

While Respondents frame Mr. Moreno Sanchez’s Petition for Writ of Habeas Corpus as a challenge to their discretion to issue parole, the Petition for Writ of Habeas Corpus is more accurately described as a challenge of the improper revocation of parole and his subsequent unlawful detention, specifically because his parole was revoked without a consideration of his individualized facts as required by the Administrative Procedure Act (“APA”). Petitioner does not challenge Respondent’s authority and discretion to make the determination to revoke parole, but Respondents must abide by the APA when doing so.

The Department of Homeland Security’s decisions to grant or revoke parole have been reviewed by other courts, and its decision to create the CHNV Parole Program was challenged in this Court. *See generally Texas v. U. S. Dept. of Homeland Security*, 722 F. Supp. 3d 688 (S. D. Tex. 2024) (where the plaintiff states argued as Count One of their Complaint that the decision to create the program was arbitrary and capricious in violation of the APA).

As the Supreme Court explained in *Motor Vehicle Manufacturers Ass'n of the United States, Inc. v. State Farm Mut. Auto. Ins. Co.*, an agency’s action may be set aside if found to be “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 463 U.S. 29, 41 (1983). While these governmental agencies do have rule making power and discretion, their actions are still subject to judicial review and an arbitrary and capricious standard applies. *See id* at 42-43. To withstand judicial review, an agency “must explain the evidence which is available and must offer a rational connection between the facts found and the choice made.” *Id.* at 43 (citing *Burlington Truck Lines v. United States*, 371 U.S. 156, 168 (1962)).

An agency abuses its discretion when it “entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of

agency expertise.” *Nat’l Ass’n of Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43, (1983)). “It is Respondents’ burden to ‘provide [a] reasoned explanation for [their] action.’” *See Y-Z-L-H v. Bostock*, 792 F. Supp. 3d 1123, 1146 (D. Or. 2025) (citing *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515(2009)).

In this case, by categorically revoking Petitioner’s parole, without considering his individualized facts and circumstances, Respondents have violated the APA. Respondents have already evaluated Petitioner’s individual facts and circumstances and concluded that he does not pose a flight risk or a danger to the community, as evidenced by the grant of his initial parole. There have been no changes in those circumstances that would justify revoking his parole. The prior decision by Respondents to grant him release under the same conditions demonstrates that, based on an individualized assessment, they do not view him as a threat or likely to flee. Petitioner complied with the requirement to appear at his immigration court hearing, which further demonstrates that he is not a flight risk. Respondents have not provided *any* explanation for their revocation of Mr. Moreno’s parole.

For these reasons and those in the Petition for Writ of Habeas Corpus and his initial Supplemental Authority, Petitioner respectfully request that the Court take jurisdiction over this case and deny the Respondents’ Motion for Summary Judgment and grant Mr. Moreno’s Petition for Writ of Habeas Corpus.

Respectfully submitted,

s/ Kenia Garcia

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CERTIFICATE OF SERVICE

I hereby certify that on December 17, 2025, I filed the foregoing document electronically through the CM/ECF system, which caused the parties and their counsel to be served by electronic means.

Respectfully submitted,

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