

1 WISMICK SAINT-JEAN, ESQ.
2 **THE SAINT-JEANS LAW FIRM**
3 4017 LONG BEACH BOULEVARD
4 LONG BEACH, CALIFORNIA 90807
5 Phone: (714) 788-7411
6 thesaintjeanslawfirm@gmail.com
7 Attorney for Petitioner,
8 Midson Doxy

9
10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**
12

13 MIDSON DOXY,

14 Petitioner,

15 v.

16 CHRISTOPHER LAROSE, Warden, Otay
17 Mesa Detention Center, GREGORY
18 ARCHAMBEAULT, Director, San Diego
19 Field Office, U.S. Immigration and Customs
20 Enforcement, PAM BONDI, Attorney
21 General, U.S. Department of Justice, and
22 KRISTI NOEM, Secretary, U.S. Department
23 of Homeland Security

24 Respondents.

Case No.: 3:25-cv-02609-BTM-DDL

**PETITIONER’S OPPOSITION TO
RESPONDENT’S SHOWING AND
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
ISSUANCE OF THE WRIT OF HABEAS
CORPUS**

25 **I. INTRODUCTION**

26 Respondents have failed—again—to comply with this Court’s December 8, 2025 Order.

27 Despite being expressly instructed to properly revoke Petitioner’s parole or release him,

28 Respondents issued a legally deficient, conclusory, and procedurally invalid notice that does not
cure the violations identified by the Court.

1 The December 17, 2025 “Termination of Parole” notice fails on all three grounds
2 specified in the Order to Show Cause:

- 3
- 4 1. It was not issued by a statutorily authorized official;
 - 5 2. It does not provide individualized grounds for termination of parole; and
 - 6 3. It denied Petitioner any opportunity to rebut the purported revocation.
- 7

8 Because Respondents did not remedy the unlawful parole revocation by the
9 Court-ordered deadline, the writ must now issue unconditionally, and Petitioner must be
10 immediately released on his pre-existing parole conditions.

11

12 **II. PROCEDURAL BACKGROUND**

13

14 On December 8, 2025, this Court conditionally granted the petition for a writ of habeas
15 corpus, holding that Respondents:

- 16
- 17 ● Improperly revoked Petitioner’s humanitarian parole;
 - 18 ● Lacked statutory authority to place him in expedited removal while parole remained
19 valid;
 - 20 ● Violated the Administrative Procedure Act and the Due Process Clause.
- 21

22 The Court ordered Respondents to properly revoke parole by December 18, 2025, or else
23 release Petitioner immediately. (ECF No. 7 at 8.)

24

25 Instead of complying, Respondents served Petitioner—after the deadline—with a
26 boilerplate termination notice that repeats the same defects already rejected by this Court.

27

28

1 **III. RESPONDENTS FAILED TO COMPLY WITH THE COURT’S ORDER**

2 A. The Notice Was Not Issued by a Statutorily Authorized Official

3
4 The parole termination notice was signed by an Assistant Field Office Director (AFOD)
5 of ICE. Respondents have never established—and cannot establish—that an AFOD is a
6 statutorily authorized official empowered to revoke parole under INA § 212(d)(5)(A).
7

8 Parole authority is vested in the Secretary of Homeland Security, and may be exercised
9 only through proper delegation. Respondents provided no evidence of delegation, no DHS order,
10 no regulation, and no internal directive authorizing an AFOD to terminate humanitarian parole.
11

12 Courts in this District have repeatedly rejected parole revocations signed by officials
13 without demonstrated delegated authority. See *Arias v. LaRose*, No. 25-cv-02595-BTM-MMP,
14 2025 WL 3295385, at *3–4 (S.D. Cal. Nov. 25, 2025).
15

16 Because Respondents failed to show that the signatory had authority to act, the parole
17 termination is void ab initio.
18

19 B. The Notice Fails to Provide Individualized Grounds for Termination

20
21 The Court expressly ordered Respondents to provide “individualized grounds for the
22 termination of parole.” (ECF No. 7 at 8.)
23

24 The December 17 notice states, in full substance:

25
26 “Neither urgent humanitarian reasons nor significant public benefit warrant your
27 continued parole.”
28

1 This is not an individualized determination. It is a conclusory legal formula, devoid of
2 facts, analysis, or reasoning tied to Petitioner.

3
4 The notice does not:

- 5
- 6 • Identify any change in Petitioner’s circumstances;
 - 7 • Explain why humanitarian reasons no longer apply;
 - 8 • Address the asylum-based purpose of parole;
 - 9 • Reconcile DHS’s prior grant of parole with its reversal.
- 10

11 This Court already held that such boilerplate language violates the APA. (ECF No. 7 at
12 5–6). Re-issuing the same conclusory statement—without new reasoning—does not satisfy the
13 Court’s order and does not constitute reasoned decision-making. See *Motor Vehicle Mfrs. Ass’n*
14 *v. State Farm*, 463 U.S. 29, 43 (1983).

15
16 C. Petitioner Was Denied Any Opportunity to Rebut the Revocation

17
18 The Due Process Clause requires that parole termination include:

- 19
- 20 1. Notice of reasons; and
 - 21 2. A meaningful opportunity to rebut. *Araujo v. LaRose*, No. 25-cv-2942-BTM-MMP, 2025
22 WL 3278016, at *2 (S.D. Cal. Nov. 24, 2025).

23 Here, Petitioner was never afforded any opportunity—before or after service—to respond
24 to the parole termination. No hearing. No written response process. No timeframe. No
25 mechanism at all.

26
27
28

1 Because the notice contains no individualized reasons, Petitioner could not meaningfully
2 rebut it even if an opportunity had been offered. This defect alone independently requires
3 issuance of the writ.
4

5 **IV. RESPONDENTS' ACTIONS REMAIN LEGALLY INEFFECTIVE**

6 Because the parole revocation is invalid:
7

- 8
- 9 • Petitioner's parole remains in effect;
 - 10 • Expedited removal under 8 U.S.C. § 1225(b)(1) is statutorily barred;
 - 11 • Continued detention is ultra vires and unconstitutional. See *Noori v. LaRose*, No.
12 25-cv-1824-GPC-MSB, 2025 WL 2800149, at *4 (S.D. Cal. Oct. 1, 2025).

13 The Immigration Judge has already vacated DHS's credible-fear determination,
14 recognizing that DHS lacked authority to proceed under expedited removal due to the nationwide
15 stay in *Coalition for Humane Immigrant Rights v. Noem*, No. 25-cv-00872-JMC (D.D.C. Aug. 1,
16 2025).
17

18 Thus, there is no lawful basis for Petitioner's continued detention.
19

20 **V. THE WRIT MUST NOW ISSUE**

21 This Court's December 8 Order was clear: Cure the defects—or release Petitioner.
22

23 Respondents did neither.
24

25 Where the government fails to comply with a conditional writ, the Court must order
26 release. See *Lujan v. Garcia*, 734 F.3d 917, 933 (9th Cir. 2013).
27
28

Continued detention now violates:

- The APA;
- The Fifth Amendment;
- This Court’s explicit order.

VI. CONCLUSION

Respondents failed to remedy the improper revocation of Petitioner’s parole by the Court-ordered deadline and failed to satisfy any of the three requirements identified in the Order to Show Cause.

Accordingly, Petitioner respectfully requests that the Court:

1. Issue the writ of habeas corpus immediately;
2. Order Petitioner’s release forthwith on his pre-existing parole conditions; and
3. Retain jurisdiction to ensure compliance.

Respectfully submitted this on December 30, 2025.

Wismick Saint-Jean

Wismick Saint-Jean, Esq.
Attorney for Petitioner,
Midson Doxy