶ 21; Doc. 7-1 at 3.) He was encountered by U.S.
26 Border Patrol near Tecate, California. *Id.* After being briefly detained, Petitioner was served with
27 a Notice to Appear, charging him as removable under INA § 212(a)(6)(A)(i), and was released
28 from custody on his own recognizance under supervision through Alternatives to Detention and

1 routine ICE reporting requirements. (Doc. 1 at 5, ¶¶ 22-24; Doc. 7-1 at 3.)

2 On July 5, 2026, Petitioner was arrested in Turlock, California for Driving under the
3 Influence of Alcohol. (Doc. 7-1 at 3.) On July 22, 2026, Petitioner was arrested by ICE and
4 taken into custody during a routine check-in. (Doc. 1 at 6, ¶¶ 28-32. Doc. 7-1 at 3.) Petitioner is
5 detained at Golden State Annex Detention Facility in McFarland, California. (Doc. 1 at 6, ¶ 33.)
6 On July 28, 2026, Petitioner filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241,
7 asserting, *inter alia*, that his due process rights have been violated.¹ (Doc. 1 at 13-14.)

8 III. LEGAL STANDARD

9 Under 28 U.S.C. § 2241, the Court has the authority to determine a petition for writ of
10 habeas corpus in which the petitioner asserts he is being held in custody “in violation of the
11 Constitution or laws or treaties of the United States.” “The essence of habeas corpus is an attack
12 by a person in custody upon the legality of that custody, and that the traditional function of the
13 writ is to secure release from illegal custody.” *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973).
14 Petitioner seeks his immediate release from custody, which he contends violates the Fifth
15 Amendment Due Process Clause under the United States Constitution. (Doc. 1 at 13-14.) Thus,
16 he properly invokes the Court’s habeas jurisdiction.

17 The INA limits judicial review in many instances. Though 8 U.S.C § 1252(g) precludes
18 this Court from exercising jurisdiction over the executive’s decision to “commence proceedings,
19 adjudicate cases, or execute removal orders against any alien,” there is no removal order at issue
20 here and the central issue is Petitioner’s continued detention. Thus, this Court has the authority
21 to review Petitioner’s habeas petition. *See Jennings v. Rodriguez*, 583 U.S. 281, 294 (2018)
22 (holding that § 1252(g) precludes judicial review only as to the three areas specifically outlined
23 in the subsection); *Reno v. American–Arab Anti–Discrimination Comm.*, 525 U.S. 471, 482
24 (1999).

25 IV. DISCUSSION

26 Respondents argue that as an “applicant for admission” under expedited removal
27

28 ¹ Given that Petitioner’s due process claim based on his re-detention without a bond hearing serves as the
basis for relief, the Court declines to address Petitioner’s additional claims.

1 procedures set forth at 8 U.S.C. § 1225(b)(2)(A), Petitioner’s detention is therefore “mandatory.”
2 (Doc. 7 at 1.) Pursuant to *Rodriguez Vazquez v. Bostock*, 2026 WL 2196424 (9th Cir. July 30,
3 2026), the Court finds that § 1226(a), not § 1225(b)(2)(A), governs Petitioner’s detention. *See*
4 *also, J.S.H.M. v. Wofford*, No. 1:25-CV-01309-JLT-SKO (HC) (E.D. Cal. Oct. 16, 2025); *Ortiz*
5 *Donis v. Chestnut*, No. 1:25-CV-01228-JLT-SAB (HC), 2025 WL 32879514 (E.D. Cal. Oct. 9,
6 2025); *M.R.R. v. Chestnut*, No. 1:25-CV-01517-JLT (HC), 2025 WL 3265446 (E.D. Cal. Nov.
7 24, 2025); *Espinoza v. Kaiser*, No. 1:25-CV-01101 JLT SKO, 2025 WL 2581185 (E.D. Cal.
8 Sept. 5, 2025); *Aguilera v. Albarran*, No. 1:25-CV-01619 JLT SAB, 2025 WL 3485016 (E.D.
9 Cal. Dec. 4, 2025); *Garcia v. Chestnut*, No. 1:25-CV-01907-JLT-CDB, 2025 WL 3771348 (E.D.
10 Cal. Dec. 31, 2025); *Carlos v. Chestnut*, No. 1:26-CV-00007-JLT-SKO (HC), 2026 WL 145889
11 (E.D. Cal. Jan. 20, 2026). Moreover, for the reasons articulated in those cases, the Court
12 concludes Petitioner is re-detention without a pre-deprivation hearing violated the Due Process
13 Clause of the Fifth Amendment.

14 Considering Petitioner’s DUI arrest, the Court finds that the appropriate remedy here is a
15 bond hearing where the government bears the burden of proving that Petitioner now poses a
16 danger to the community or flight risk. *See C.A.R.V. v. Wofford*, No. 1:25-CV-01395 JLT SKO,
17 2025 WL 3059549, at *13 (E.D. Cal. Nov. 3, 2025) (granting preliminary injunction and
18 ordering substantive bond hearing for petitioner who pleaded guilty to DUI and possession of
19 open container while driving); *Quispe v. Warden, Golden State Annex*, No. 1:26-CV-02557-JLT-
20 SAB, 2026 WL 1023866, at *2 (E.D. Cal. Apr. 14, 2026) (granting petition for habeas corpus
21 and ordering substantive bond hearing for petitioner detained by ICE following arrest for DUI).
22 For the foregoing reasons, the Court **ORDERS**:

- 23 1. The petition for writ of habeas corpus, (Doc. 1), is **GRANTED IN PART** for the
24 reasons stated in the orders cited above.
- 25 2. The motion for temporary restraining order, (Doc. 2), is **DENIED** as **MOOT**.
- 26 3. **Within 14 days** of the date of service of this order, unless Petitioner consents to a
27 later date, Respondent **SHALL** provide Petitioner with an individualized bond
28 hearing before an immigration judge that complies with the requirements set forth

1 in *Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011), and where “the government
2 must prove by clear and convincing evidence that [Petitioner] is a flight risk or a
3 danger to the community to justify denial of bond,” *Id.* at 1203. In the event
4 Petitioner is “determined not to be a danger to the community and not to be so
5 great a flight risk as to require detention without bond,” the immigration judge
6 should consider Petitioner’s financial circumstances and alternative conditions of
7 release. *Hernandez v. Sessions*, 872 F.3d 976, 1000 (9th Cir. 2017).

- 8 4. **At least 72 hours before** the scheduled hearing, Petitioner **SHALL** receive
9 notice of the hearing. Petitioner **SHALL** have the right to be represented by
10 counsel at the hearing, and she **SHALL** be entitled to appear at the hearing. If
11 her counsel has filed an appearance in the immigration proceedings, **at least 72**
12 **hours before** the hearing, counsel **SHALL** receive notice of the scheduled
13 hearing.
- 14 5. Respondents **SHALL** provide a copy of this order to the immigration judge
15 presiding over the bond hearing and **SHALL** arrange for the bond hearing to be
16 recorded.
- 17 6. The Clerk of Court is directed to serve the Golden State Annex Detention Facility
18 in McFarland, California, with a copy of this Order.
- 19 7. The Clerk of Court is directed to close this case.

20
21 IT IS SO ORDERED.

22 Dated: August 6, 2026

23 
24 UNITED STATES DISTRICT JUDGE
25
26
27
28