

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF VERMONT

**Harkamal Singh v. Greg Hale, Superintendent, Northwest  
Correctional Facility; David Wesling, Acting Director of the Boston  
Field Office, U.S. Immigration and Customs Enforcement; Todd  
Lyons, Acting Director of the U.S. Immigration and Customs  
Enforcement; and Kristi Noem, Secretary of the U.S. Department of  
Homeland Security**

Singh · No. 2:26-cv-53 · Decided March 18, 2026

SUMMARY

The United States District Court for the District of Vermont granted Harkamal Singh’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court held that immigration authorities violated Singh’s Fifth Amendment due process rights by re-detaining him after his prior discretionary release without providing notice, an opportunity to be heard, or evidence of changed circumstances. The court ordered Respondents to immediately release Singh.

CASE DETAILS

|                       |                                                                                                                                                                                                   |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the District of Vermont                                                                                                                                          |
| WRITING FOR THE COURT | Mary Kay Lanthier                                                                                                                                                                                 |
| JURISDICTION          | United States District Court for the District of Vermont                                                                                                                                          |
| DECIDED               | March 18, 2026                                                                                                                                                                                    |
| DOCKET                | 2:26-cv-53                                                                                                                                                                                        |
| DISPOSITION           | writ_granted                                                                                                                                                                                      |
| PROCEDURAL POSTURE    | Petitioner sought habeas relief under 28 U.S.C. § 2241, challenging his immigration detention as violating the Fifth Amendment. The court granted the petition and ordered his immediate release. |
| STANDARD OF REVIEW    | The court applied the Mathews v. Eldridge balancing framework to determine what procedural protections were required before or contemporaneously with Singh's re-detention.                       |
| PRECEDENTIAL VALUE    | Unpublished federal district court order; persuasive rather than binding outside the case.                                                                                                        |
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## PARTIES

Harkamal Singh v. Greg Hale, Superintendent, Northwest Correctional Facility, David Wesling, Acting Director of the Boston Field Office, U.S. Immigration and Customs Enforcement, Todd Lyons, Acting Director of U.S. Immigration and Customs Enforcement, Kristi Noem, Secretary of the U.S. Department of Homeland Security

## TOPICS

immigration detention federal habeas corpus procedural due process due process removal proceedings

## PRACTICE AREAS

immigration law federal habeas corpus constitutional law

## QUESTIONS PRESENTED

1. Whether Singh had a protected liberty interest in remaining free from immigration detention after his prior discretionary release by immigration authorities.
2. Whether the Fifth Amendment required immigration authorities to provide notice and an opportunity to be heard before or contemporaneously with re-detaining Singh after a prior release, absent evidence of changed circumstances.
3. Whether Singh was entitled to immediate release as the remedy for his unconstitutional detention.

## HOLDINGS

1. A noncitizen who has been granted discretionary release from immigration custody has a protected liberty interest in remaining free from detention, even if the noncitizen lacks lawful immigration status.
2. When immigration authorities re-detain a noncitizen who was previously released from immigration custody, due process requires some process, including notice and an opportunity to be heard, before or contemporaneously with the re-detention.
3. Immediate release was the appropriate remedy for Singh's detention without constitutionally required process.

## KEY QUOTATIONS

*“A noncitizen who has been granted discretionary release must be concerned that each day, whether it is the day after release or a decade after release, he or she could be arrested.”* (8)

*“Given that he had previously been released from immigration custody, presumably having been found not to be a flight risk or a danger to the community, Respondents were required to provide him with some process either prior to or contemporaneous to his re-detention, including notice and an opportunity to be heard.”* (10)

*“The only appropriate remedy to correct the constitutional violation is release.”* (11)

## FACTUAL BACKGROUND

Harkamal Singh, an Indian citizen, entered the United States in 2002 as a child on a K-2 visa and remained in the country. Immigration authorities detained him in 2008, but he was released that year without identified bond or release conditions; his asylum application remained pending and his removal proceedings were later administratively closed. After DACA relief ended, CBP arrested Singh in September 2025 based on an administrative warrant identifying only his lack of lawful status, and he was returned to immigration custody in March 2026 after his acquittal in a federal criminal case.

#### PROCEDURAL HISTORY

Singh filed a § 2241 habeas petition and an emergency motion for a temporary restraining order on March 5, 2026. The court entered a temporary restraining order preventing his removal from the district, Respondents opposed the petition, and the court held a hearing on March 17, 2026. The court concluded that Singh had been unlawfully re-detained without constitutionally required process and ordered his immediate release.

#### DISPOSITION

writ\_granted

#### REMAND INSTRUCTIONS

Respondents were ordered to immediately release Singh, notify his counsel of the expected release time, and provide the court confirmation of release by 7:00 p.m. on March 18, 2026.

#### CASES CITED

- *Zadvydas v. Davis*, 533 U.S. 678, 690, 693 (2001)
- *Velasco Lopez v. Decker*, 978 F.3d 842, 850-51 (2d Cir. 2020)
- *Boumediene v. Bush*, 553 U.S. 723, 781 (2008)
- *Mathews v. Eldridge*, 424 U.S. 319, 332-35 (1976)
- *Nielson v. Preap*, 586 U.S. 392, 397-98 (2019)
- *Matter of Sugay*, 17 I. & N. Dec. 637, 640 (B.I.A. 1981)
- *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1197 (N.D. Cal. 2017), *aff'd sub nom. Saravia for A.H. v. Sessions*, 905 F.3d 1137 (9th Cir. 2018)
- *Valdez v. Joyce*, 803 F. Supp. 3d 213, 217-18 (S.D.N.Y. June 18, 2025)
- *Lopez v. Sessions*, No. 18 Civ. 4189 (RWS), 2018 WL 2932726, at \*12 (S.D.N.Y. June 12, 2018)
- *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)
- *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972)
- *Hamdi v. Rumsfeld*, 542 U.S. 507, 529-30 (2004)
- *Black v. Decker*, 103 F.4th 133, 152 (2d Cir. 2024)
- *Sidqui v. Almodovar*, No. 25-cv-9349 (VSB), 2026 WL 251929, at \*15 (S.D.N.Y. Jan. 30, 2026)

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