

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

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|--------------------------------------|---|------------------------------|
| GURINDER SINGH, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | 4:18-cv-01832-RDP-HNJ |
| |) | |
| KEVIN MCALEENAN, Secretary |) | |
| of Homeland Security, et al., |) | |
| |) | |
| Respondents. |) | |

MEMORANDUM OPINION

On July 12, 2019, the Magistrate Judge entered a report (doc. 10) in this habeas action recommending the court deny Petitioner Gurinder Singh’s (“Singh” or “Petitioner”) motion for preliminary injunctive relief and dismiss this 28 U.S.C. § 2241 petition without prejudice. (Doc. 10). The Magistrate Judge advised Singh of his right to file specific written objections within fourteen (14) days. (Id. at 9-10). The Magistrate Judge also advised Singh that his “[o]bjections should not contain new allegations, present additional evidence, or repeat legal arguments.” (Id. at 9).

On July 25, 2019, Singh filed objections to the report and recommendation. (Doc. 11). Although warned by the Magistrate Judge that he should not do so, the

objections contain new allegations and present additional evidence. (*Id.*)¹ Accordingly, those allegations and evidence shall not be considered.

Furthermore, as he did in the habeas petition he signed under oath or penalty of perjury, Singh repeats that he has cooperated with ICE officials and the Indian Consular to effectuate his removal, but no travel document has been issued. (Doc. 1 at 4-5; Doc. 11 at 1). Tellingly, however, Singh has never denied or disputed the following testimony of SDDO Pitman: 1) ICE cannot verify Singh's alleged arrival in the United States in 1993 based on the identification information Singh presented, 2) ERO explained to Singh that no records prior to his 2005 criminal arrest in the United States exist, 3) the Consulate of India has stated that Petitioner's travel document application is incomplete and that they believe Petitioner knows but is withholding his family information from ICE and the Indian government, and 4) though asked to provide additional information about his family and previous address in India by contacting family in the United States or India, Singh informed ERO in February 2019 that he had made no effort to do so. (Doc. 4-1 at ¶¶ 25-32). Each of those facts is undisputed on this record.


Having carefully reviewed and considered *de novo* all the material in the court file, including the report and recommendation and the objections thereto, the court ADOPTS the report of the Magistrate Judge and ACCEPTS his recommendation.

¹ The undersigned additionally notes Petitioner did not sign his objections under oath or penalty of perjury.

This court finds that this habeas petition is due to be dismissed without prejudice.

The court will enter an appropriate order.

DONE and **ORDERED** this August 9, 2019.



R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE