

1 MICHAEL MARKS
 California State Bar No. 281071
 2 MICHELE A. MCKENZIE
 California State Bar No. 209657
 3 FEDERAL DEFENDERS OF SAN DIEGO, INC.
 225 Broadway, Suite 900
 4 San Diego, California 92101-5030
 Telephone: (619) 234-8467
 5 Facsimile: (619) 687-2666
 Michael_Marks@fd.org
 6 Michele_McKenzie@fd.org

7 Attorneys for Petitioner Sandeep Singh

8 UNITED STATES DISTRICT COURT
 9 SOUTHERN DISTRICT OF CALIFORNIA

<p>10 SANDEEP SINGH, 11 Petitioner, 12 v. 13 ERIC NOONAN, Warden WRDF, STEVE STAFFORD, U.S. Marshal, MATTHEW WHITAKER, Acting U.S. Attorney General 14 Respondents.</p>	<p>CASE NO.: 18-cv-2549-BTM Hon. Barry T. Moskowitz Date: December 7, 2018 Time: 3:00 p.m. PETITIONER'S OPENING BRIEF IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS</p>
--	--

15
16
17 PETITIONER'S OPENING BRIEF
18
19
20

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

TABLE OF CONTENTS

TABLE OF AUTHORITIES ii

INTRODUCTION..... 1

STATEMENT OF FACTS..... 2

 A. Background 2

 B. The USMS unlawfully detained Mr. Singh for 20 days after he was ordered released. 5

ARGUMENT 8

 A. Jurisdiction..... 9

 B. The government detained Mr. Singh in violation of the Fourth and Fifth Amendments. 9

 C. The government may not rely on an immigration detainer to justify Mr. Singh’s prolonged detention. 10

 D. This Court should grant the writ and order equitable relief. .. 12

 1. This Court should order the USAO, USMS, and WRDF to conduct internal audits to fix and prevent clerical errors that lead to unlawful detention. 12

 2. This Court should order that the USMS confirm receipt of any release order sent to a detention facility and order that the confirmation be forwarded to defense counsel. 13

 3. This Court should order the USMS to confirm release within 8 hours of receipt of the release order by the detention facilities and forward confirmation to defense counsel..... 14

 4. This Court should order all detention facilities to produce a daily list to defense counsel identifying all people in their custody..... 14

CONCLUSION 16

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

TABLE OF AUTHORITIES

Cases

Carafas v. LaVallee, 391 U.S. 234 (1968)..... 9

Carafas, 391 U.S. at 239 12

Lopez-Lopez v. County of Allegan, 321 F. Supp. 3d 794 (W.D. Mich 2018) 11

Miranda-Olivares v. Clackamas Cnty., No. 3:12-cv-02317-ST, 2014 WL 1414305 (D. Or. Apr. 11, 2014)..... 11

Morales v. Chadbourne, 793 F.3d 208 (1st Cir. 2015) 11

Ochoa v. Campbell, 266 F. Supp. 3d 1237 (E.D. Wash. 2017)..... 11

Zadvydas v. Davis, 533 U.S. 678 (2001)..... 9

Statutes

28 U.S.C. § 2241 1, 9

28 U.S.C. § 2243 2, 12

28 U.S.C. § 566 12

8 U.S.C. § 1325 1, 2, 6, 10

8 U.S.C. § 1357 12

Rules

Fed. R. Crim. P. 5 16

Other Authorities

Joanna J. Lydgate, *Assembly-Line Justice: A Review of Operation Streamline*, 98 Cal. L. Rev. 481, 491-95 (2010)..... 2

U.S. Const. amend V..... 9

U.S. Const. amend. IV 9

1 **Regulations**

2 8 C.F.R. § 287.7..... 11

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

1

2

INTRODUCTION

3 Petitioner Sandeep Singh respectfully requests this Court grant a writ of
4 habeas corpus because of his unlawful detention in violation of the Fourth and
5 Fifth Amendments. The government arrested Mr. Singh on October 9, 2018,
6 alleging a misdemeanor violation of 8 U.S.C. § 1325. Although Magistrate Judge
7 Mitchell Dembin subsequently ordered Mr. Singh released on bond on October
8 18, 2018, Mr. Singh unlawfully remained in the custody of the United States
9 Marshal (“USMS”) at the Western Region Detention Facility (“WRDF”) in San
10 Diego. Furthering his unlawful detention, Mr. Singh remained in custody at
11 WRDF even after District Judge Dana Sabraw granted the government’s motion to
12 dismiss Mr. Singh’s criminal case on October 25, 2018. In fact, Mr. Singh was still
13 unlawfully detained 12 days later when he filed his Petition under 28 U.S.C.
14 § 2241 seeking his immediate release. In total, the government unlawfully detained
15 Mr. Singh for 20 days after this Court first ordered him released.

16 After Mr. Singh filed his Petition, the government finally released him from
17 USMS’s custody on Wednesday, November 7, 2018. Mr. Singh is now detained by
18 immigration authorities pending the resolution of his asylum application. As
19 explained below, however, this Court retains jurisdiction to grant a writ despite
20 Mr. Singh’s eventual release. He thus requests that this Court grant the writ.

In addition, because this Court may “dispose of the matter as law and justice

1 require,” *see* 28 U.S.C. § 2243, Mr. Singh seeks additional equitable remedies to
2 prevent future unlawful detention. Unfortunately, repeated clerical errors have
3 resulted in the unlawful detention of dozens of defendants since the government
4 initiated its “Zero Tolerance” prosecutions. Mr. Singh accordingly requests that the
5 Court order respondents to adopt protective measures to ensure that individuals
6 such as Mr. Singh are not unlawfully detained in the future.

7 STATEMENT OF FACTS

8 A. Background

9 In 2005, the Executive Branch launched “Operation Streamline,” an
10 initiative along the Texas-Mexico border in which the government prosecuted all
11 noncitizens who allegedly illegally crossed into the United States. *See* Joanna J.
12 Lydgate, *Assembly-Line Justice: A Review of Operation Streamline*, 98 Cal. L. Rev.
13 481, 491-95 (2010). Operation Streamline was not originally implemented in the
14 Southern District of California, in part due to “a chronic shortage of detention bed
15 space” in the district. *Id.* at 541. In April 2018, however, then-Attorney General
16 Sessions announced that the Department of Justice would adopt a “Zero
17 Tolerance” policy to prosecute all persons apprehended for alleged illegal entry into
18 the United States. This change in charging policy brought a swift and dramatic
19 increase in misdemeanor § 1325 prosecutions in the Southern District.

20 “Zero Tolerance” has required several procedural changes in the Southern

1 District, most notably, the creation of a dedicated court to process the high number
2 of cases charged by the government and the utilization of numerous, distant
3 detention facilities to house the large number of criminal defendants. While the
4 Court has attempted to accommodate the government's shift in policy, the high
5 volume of prosecutions brought by the government in San Diego and El Centro
6 has led to several challenges for all interested parties. Defense counsel have
7 encountered difficulty visiting with and adequately advising their clients. The
8 courts have had difficulty timely and efficiently processing cases. And, relevant
9 here, the USMS has had difficulty finding room for and keeping track of
10 defendants.

11 Here, for example, Mr. Singh spent 20 days in custody after this Court
12 ordered him released. And Mr. Singh's prolonged, unlawful detention is not
13 unique. Since late June, at least 20 defendants have been detained past the date of
14 their ordered release on bond or completion of their sentences (resulting in a
15 cumulative total of over 150 days in custody)¹:

- 16 • Saul Ibarra-Martinez, 18mj21065, spent an additional three weeks in custody
17 after his case was dismissed.

18

19

20 ¹ Over a 130-day period this summer and fall, Southern District defendants have
overserved sentences or orders of release by over 150 days. Thus, averaging this
out, every single day in our district there is someone in custody who should not be.

- 1 • Arturo Paredes-Carranza, 18cr3440, spent an additional 11 days in custody
2 because his judgment was not timely filed.
- 3 • Mr. Juan Jose Cruz-Villata, 18mj10154, spent an additional ten days in
4 custody past his release date at the WRDF.
- 5 • Mr. Arizain Sanchez-Mendez, 18mj21711, spent an additional nine days in
6 custody because of a “fax machine” error between USMS and the WRDF.
- 7 • Mr. Mateo Guerra-Salazar, 18mj20228, spent an additional eight days in
8 custody because the judgment was not timely filed.
- 9 • Ms. Maria Palestino-Rodriguez, 18mj21058, spent an additional eight days in
10 custody because the judgement was not timely filed.
- 11 • Mr. Juan Aguilar Delgadillo, 18mj3803, spent an additional seven days in
12 custody because of a “fax machine” error between USMS and the WRDF.
- 13 • Mr. Jose Bernabe Gonzalez-Escobar, 18mj10082, spent an additional seven
14 days in custody because the judgement was not timely filed.
- 15 • Mr. Heriberto Bejarano-Carrillo, 18mj20361, spent an additional five days in
16 custody because the USMS neglected to send his release order to the WRDF.
- 17 • Mr. Marcos Morales-Santiago, 18mj20399, spent an additional five days in
18 custody because the USMS neglected to send his release order to the WRDF.
- 19 • Mr. Ruben Garcia- Tobar, 18mj20405, spent an additional five days in
20 custody because the USMS neglected to send his release order to the WRDF.

- 1 • Mr. Simeon Garcia- Cruz, 18mj20375, spent an additional five days in
2 custody because the USMS neglected to send his release order to the WRDF.
- 3 • Mr. Sergio Alvarez-Yanez, 18mj20362, spent an additional five days in
4 custody because the USMS neglected to send his release order to the WRDF.
- 5 • Mr. Justino Ramirez-Castillo, 18mj20380, spent an additional five days in
6 custody because the USMS neglected to send his release order to the WRDF.
- 7 • Mr. Juan Nila-Rizo, 18mj20322, spent an additional five days in custody
8 because the USMS neglected to send his release order to the WRDF.
- 9 • Mr. Jose Cervantes-Serrato, 18mj20296, spent an additional five days in
10 custody because the USMS neglected to send his release order to the WRDF.
- 11 • Mr. Gabriel Osuna-Molina, 18mj20309, spent an additional five days in
12 custody because the USMS neglected to send his release order to the WRDF.
- 13 • Mr. Luis Gerardo Chavez-Sotero, 18mj21911, spent an additional three days
14 in custody because the USMS failed to send his release order to the WRDF.
- 15 • Ángel Carrillo-Chávez, 18cr4707, spent at least an additional three days in
16 custody because his release order was not timely filed.

17 **B. The USMS unlawfully detained Mr. Singh for 20 days after he was ordered**
18 **released.**

19 According to discovery provided by the government, Sandeep Singh is a 24-
20 year-old citizen of India. See Ex. B. Mr. Singh left India in August 2018 because he

1 feared for his safety due to his political beliefs. *Id.* He allegedly spent more than a
2 month traveling through Ecuador, Colombia, Panama, Costa Rica, Nicaragua, and
3 Mexico. *Id.* On October 9, 2018, immigration authorities took custody of
4 Mr. Singh at the Calexico West Port of Entry. *Id.* Upon questioning, Mr. Singh
5 immediately expressed his fear of return to India. *Id.* The government confirmed
6 through records checks that Mr. Singh had no prior immigration or criminal
7 history in the United States. Ex. A.

8 Before referring Mr. Singh for prosecution, the Department of Homeland
9 Security (“DHS”) filled out an immigration detainer. *See* Ex. C. The detainer,
10 signed by a Customs and Border Protection (“CPB”) agent, alleged it had probable
11 cause to believe that Mr. Singh was a removable alien and asked that any law
12 enforcement agency holding Mr. Singh maintain custody of him “for a period NOT
13 TO EXCEED 48 HOURS beyond the time when he[] would otherwise have been
14 released.” *Id.* (emphasis in original).

15 The government charged Mr. Singh with one count of misdemeanor
16 attempted illegal reentry under 8 U.S.C. § 1325. *See United States v. Singh*, Case
17 No. 18-mj-10819-DMS (S.D. Ca. 2018), Dkt. No. 1. The USMS took custody of
18 him on October 10, 2018, and Mr. Singh made his initial appearance before
19 Magistrate Judge Ruth Montenegro in El Centro. *See id.*, Dkt. No. 2. The
20 government moved to detain Mr. Singh, who was temporarily held at San Luis

1 Detention Center pending a detention hearing. On October 17, 2018, Magistrate
2 Judge Mitchell Dembin denied the government's motion and set bond. *See id.*,
3 Dkt. No. 7. Mr. Singh posted bond the next day and Judge Dembin ordered him
4 released. *See id.*, Dkt. No 8.

5 According to the USMS, the USMS sent the Court's release order to officials
6 at San Luis on October 18. *See Ex. E.* On that same day, however, the USMS had
7 instructed San Luis to move Mr. Singh to WRDF in San Diego, California. *Id.*
8 Despite its sole custody of Mr. Singh, the USMS claims it was unaware that Mr.
9 Singh had been moved and instead believed he had been released from custody
10 after learning he was no longer jailed at San Luis. *Id.*

11 After Mr. Singh had been ordered released from USMS custody, defense
12 counsel contacted the government attempting to locate him, believing him to be
13 back in DHS custody as had been the practice. Counsel based this belief in part on
14 the fact that the USMS daily custody list indicated Mr. Singh was not in their
15 custody. *See Ex. F.* Counsel emailed a supervisor at Border Patrol on October 23,
16 who responded the next day that Mr. Singh was not in their custody.² *See Ex. D.*
17 Counsel immediately emailed prosecutors to complain that Mr. Singh's continued
18

19 _____
20 ² On August 20, 2018, the USAO instructed the CJA panel and FDSI attorneys
to follow this procedure to locate and speak with clients who had bonded out of
criminal custody.

1 detention violated the Sixth Amendment. *Id.* The government subsequently
2 moved to dismiss the criminal case against Mr. Singh without prejudice, and
3 District Judge Dana Sabraw granted the motion on October 25. *See Singh*, Dkt.
4 Nos. 14 & 15.

5 Almost two weeks later, on November 5, Mr. Singh called to alert defense
6 counsel that he was still in custody at WRDF. A supervisor at Federal Defenders
7 notified the USMS of this unlawful detention the same day. *See Ex. E.* Not
8 receiving a response, the same supervisor again contacted the USMS on November
9 6 in an effort to ensure Mr. Singh's release. *Id.*

10 In an email to Federal Defenders, the USMS blamed Mr. Singh's prolonged
11 detention on the mix-up at San Luis described above. *Id.* The USMS indicated
12 that it had sent the court's release order to WRDF on the morning of November 6.
13 *Id.* The USMS noted that immigration authorities had issued a detainer, so it
14 expected that Mr. Singh was already transferred or would soon be transferred to
15 immigration custody. *Id.*

16 Learning that Mr. Singh was still detained at WRDF on the afternoon of
17 November 6, counsel filed the instant petition for a writ of habeas corpus on his
18 behalf. Immigration authorities took custody of Mr. Singh the next day on
19 November 7.

20 //

ARGUMENT

A. Jurisdiction

This Court has jurisdiction under 28 U.S.C. § 2241 (c)(3) because Mr. Singh is “in custody in violation of the Constitution or laws or treaties of the United States.” The Supreme Court has clarified that the “in custody” requirement applies to the time of filing; that is, “under the statutory scheme, once the federal jurisdiction has attached in the District Court, it is not defeated by the release of the petitioner prior to completion of proceedings on such application.” *Carafas v. LaVallee*, 391 U.S. 234, 238 (1968). Here, Mr. Singh was in USMS custody at WRDF on November 6, 2018, when he filed his petition in this case. Accordingly, this Court retains jurisdiction over this case even though the government subsequently released Mr. Singh from criminal custody on November 7.

B. The government detained Mr. Singh in violation of the Fourth and Fifth Amendments.

The Fourth Amendment prohibits unreasonable seizures. See U.S. Const. amend. IV. In addition, “government detention violates [the Fifth Amendment’s due process clause] unless the detention is ordered in a *criminal* proceeding with adequate procedural protections. . . .” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (emphasis in original).

Here, this Court ordered Mr. Singh released on October 18 and dismissed

1 his charges without prejudice on October 25. Whether viewed as a seizure without
2 cause or a detention without process, Mr. Singh's continued detention after this
3 Court ordered him released and later terminated his criminal case had no lawful
4 basis arising out of his prosecution for violating § 1325. Mr. Singh does not expect
5 the government to argue otherwise.

6 **C. The government may not rely on an immigration detainer to justify**
7 **Mr. Singh's prolonged detention.**

8 The government may argue that it had the authority to continue detaining
9 Mr. Singh because of the detainer issued by DHS. But that argument would be
10 contrary to both the record and the law.

11 First, even assuming the immigration detainer provided some lawful
12 authority to detain Mr. Singh after this Court ordered him released, the record
13 shows that the government *did not* hold him on that basis. As correspondence with
14 the USMS indicates, WRDF held Mr. Singh because the USMS failed to realize he
15 was still in their custody, thus delaying Mr. Singh's release. ICE only took custody
16 *after* Mr. Singh had been unlawfully detained for nearly three weeks and *after* Mr.
17 Singh filed a petition for habeas corpus. In addition, the detainer on its face
18 requests that the law enforcement agency maintain custody for a period not to
19 exceed 48 hours, *see* Ex. C, so it could not have justified 20 days of detention past
20 the date this Court ordered Mr. Singh released.

1 Second, the immigration detainer did not give the USMS or WRDF legal
2 authority to hold Mr. Singh in criminal custody awaiting action from DHS. “The
3 detainer is a *request* that such agency advise the [DHS], prior to release of the alien,
4 in order for the [DHS] to arrange to assume custody, in situations when gaining
5 immediate physical custody is either impracticable or impossible.” 8 C.F.R. § 287.7
6 (emphasis added). But detention pursuant to an ICE detainer is nonetheless a
7 seizure for Fourth Amendment purposes. *Morales v. Chadbourne*, 793 F.3d 208, 217
8 (1st Cir. 2015) (holding that an immigration detainer that resulted in additional
9 detention after criminal custody terminated constituted a new seizure for Fourth
10 Amendment purposes); *Ochoa v. Campbell*, 266 F. Supp. 3d 1237, 1249–50 (E.D.
11 Wash. 2017) (“Where detention is extended as a result of an immigration hold,
12 that extension is a subsequent seizure for Fourth Amendment purposes”); *Miranda-*
13 *Olivares v. Clackamas Cnty.*, No. 3:12-cv-02317-ST, 2014 WL 1414305 (D. Or. Apr.
14 11, 2014) (holding that continuation of detention pursuant to an ICE detainer
15 constituted a new seizure). And here, the government did not accompany the
16 detainer with a criminal or administrative warrant justifying Mr. Singh’s detention.
17 See *Lopez-Lopez v. County of Allegan*, 321 F. Supp. 3d 794, 801 (W.D. Mich 2018)
18 (holding County did not violate Fourth Amendment when it detained alien based
19 on immigration detainer *and* valid administrative warrant). Accordingly, because
20 none of the parties responsible for Mr. Singh’s detention were acting as

1 immigration officials, they had no authority to arrest Mr. Singh for an alleged
2 immigration violation. *Compare* 8 U.S.C. § 1357(a) (conferring authority to
3 immigration officials to make warrantless arrests for immigration violations), *with*
4 28 U.S.C. § 566(d) (permitting USMS to make warrantless arrests only for certain
5 *criminal* offenses).

6 **D. This Court should grant the writ and order equitable relief.**

7 This Court should declare Mr. Singh’s prolonged detention unlawful and
8 grant the writ. But the habeas corpus statute “does not limit the relief that may be
9 granted to discharge of the applicant from physical custody.” *Carafas*, 391 U.S. at
10 239. “Its mandate is broad with respect to the relief that may be granted.” *Id.*
11 Accordingly, § 2243 permits the Court to “dispose of the matter as law and justice
12 require.” Here, Mr. Singh requests that the Court order further remedies to ensure
13 neither Mr. Singh nor similarly situated defendants suffer unlawful detention due
14 to mistake or clerical error.

15 **1. This Court should order the USAO, USMS, and WRDF to conduct**
16 **internal audits to fix and prevent clerical errors that lead to unlawful**
17 **detention.**

18 Federal Defenders has notified prosecutors, USMS, and WRDF of several
19 instances of unlawful detention, but the problem persists. This Court should thus
20 order that the government take necessary steps to prevent similar errors from

1 occurring in the future. Ordering the U.S. Attorney's Office, the USMS, and the
2 WRDF to conduct internal reviews will ensure these organizations make progress in
3 correcting an error that has led to more than 150 days of unlawful detention for at
4 least 20 people.³ The Court's order should include a requirement that USAO,
5 USMS, and WRDF report back to the Court and Mr. Singh within 14 days to
6 update and explain the remedial measures they have adopted.

7 **2. This Court should order that the USMS confirm receipt of any**
8 **release order sent to a detention facility and order that the**
9 **confirmation be forwarded to defense counsel.**

10 As noted above, the USMS unwittingly detained Mr. Singh and several other
11 people past the date of their release due to clerical error in the submission of
12 release orders to detention facilities like WRDF. This is unacceptable. The USMS
13 reliance on the outdated technology of fax machines has proven unreliable and has
14 led to multiple unconstitutional deprivations of liberty.

15 To prevent similar errors going forward, this Court should order that the
16 USMS *confirm* receipt of any release order it sends to a detention facility. In
17 addition, the Court should order the USMS to forward confirmation receipt of a
18

19 ³ This number represents only those cases of which Federal Defenders is aware.
20 This Court may reasonably presume that the problem is more widespread,
including other Federal Defender clients and defendants represented by CJA Panel
attorneys.

1 release order to defense counsel.

2 **3. This Court should order the USMS to confirm release within 8**
3 **hours of receipt of the release order by the detention facilities and**
4 **forward confirmation to defense counsel.**

5 Jails keep careful records of people entering and leaving custody as part of
6 their normal course of business. Accordingly, it must be possible to confirm with a
7 detention facility that a person has in fact been released pursuant to this Court's
8 order. Because the USMS's process of merely sending a release order has been
9 ineffective in ensuring defendants' release, this Court should order more proactive
10 measures. Specifically, this Court should order the USMS to confirm with the
11 relevant detention facility that defendants ordered released have in fact been
12 released. The Court should order that the USMS: 1) confirm release within 8
13 hours of sending the release order; 2) forward confirmation of release to defense
14 counsel; and 3) report to defense counsel if the defendant has not been released so
15 that counsel can take appropriate action with this Court.

16 **4. This Court should order all detention facilities to produce a daily**
17 **list to defense counsel identifying all people in their custody.**

18 Mr. Singh requests the Court to order all detention facilities to produce a
19 daily list of persons in custody. This would include all federally-operated facilities
20 (ex. MCC San Diego) as well as contract facilities (ex. WRDF and San Luis) where

1 the USMS house criminal defendants charged in the Southern District. And the
2 list would be provided daily to Federal Defenders and CJA panel attorneys who
3 accept “Zero Tolerance” appointments.

4 These list are easily created. Each facility performs several “counts” per day
5 based on a roster of those persons in its custody. Producing that list once per day
6 to defense counsel would thus cause little prejudice to the government.

7 This list is also necessary. While the USMS provides a daily list of those in
8 its custody to the defense bar, it was not accurate in Mr. Singh’s case and is not
9 reliable. For example, the USMS list showed that Mr. Singh was not in custody on
10 October 19 or any date afterward, even though the record makes clear that the
11 USMS kept him detained at WRDF in criminal custody from October 18 through
12 November 7. *See* Ex. F (USMS custody lists from October 19 and 22, failing to list
13 Mr. Singh as a USMS detainee on the days he was indisputably in custody at
14 WRDF).

15 In addition, it is nearly impossible to discover these errors through other
16 means. Only through chance have defense counsel discovered the instances of
17 prolonged detention listed above. Defendants, almost exclusively non-English-
18 speaking people unfamiliar with the criminal justice system, may not know they are
19 detained in error and may not know how to or be able to contact their attorneys.

20 With a list of persons actually detained—instead of merely a list of those the

1 USMS *believes* are detained—defense counsel can quickly and proactively ensure that
2 their clients have been released according to this Court’s orders and, where
3 appropriate, petition for their immediate release.

4 This Court ordered a similar “no body” list be produced by the government
5 each day in response to persistent Rule 5 violations in the Southern District. That
6 list has facilitated the identification of pretrial detainees who have not been
7 promptly presented under Rule 5. The list requested here is a simple, expedient
8 corollary to the “no body” list that aims to solve a similar, persistent problem of
9 unlawful detention.

10 **CONCLUSION**

11 For the reasons listed above, and for any reason apparent to the Court in the
12 interests of justice, Mr. Singh respectfully requests that this Court grant a writ of
13 habeas corpus and order accompanying relief.

14 Respectfully submitted,

15 Dated: November 16, 2018

16 s/ Michael Marks
Federal Defenders of San Diego, Inc.
Attorneys for Petitioner Sandeep Singh

17 Email: Michael_Marks@fd.org

18
19
20