

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

Jashandeep Singh v. Todd M. Lyons, Acting Director, Immigration
and Customs Enforcement, et al.

Singh · No. 3:25cv2388 · Decided February 25, 2026

SUMMARY

The United States District Court for the Middle District of Pennsylvania sustains Jashandeep Singh’s objections to a magistrate judge’s recommendation and grants his habeas corpus petition under 28 U.S.C. § 2241. The court holds that Singh’s immigration detention is governed by the discretionary detention provision of 8 U.S.C. § 1226(a), rather than the mandatory detention provision of 8 U.S.C. § 1225(b)(2)(A). Respondents are ordered to provide a bond hearing within seven days or release Singh without bond or conditions, and Singh may seek attorneys’ fees and costs under the Equal Access to Justice Act.

CASE DETAILS

COURT	United States District Court for the Middle District of Pennsylvania
WRITING FOR THE COURT	Beulia K. Munley
JURISDICTION	United States District Court for the Middle District of Pennsylvania
DECIDED	February 25, 2026
DOCKET	3:25cv2388
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 from immigration detention. After the chief magistrate judge recommended denying the petition, petitioner objected, and the district court conducted de novo review.
STANDARD OF REVIEW	De novo review of the portions of the report and recommendation to which objections were made under 28 U.S.C. § 636(b)(1)(C).
PRECEDENTIAL VALUE	Unknown; memorandum opinion from a federal district court with no reported citation.
PARTIES	Jashandeep Singh v. Todd M. Lyons, Acting Director, Immigration and Customs Enforcement, et al.

TOPICS

immigration detention

removal proceedings

statutory interpretation

due process

remedies

PRACTICE AREAS

immigration detention

immigration habeas corpus

administrative law

civil procedure

QUESTIONS PRESENTED

1. Whether Singh's interior immigration detention was governed by the mandatory-detention provision in 8 U.S.C. § 1225(b)(2)(A) or the discretionary-detention provision in § 1226(a).
2. Whether Singh was entitled to a bond hearing while detained under the applicable statutory provision.
3. Whether the district court had habeas jurisdiction under 28 U.S.C. § 2241.
4. Whether Singh could seek attorney's fees and costs under the Equal Access to Justice Act.

HOLDINGS

1. Section 1225(b)(2)(A) does not apply to Singh because he was not actively seeking admission at the border or port of entry; his detention was governed by 8 U.S.C. § 1226(a).
2. Because § 1226(a), rather than § 1225(b)(2)(A), governed Singh's detention, he was entitled to a bond hearing.
3. The court had jurisdiction under 28 U.S.C. § 2241 because Singh was detained within the court's territorial jurisdiction and alleged that his detention violated federal law and due process.
4. Singh was permitted to file a motion for attorney's fees and costs under the Equal Access to Justice Act within 30 days after entry of judgment.

KEY QUOTATIONS

“Under that reading, “for purposes of immigration detention, the border is now everywhere.”” (at 8)

“Thus, in short, the court reads “an alien seeking admission,” as the operative language of Section 1225(b)(2)(A). That is, “seeking admission” is the functional condition that triggers mandatory detention, not merely the definitional status of “applicant for admission” revealed by Section 1225(a)(1).” (at 9-10)

FACTUAL BACKGROUND

Singh, a citizen of India, entered the United States without admission or parole in November 2023 and was placed in removal proceedings under INA § 212(a)(6)(A)(i). He was released from border custody, later obtained employment as a truck driver, and filed a pending asylum application. ICE arrested him in November 2025 during a roadside inspection and detained him at Pike County Correctional Facility, relying on 8 U.S.C. § 1225(b)(2)(A).

PROCEDURAL HISTORY

Singh filed a § 2241 habeas petition challenging his detention without a bond hearing. Chief Magistrate Judge Daryl F. Bloom issued a report and recommendation recommending denial. Singh objected, and the district court sustained the objections, declined to adopt the R&R, granted the petition, and ordered respondents to provide a bond hearing within seven days or release Singh without bond or conditions.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents must provide Singh with a bond hearing within seven days. If they fail to do so, Singh must be released immediately on his own recognizance without bond or conditions pending further immigration proceedings. The government must also provide a sworn declaration.

CASES CITED

- Jennings v. Rodriguez, 583 U.S. 281, 288, 297, 303 (2018)
- Buenrostro-Mendez v. Bondi, No. 25-20496, 2026 WL 323330 (5th Cir. Feb. 6, 2026)
- Rumsfeld v. Padilla, 542 U.S. 426, 443 (2004)
- Trump v. J. G. G., 604 U.S. 670, 673 (2025)
- Reno v. Flores, 507 U.S. 292, 306 (1993)
- Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306, 313 (1950)
- Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983)
- Henderson v. Carlson, 812 F.2d 874, 877 (3d Cir. 1987)
- Camreta v. Greene, 563 U.S. 692, 709 n.7 (2011)
- Shurtleff v. City of Boston, Massachusetts, 596 U.S. 243, 256 (2022)
- Diallo v. Rose, No. CV 25-7421, 2026 WL 36534, at *2 (E.D. Pa. Jan. 6, 2026)
- Almendarez-Torres v. United States, 523 U.S. 224, 234 (1998)
- Trainmen v. Baltimore & Ohio R. Co., 331 U.S. 519, 528-29 (1947)
- Lopez Benitez v. Francis, 795 F. Supp. 3d 475, 488-89 & n.7 (S.D.N.Y. 2025)
- Quispe v. Rose, 2025 WL 3537279, at *5-6 (M.D. Pa. Dec. 10, 2025)
- Patel v. O'Neill, 2025 WL 3516865, at *5 (M.D. Pa. Dec. 8, 2025)
- Centeno Ibarra v. Warden of the Fed. Det. Ctr. Philadelphia, No. CV 25-6312, 2025 WL 3294726, at *6 (E.D. Pa. Nov. 25, 2025)
- Zadvydas v. Davis, 533 U.S. 678, 690-93 (2001)
- Nielsen v. Preap, 586 U.S. 392, 397-98 (2019)
- Michelin v. Warden Moshannon Valley Corr. Ctr., No. 24-2990, 2026 WL 263483, at *1-2, *10 (3d Cir. Feb. 2, 2026)
- Vadel v. Lowe, No. 3:25-CV-02452, 2025 WL 3772059, at *1 n.1 (M.D. Pa. Dec. 31, 2025)

OPINION

Singh

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JASHANDEEP SINGH, : No. 3:25cv2388 Petitioner : : (Judge Munley) : (Chief Magistrate Judge Bloom) v. FILED

.. ° SCRANTON

TODD M. LYONS, Acting Director : Immigration and Customs : FEB 25 2026 Enforcement, ef al., : ¢ pe)

PER

Respondents DEPUTY CLERK

MEMORANDUM

Petitioner Jashandeep □□ was working as a truck driver for a federally registered motor carrier vases out of Indiana. He was issued a commercial driver's license by that state. p November 19, 2025, Singh was transporting a load of Mexican food poe from Georgia to New York. At approximately 10:30 at a rest area along Interstate 84, Singh was subject to a roadside inspection. According to the inspection report, petitioner could not produce physical copies of his tractor or trailer registration cards. And based on a Pennsylvania Public Utility Commission ("PUC") officer's review of Singh's logbooks, he had allegedly exceeded the 14-hour rule by 26 minutes two 1 These facts are derived from records supplied by the United States Department of Homeland Security ("DHS"). (Docs. 8-1 to 8-4). . days earlier For the observed violations of the Federal Motor Carrier Safety Regulations, Singh and sa employer received citations. In conjunction with the equipment and logbook inspection, Singh faced another type of review, that of the kind typically conducted by agents from United States Immigration and cate Enforcement ("ICE"). That is, ICE agents were working alongside the PUC pees at the rest area. Singh came to the United States from the Republic of India. He entered the country on foot at the southern border in November 2023. Shortly thereafter, ' he was arrested by United we. Border Patrol and issued a Notice to Appear form. DHS charged Singh wit being present in the United States without admission or parole in "et of Immigration and Naturalization Act ("INA") Section 212(a)(6\A)(i)? He was provided a hearing date for removal proceedings. Thereafter, the petitioner was released from custody at the border on his own recognizance. He made his way to the Chicago metropolitan area and obtained employment as jan over-the-road truck driver. He has a pending application for asylum. He fears being returned to India. Returning to the vcadside inspection in November 2025, ICE agents conductéd a records check ah determined that that Singh was subject to removal proceedings. They leate the petitioner. Since that time, he has been

2 See 8 Use. § 1182(a)(6)(A)(i).

in immigration detention at Pike County Correctional Facility ("Pike CCF") and is ostensibly

being held pursuant to revised DHS policies and administrative reinterpretations of federal law. Id. Singh has a merits hearing on his application for asylum in September 2026. With the prospect of spending ten months or more of immigration detention in a county jail, Singh filed a petition for writ of habeas corpus on December 11, 2025 in the Middle District of Pennsylvania. (Doc. 1). The petition was referred to Chief United States Magistrate Judge Daryl F. Bloom and he issued a Report and Recommendation (“R&R”) on February 10, 2026. (Doc. 13). The R&R recommends that Singh’s petition for writ of habeas corpus be denied. (Doc. 13). Singh filed objections to the R&R shortly thereafter. (Doc. 14). Like many of the recent immigration-related habeas petitions in this district the overarching legal issue in this matter is whether Singh may be detained without a bond hearing under U.S.C. § 1225(b)(2)(A), a mandatory detention provision: See *Jennings v. Rodriguez*, 583 U.S. 281, 297 (2018) (Alito, J., plurality op.) (“And neither § 1225(b)(2) nor § 1225(b)(2) says anything whatsoever about bond hearings”) Most district court decisions to address the issue hold that individuals like Singh are not subject to mandatory detention under Section 1225(b)(2)(A), including at least 16 decisions from judges in the Middle District of Pennsylvania. The R&R here, however, found respondents’ position more persuasive. The magistrate judge determined that Section 1225(b)(2)(A) applies to Singh’s detention. In support, he looked to the Fifth Circuit Court of Appeals’ decision in *Buenrostro-Mendez v. Bondi, et al.*, ___ F.4th ___, 2026 WL 323330 (5th Cir. Feb. 6, 2026) and several out-of-district immigration detention cases, which represent the minority view on the Singh’s objections to my R&R are now ripe for disposition. In short, the petitioner argues that the court landed on the wrong side of the statutory interpretation debate. He also asserts that prolonged detention raises serious constitutional concerns. See *Mamatkulov v. Lowe*, No. 2026 WL 456917, at *4 (M.D. Pa. Feb. 18, 2026); *Diallo v. Lowe*, No. 3:26CV286, 2026 WL 458294, at *5 (M.D. Pa. Feb. 18, 2026); *Villa Hernandez v. Kunes*, No. 1:25-CV-01847, 2026 WL 411726, at *5 (M.D. Pa. Feb. 13, 2026) (Wilson, J); *Patel v. O’Neill*, No. 3:25-CV-02289, 2026 WL 323121, at *6 (M.D. Pa. Feb. 6, 2026) (Mehalchick, J.); *Viansko v. Lowe*, No. 4:25-CV-02523, 2026 WL 313473, at *4 (M.D. Pa. Feb. 5, 2026) (Brann, C.J.); *Carrero Romero v. Lowe*, No. 4:26-CV-00009, 2026 WL 296215, at *5 (M.D. Pa. Feb. 4, 2026) (Brann, C.J.); *Gonzalez Centeno v. Lowe*, No. 3:25CV2518, 2026 WL 94642, at *4 (M.D. Pa. Jan. 13, 2026), adhered to, No. 3:25CV2518, 2026 WL 196513 (M.D. Pa. Jan. 26, 2026); *Vadel v. Lowe*, No. 3:25-CV-02452, 2025 WL 3772059, at *6 (M.D. Pa. Dec. 31, 2025) (Mehalchick, J.); *Ramirez-Montoya v. Rose*, No. 3:25-CV-02411, 2025 WL 3709045, at *6 (M.D. Pa. Dec. 22, 2025) (Mehalchick, J.); *Samassa v. Lowe*, No. 1:25-CV-02197, 2025 WL 3653751, at *2 (M.D. Pa. Dec. 17, 2025); *Quispe v. Rose*, No. 3:25-CV-02276, ___ F.Supp. 3d ___, 2025 WL 3537279, at *6 (M.D. Pa. Dec. 10, 2025) (Mehalchick, J.); *Cunin v. McShane*, No. 3:25-CV-1887, 2025 WL 3542999, at *2 (M.D. Pa. Dec. 10, 2025) (Neary, J); *Patel v. O’Neil*, No. 3:25-CV-2185, 2025 WL 3516865, at *5 (M.D. Pa. Dec. 8, 2025) (Mariani, J.); *Hernandez v. Rose*, No. 1:25-CV-2221, 2025 WL 3284447, at *2 (M.D. Pa. Nov. 25, 2025) (Neary, J.); *Santana-Rivas v. Warden of Clinton Cnty. Corr. Facility*, No. 3:25-CV-01896, 2025 WL 3522932, at *11 (M.D. Pa. Nov. 13, 2025) (Camoni, M.J), report and recommendation

adopted in part, rejected in part on other grounds, No. 3:25- CV-01896, 2025 WL 3513152 (M.D. Pa. Dec. 8, 2025) (Wilson, J.). due process concerns based the date of his next immigration hearing which is presently scheduled for september 2026. Singh's objections are persuasive. They will be sustained. The er will not be adopted, and the petitioner will be ordered released from mmission detention if he is not provided a bond hearing within seven days. Jurisdiction . Federal district courts are authorized to grant a writ of habeas corpus under 28 U.S.C. § 2241 where the | one is detained "in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3). Singh filed the instant petition while he was detained within the jurisdiction of this court, and he is still currently in ICE custody within this court's jurisdiction. Petitioner asserts that his continued detention violates his right to due process." He also asserts that the wrong provision of ie INA is being used to justify his potentially indefinite-detention. Thus, ie court has habeas jurisdiction over Singh's petition.® Rumsfeld v. Padilla,!542 U.S. 426, 443 (2004). Fifth Amendment entitles noncitizens to due process of law in the context of removal proceedings, and thus, they are one to notice and an opportunity to be heard, appropriate to the nature of the case. See Trump v. J. G. G., 604 U.S. 670, 673 (2025) (citing Reno v. Flores, 507 U.S. 292, 306 (1993); Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306, 313 (1950)). 5 Although it initially raised a jurisdictional challenge, the government now concedes that the court has jurisdiction over Singh's petition. (Doc. 11). Standard of Review Under the Federal Magistrates Act, the district court must make a de novo determination of those portio of the R&R against which objections are made. 28 U.S.C. § 636(b)(1)(c); velo Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983). The court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. Henderson v. Carlson, 812 F.2d 874, 877 (3d Cir. 1987). The district court judge may also receive further evidence or recommit the matter to the magistrate judge with instructions. Id. Analysis Singh's objections are specific enough to require full de novo review. After conducting that review, the petitioner is entitled to a bond hearing, as the provision relied upon by the ssvernement 8 U.S.C. § 1225(b)(2)(A), does not apply to the petitioner. His ol tinued detention under Section 1225 is unlawful. From a legal snot is no decision of the Supreme Court or the Third Circuit Court of Appeals to guide the analysis. Of the district courts to rule on the issue—and there are single decision binds the court in making a determination, not even a epee decision of the undersigned. See Camreta V. Greene, 563 U.S. 692, 709 n.7 (2011). The divided decision of the Fifth Circuit in Buenrostro-Mendez may ny be considered for its persuasive value, or lack thereof. As for the majority IL minority views on Section 1225(b)(2)(A), it goes without saying that no legal ut is resolved by counting noses. See Shurtleff v. City of Bos., Massachusetts, 596 U.S. 243, 256 (2022). Furthermore, despite the frequently recurring esuel found in many immigration-related habeas vetitions, each case must be | nsidored on an "ad hoc basis" according to the matters at issue. Diallo V. sor No. CV 25-7421, 2026 WL 36534, at *2 (E-D. Pa. Jan. 6, 2026) (Rufe, J.). In this case, Singh is an individual who entered the United States, was detained and released, and was then later apprehended in the interior of the United States after a period 1

continuous residence. What follows is an analysis of whether his detention is governed by the mandatory detention provision of 8 U.S.C. § 1225(b)(2)(A), or by the discretionary detention provision of 8 U.S.C. § 1226(a). ;

1. The Statutes at Issue

Starting with 8 U.S.C. § 1225, that section bears the title: “Inspection by immigration officers; expedited removal of inadmissible arriving aliens; referral for hearing.” Id. 6 “ TT}the tte ofa statute and the heading of a section’ are ‘tools available for the resolution of a doubt’ about the meaning ofa tate. *Almendarez-Torres v. United States*, 523 U.S. 224, 234 (1998).(quoting *Trainmen v. Baltimore & Ohio R. Co.*, 331 U.S. 519, 528-529 (1947)). “Applicant for ul —Section 1225(a)(1) provides that “[a]n alien present in the United States who has not been admitted (whether or not ata designated port of arrival andincluding an alien who is brought to the United States after having been interdicted in international or United States waters) shall be deemed for purposes of chapter an applicant for admission.” 8 U.S.C. § 1225(a)(1). Definitionally, all non-admitted noncitizens, including Singh, are “applicants for admission.” Section 1225(b) is entitled “Inspection of applicants for admission.” Under Section 1225(b) applicants vol admission fall into one of two categories, (b)(1) or (b)(2). Jennings, 583 U.S. at Section 1225(b)(1) does not apply to Singh.’ Moving on to Section ew that section is entitled “Inspection of other aliens.” Section 1225(b)(2)(A) provides in relevant part: ...In the case of a alien who is an applicant for admission, ' if the examining immigration officer determines that an . alien seeking admission is not clearly and beyond a doubt ' entitled to be admitted, the alien shall be detained for a . proceeding under section 1229a of this title. 8 U.S.C. § 1225(b)(2)(A). ” Section 4225(b)(1) applies to noncitizens “arriving in the United States,” who are determined to be inadmissible under 8 U.S.C. § 1182(a)(6) (C) (misrepresentation of material facts provisions):or 8 U.S.C. § 1182(a)(7) (lacking documentation provisions). DHS has. □□□□□□ Singh with being present in the Uni ied States without admission or parole in violation 8 U.S.C. § 1182(a)(6)(A)(i). □ Section 1225(b)(2)(A) La. two terms, “applicant for admission” and “alien seeking admission,” which the minority of decisions hold are synonymous. Id. Interpretation of that section will follow below. Apprehension and netchtion ~ Section 1226, by contrast, bears the title “Apprehension and detention be aliens.” 8 U.S.C. § 1226. This section “applies to aliens already present in hk United States.” Jennings, 583 U.S. at 303. Section 1226(a) vrovides that, “[o]n a warrant issued by the Attorney General, an alien may be areted and detained pending a decision on whether the alien is to be emovedt}”6 U.S.C. § 1226(a). “Section 1226(a) creates a default rule for those aliens permitting—but not requiring—the Attorney General to issue warrants for het arrest and detention pending removal proceedings[,] and further selmi the Attorney General to release those aliens on bond[.]” Jennings, 583 ud at 303.

2. Section 1226(a) Applies to Singh, Not Section 1225(b)(2)(A)

“Alien Seeking acdmissil — Returning to Section 1225(b)(2)(A), respondents’ position is that te definitional label of “applicant for admission” as prescribed by statute in sectich 1225(a)(1) is the

same as the language “alien seeking admission” later in a sentence. The R&R, after review of the statute, also concludes that every applicant for admission is, by definition, “seeking admission.” (Doc. 13 at 10. According to that view, this would subject all unadmitted aliens to detention without bond pending removal proceedings regardless of whether they are located at the border or have spent months or years living in the United States. Under that reading, “for purposes of immigration detention, the border is now everywhere.” *Buenrostro-Mendez*, No. 25-20496, 2026 WL 323330 | *418 (5th Cir. Feb. 6, 2026) (Douglas, J., dissenting Op.). The court disagrees “that reading of the text. “Applicant for admission” is specifically defined by Section 1225(a)(1), but “alien seeking admission” is not. Thus, in short, the court uses “an alien seeking admission,” as the operative language of Section 1225(b)(2)(A). That is, “seeking admission” is the functional condition that triggers mandatory detention, not merely the definitional status of “applicant for admission” revealed by Section 1225(a)(1). By statute, all non-admitted noncitizens are mere “applicants for admission.” That is different from a noncitizen who is or is functionally “seeking admission” through the process governed by Section 1225. As another district court [S]omeone who enters a movie theater without purchasing a ticket and then proceeds to sit through the first few minutes of a film would not ordinarily then be described as “seeking admission” to the theater. Rather, that person would be described as already present there. Even if that person, after being detected, offered to pay for a ticket, one would not ordinarily describe them as “seeking admission” (or “seeking” “lawful entry”) at that point—one would say that they had entered unlawfully but now seek a lawful means of remaining there. As § 1225(b)(2)(A) applies only to those noncitizens who are actively “seeking admission” to the United States, it cannot, according to its ordinary meaning, apply to [petitioner], because he has already been residing in the United States for several years. *Lopez Benitez v. Francis*, 795 F. Supp. 3d 475, 489 (S.D.N.Y. 2025). Moreover, the court in this district is that the phrase “alien seeking admission” in Section 1225(b)(2)(A) does independent work and requires “active and ongoing conduct, such as physically attempting to come into the United States at a border or port of entry.” *Quispe*, 2025 WL 3537279, at *5 (citations omitted), and does not apply to “noncitizens like [petitioner] who have resided in the United States for years[.]” *Patel*, 2025 WL 3516865 at *5 (citations omitted). As these other two district court cases and the *Buenrostro-Mendez* dissent have seemed to adopt the position taken in the R&R would, inter alia, negate the plain meaning of the text, ignore context and history, violate the rule against surplusage, and render the mandatory detention of “criminal aliens” under Section 1226(c) (as expanded last year by the Laken Riley Act) as arising from a redundant statutory provision. See *Patel*, 2025 WL 3516865 at *5-8. As for the fact that Singh is an asylum applicant, that application does not make him an “alien seeking admission” under Section 1225(b)(2)(A) or provide him with lawful entry to the United States; rather, that application is to obtain a lawful means to remain here. *Lopez Benitez*, 795 F. Supp. 3d at 488 n.7. The court will briefly address Singh’s due process argument without making it the dispositive determination in this case. Even if Section 1225(b)(2)(A) was amenable to the respondents’ | 11 (citing *Centeno Ibarra v. Director of the Fed. Det. Ctr.*, Philadelphia, No. CV

25- 6312, 2025 WL 3294726, at *6 (E.D. Pa. Nov. 25, 2025) (Rufe, J.)); Buenrostro- Mendez, 2026 WL 323330 at 1-16 (Douglas, J., dissenting op.). After careful consideration, Section 1226(a) is the statute that applies to Singh's detention." ^o senrines 583 U.S. at 288 (Alito, J., plurality op.). As noted above, Section 1226(a) na release from immigration detention on bond and/or with conditions. "Ata re hearing, a noncitizen 'may secure his release if he can convince the officer or immigration judge that he poses no flight risk and construction, which it is not, the □ of constitutional avoidance would counsel against this interpretation. See Amy Coney Barrett, Substantive Canons and Faithful Agency, 90 B.U. L. Rev. 109, 141-42 (2010) ("[While a court may not twist the text beyond what it will bear, a judge ought to eschew the best, but unconstitutional interpretation in favor of a less plausible, but constitutional one.]). The Due Process Clause of the Fifth Amendment "applies to all 'persons' within the United States, including [noncitizens], eee their presence here is lawful, unlawful, temporary, or permanent." Zadvydas v. Davis, 533 U.S. 678, 693 (2001). Mandatory and indefinite detention of long-resident interior oinoe without any individualized determination of flight risk or dangerousness raises serious due process questions. Id. at 690-92. However, the court need not reach those questions about S ction 1225(b)(2)(A) if Section 1226(a) governs on its own terms. .

10 Exhibit 1 of the government's response includes a Form I-286, entitled "Notice of Custody Determination," which was executed by an ICE supervisory officer at the Pike County Sub Office and served on petitioner on November 19, 2025, the date of his arrest. (Doc. 8-1 at ECF p. 5). The form cites INA § 236, i.e., 8 U.S.C. § 1226. The form bears the signature of the issuing officer and the date of issuance. No reference is made anywhere on the form to INA § 235 or 8 U.S.C. § tee KY. Respondents have not disputed the authenticity of the document or the accuracy of the Section 1226 designation at that time. Consequently, this determination by ICE that Section 1226 applied to Singh shortly after his arrest would provide the court independent factual grounds to sustain the petitioner's objections to the R&R. ! 12 no danger to the community. ']' Quispe, 2025 WL 3537279, at *6 (quoting Nielsen v. Preap, 586 U.S. 392, 397-98 (2019) (Alito, J. plurality op.)). Singh has requested a ond hearing in his objections to the R&R. □□□□ 14 at 6). Petitioner will be rant that relief since his detention is governed by Section 1226(a), not Section 1225(b)(2)(A)."" The court will add one caveat. If respondents provide a bond hearing within seven days that complies with the applicable procedural requirements, the immigration judge's determination as to the conditions or denial of =e will govern. If respondents fail to provide a hearing within seven days, however, Singh must be released immediately from detention on his own recogni sce and without conditions pending further immigration proceedings. '2

3. Attorneys' Fees = Costs

Finally, Singh requests attorneys' fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 0 The Third Circuit recently confirmed that a habeas proceeding challenging immigration detention under 28 U.S.C. § 2241 is a "civil action" for purposes of Ine Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d)(1)(A), and ne the EAJA "unambiguously applies to habeas 1

See also 8 C.F.R. §§ 1003.19, Lo 1236.1(d)(1). 12 To the extent that Craig Lowe, Warden of Pike CCF is the only proper respondent in this matter, Lowe is acting as an agent of ICE and the government will be bound by the order. See *Vadel v. Lowe*, No. 3:25-CV-02452| 2025 WL 3772059, at *1n.1 (M.D. Pa. Dec. 31, 2025). | 13 challenges to immigration we under 28 U.S.C. § 2241.” *Michelin v. Warden Moshannon Valley Corr. Ctr.*,|No. 24-2990, 2026 WL 263483, at *1-2, *10 (3d Cir. Feb. 2, 2026). Singh will thus be permitted to file a motion for costs and fees pursuant to the EAJA within 30 days of the entry of judgment. 28 U.S.C. § 2412(d)(1)(B); *Villa sernande v. Kunes*, No. 1:25-CV-01847, 2026 WL 411726, at *7 (M.D. Pa. Feb. 13, 2026) (Wilson, J.). Conclusion For the reasons set mT above, Singh’s objections to the R&R are sustained. The R&R will not be adopted. Singh’s petition for writ of habeas corpus under Section 2241 be granted. Respondents shall provide Singh with a bond hearing within seven days. Otherwise, Singh must be released without bond or conditions. government will be ordered to provide a sworn declaration next week. An appropriate order follows. Date: (X. /\ COURT:

BEULIA K. MUNLB

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