

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

Henry Justiz Perez,

Petitioner,

v.

Pamela Bondi, Attorney General,

Kristi Noem, Secretary, U.S. Department of
Homeland Security,

0:25-cv-4332

Department of Homeland Security,

Todd M. Lyons, Acting Director of
Immigration and Customs Enforcement,

Immigration and Customs Enforcement,

Executive Office for Immigration Review,

David Easterwood, Acting Director, St. Paul
Field Office Immigration and Customs
Enforcement,

and,

Joel Brott, Sheriff of Sherburne County.

Respondents.

**VERIFIED PETITION FOR
WRIT OF HABEAS CORPUS**

INTRODUCTION

1. Respondents are detaining Petitioner, Mr. Henry Justiz Perez (“Justiz Perez”), in violation of law.
2. Respondents paroled Petitioner into the United States on August 8, 2024, for a two-year period. Petitioner’s parole was not terminated in accordance with the law. As such, Petitioner’s parole remains valid, and he is unlawfully detained.
3. The continued detention of Justiz Perez serves no legitimate purpose.
4. The risk of erroneous deprivation of liberty here is substantial.
5. To remedy this unlawful detention, Justiz Perez seeks declaratory and injunctive relief in the form of immediate release from detention.
6. Pending the adjudication of his Petition, Justiz Perez seeks an order restraining Respondents from transferring him to a location where he cannot reasonably consult with counsel, such a location to be construed as any location outside of the geographic jurisdiction of the day-to-day operations of ICE’s St. Paul Office of Enforcement and Removal Operations in the State of Minnesota.
7. Pending the adjudication of this Petition, Justiz Perez also respectfully requests that Respondents be ordered to provide seventy-two (72) hour notice of any movement of Justiz Perez.

8. Justiz Perez requests the same opportunity to be heard in a meaningful manner, at a meaningful time, and thus requests 72-hour notice prior to any removal or movement of him away from the State of Minnesota.

JURISDICTION AND VENUE

9. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331 (federal question), § 1651 (All Writs Act), and § 2241 (habeas corpus); U.S. Const. art. I, § 9, cl. 2 (“Suspension Clause”); 5 U.S.C. § 702 (Administrative Procedure Act); and 28 U.S.C. § 2201 (Declaratory Judgment Act). This action further arises under the Constitution of the United States and the Immigration and Nationality Act (“INA”).
10. Because Justiz Perez seeks to challenge his custody as a violation of the Constitution and laws of the United States, jurisdiction is proper in this court.
11. Federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear habeas petitions by noncitizens challenging the lawfulness or constitutionality of their detention by DHS. *Demore v. Kim*, 538 U.S. 510, 516–17 (2003); *Jennings v. Rodriguez*, 583 U.S. 281 (2018); *Nielsen v. Preap*, 586 U.S. 392 (2019); *Sopo v. U.S. Att’y Gen.*, 825 F.3d 1199, 1209–12 (11th Cir. 2016).
12. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b), (e)(1)(B), and 2241(d) because Justiz Perez is detained within this District. He is currently detained at the Sherburne County Jail in Elk River, Minnesota. Venue is also

proper in this Court pursuant to 28 U.S.C. § 1391(e)(1)(A) because Respondents are operating in this district.

13. Justiz Perez's petition is properly before this Court. This Court has subject matter jurisdiction over the petition under 28 U.S.C. § 2241.
14. The Supreme Court has repeatedly affirmed the basic principle that district courts have habeas jurisdiction over claims of illegal civil immigration detention. *See Jennings*, 583 U.S. at 293 (finding jurisdiction over challenge to detention during removal proceedings); *Nielsen v. Preap*, 586 U.S. 392, 402 (2019) (same).
15. 8 U.S.C. § 1252(g) does not preclude the Court's jurisdiction over Justiz Perez's challenge to the legality of his detention.
16. This narrow provision is tethered solely to decisions with respect to "three discrete actions" by the Attorney General to "commence proceedings, adjudicate cases, or execute removal orders." *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999) (citing 8 U.S.C. § 1252(g)). By its terms, § 1252(g) does not apply to detention. *See, e.g., Bello-Reyes v. Gaynor*, 985 F.3d 696, 698, 700 n.4 (9th Cir. 2021) (finding (g) did not bar First Amendment challenge to ICE detention); *Kong v. United States*, 62 F.4th 608, 609 (1st Cir. 2023) (holding that (g) does not preclude jurisdiction over challenges to the legality of the detention).

17. Petitioner's challenge is limited to the legality of his parole termination without any individualized pre-deprivation process and Respondents' subsequent unlawful apprehension and detention of him without the opportunity to seek his release.
18. Petitioner maintains that his parole termination and his detention without the opportunity to seek release or challenge the termination of his parole is a violation of his right to due process, contrary to the will of Congress, contrary to the Immigration & Nationality Act, and disobeys Respondents' clear regulatory mandate.

PARTIES

19. Petitioner Justiz Perez is a citizen of Cuba. *See* Exh. A.
20. Prior to his detention, he was residing in Ramsey County, Minnesota.
21. Petitioner was paroled into the United States on August 8, 2024, at the Port of Entry after having made an appointment with the CBP One application.
22. USCBP issued Petitioner a Form I-94 valid through August 7, 2026. *See* Exh. A; Exh. B.
23. Petitioner is detained in the Sherburne County Jail in Elk River, Minnesota.
24. Respondent Pamela Bondi is being sued in her official capacity as the Attorney General of the United States and the head of the Department of Justice, which encompasses the Board of Immigration Appeals ("BIA") and

the immigration judges through the Executive Office for Immigration Review (“EOIR”). Attorney General Bondi shares responsibility for implementation and enforcement of the immigration detention statutes, along with Respondent Noem. Attorney General Bondi is a legal custodian of Justiz Perez.

25. Respondent Kristi Noem is being sued in her official capacity as the Secretary of the Department of Homeland Security. In this capacity, Secretary Noem is responsible for the administration of the immigration laws pursuant to § 103(a) of the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1103(a), routinely transacts business in the District of Minnesota, supervises the St. Paul ICE Field Office, and is legally responsible for pursuing Justiz Perez’s detention and removal. As such, Respondent Noem is a legal custodian of Justiz Perez.
26. Respondent Department of Homeland Security (“DHS”) is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.
27. Respondent Executive Office for Immigration Review (“EOIR”) is the adjudicative authority with jurisdiction over the removal and bond cases of Petitioner. Its authority includes individuals detained in Minnesota, Iowa, North Dakota, and South Dakota. This district is known as the Fort Snelling district.

28. Respondent Todd M. Lyons is the Acting Director of U.S. Immigration and Customs Enforcement, which oversees the detention of aliens in the United States. Mr. Lyons is sued in his official capacity. Defendant Lyons is responsible for Petitioner's detention.
29. Respondent Immigration and Customs Enforcement ("ICE") is the subagency within the Department of Homeland Security responsible for implementing and enforcing the Immigration & Nationality Act, including the detention of noncitizens.
30. Respondent David Easterwood is being sued in his official capacity as the Acting Field Office Director for the St. Paul Field Office for ICE within DHS. In that capacity, Field Director Easterwood has supervisory authority over the ICE agents responsible for detaining Justiz Perez. The address for the St. Paul Field Office is 1 Federal Drive, Fort Snelling, Minnesota 55111.
31. Respondent Sheriff Joel Brott is being sued in his official capacity as the Sheriff responsible for the Sherburne County Jail. Because Petitioner is detained in the Sherburne County Jail, Respondent has immediate day-to-day control over Petitioner.

EXHAUSTION

32. No statutory requirement of exhaustion applies to Justiz Perez's challenge to the lawfulness of his detention. *See, e.g., Araujo-Cortes v. Shanahan*, 35

F. Supp. 3d 533, 538 (S.D.N.Y. 2014) (“There is no statutory requirement that a habeas petitioner exhaust his administrative remedies before challenging his immigration detention.”); *Rodriguez v. Bostock*, No. 3:25-CV-05240-TMC, 2025 WL 1193850, at *11 (W.D. Wash. Apr. 24, 2025) (citing *Marroquin Ambriz v. Barr*, 420 F. Supp. 3d 953, 962 (N.D. Cal. 2019)) (“[T]his Court ‘follows the vast majority of other cases which have waived exhaustion based on irreparable injury when an individual has been detained for months without a bond hearing, and where several additional months may pass before the BIA renders a decision on a pending appeal.’”); *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299, at *5 (D. Mass. July 7, 2025) (citing *Portela-Gonzalez v. Sec’y of the Navy*, 109 F.3d 74, 77 (1st Cir. 1997) (quoting *McCarthy v. Madigan*, 503 U.S. 140, 146 (1992))).

33. Prudential exhaustion is not required when to do so would be futile or “the administrative body . . . has . . . predetermined the issue before it.” *McCarthy v. Madigan*, 503 U.S. 140, 148 (1992), superseded by statute on other grounds as stated in *Woodford v. Ngo*, 548 U.S. 81 (2006).
34. To the extent that prudential consideration may require exhaustion in some circumstances, Justiz Perez has exhausted all effective administrative remedies available to him as he has already sought and been denied release. *See* Exh. I. Any further efforts would be futile.

35. Exhausting administrative remedies here are futile because Respondents contend Justiz Perez is subject to mandatory detention.
36. Prudential exhaustion is also not required in cases where “a particular plaintiff may suffer irreparable harm if unable to secure immediate judicial consideration of his claim.” *McCarthy*, 503 U.S. at 147. Every day that Justiz Perez is unlawfully detained causes him and his family irreparable harm. *Jarpa v. Mumford*, 211 F. Supp. 3d 706, 711 (D. Md. 2016) (“Here, continued loss of liberty without any individualized bail determination constitutes the kind of irreparable harm which forgives exhaustion.”); *Matacua v. Frank*, 308 F. Supp. 3d 1019, 1025 (D. Minn. 2018) (explaining that “a loss of liberty” is “perhaps the best example of irreparable harm”); *Hamama v. Adducci*, 349 F. Supp. 3d 665, 701 (E.D. Mich. 2018) (holding that “detention has inflicted grave” and “irreparable harm” and describing the impact of prolonged detention on individuals and their families).
37. Immigration agencies have no jurisdiction over constitutional challenges of the kind Justiz Perez raises here. *See, e.g., Matter of C-*, 20 I. & N. Dec. 529, 532 (BIA 1992) (“[I]t is settled that the immigration judge and this Board lack jurisdiction to rule upon the constitutionality of the Act and the regulations.”); *Matter of Akram*, 25 I. & N. Dec. 874, 880 (BIA 2012); *Matter of Valdovinos*,

18 I. & N. Dec. 343, 345 (BIA 1982); *In Re Fuentes-Campos*, 21 I. & N. Dec. 905, 912 (BIA 1997); *Matter of U-M-*, 20 I. & N. Dec. 327 (BIA 1991).

FACTUAL ALLEGATIONS & PROCEDURAL HISTORY

38. Justiz Perez is a native and citizen of Cuba. *See* Exh. A.
39. Justiz Perez arrived in the United States on August 8, 2024. *See* Exh. A.
40. The U.S. Customs and Border Protection (“CBP”) inspected Justiz Perez at the Port of Entry after he made an appointment with the CBP One application prior to appearing at the Port of Entry. *See* Exh. A; Exh. B.
41. Respondents served Justiz Perez with a Notice to Appear and paroled him into the United States on the same day. *See* Exh. A; Exh. B.
42. Respondents issued a Form I-94 to Justiz Perez valid through August 7, 2026. *See* Exh. B.
43. On April 11, 2025, Respondents sent a mass form email stating that parole was terminated within 7 days. Petitioner was a recipient of such an email. *See* Exh. C.
44. No reason was provided for the purported termination of his parole. *See id.*
45. Instead, Justiz Perez and the other CBP One parolees were told to depart the United States “immediately,” without regard to the fact that the vast majority had pending asylum cases in immigration court and they were still within the authorized period indicated on the parole document. *See id.*

46. Justiz Perez filed a timely asylum application with the immigration court. *See* Exh. D.
47. Justiz Perez attended his first immigration court hearing at the Fort Snelling Immigration Court on July 22, 2025.
48. Respondents moved to dismiss Justiz Perez's removal proceedings with the intent of placing him in expedited removal proceedings. The immigration judge granted DHS's motion and informed Justiz Perez that he could appeal the decision. *See* Exh. E.
49. On July 22, 2025, Respondent ICE unlawfully took Justiz Perez into custody without a warrant, notice, or opportunity to be heard on the issue of his detention, and placed him in expedited removal proceedings. *See* Exh. F.
50. On July 29, 2025, USCIS conducted a telephonic credible fear interview with Justiz Perez.
51. On August 6, 2025, USCIS issued a negative credible fear determination. Justiz Perez sought review of that negative determination before an immigration judge. *See* Exh. G; Exh. H.
52. On August 8, 2025, Justiz Perez contacted Respondent ICE and requested that Respondent ICE halt Justiz Perez's expedited removal proceedings and release him from custody pursuant to *CHIRLA v. Noem*, No. 25-5289, 2025

WL 2192986 (D.C. Cir. Aug. 1, 2025). *See* Exh. I. Respondent ICE did not grant Justiz Perez's request.

53. Respondent EOIR scheduled Justiz Perez for a credible fear review hearing with an immigration judge for August 11, 2025.
54. On August 10, 2025, Justiz Perez filed a motion to continue the credible fear review hearing pursuant to *CHIRLA v. Noem*, No. 25-5289, 2025 WL 2192986 (D.C. Cir. Aug. 1, 2025). *See* Exh. J.
55. On August 11, 2025, Justiz Perez appeared for his credible fear review hearing.
56. The immigration judge denied Justiz Perez's motion for a continuance and, despite acknowledging the federal stay in *CHIRLA v. Noem*, conducted the credible fear review hearing. *See* Exh. K.
57. The immigration judge vacated USCIS's negative credible fear determination for Justiz Perez. *See* Exh. L.
58. On August 14, 2025, Respondent ICE filed and served a new Notice to Appear. *See* Exh. M; *see also* Exh. O.
59. Justiz Perez has no criminal history, had a pending asylum application that was filed on time, and was attending his first court hearing when he was detained. There is no foundation for perceiving Justiz Perez as a danger to the community or a flight risk.

60. On September 15, 2025, Justiz Perez filed a new asylum application with the immigration court as required because the immigration judge had dismissed his previous removal proceedings, and with it, his previous asylum application. *See* Exh. N.
61. On September 22, 2025, Justiz Perez filed an application to adjust status with USCIS pursuant to the Cuban Adjustment Act of 1966 (CAA), Pub. L. 89-732. This application remains pending. *See* Exh. P.
62. Respondents continue to hold Justiz Perez in ICE custody at the Sherburne County Jail in Elk River, Minnesota.

LEGAL FRAMEWORK

CBP One Parole

63. The Immigration and Nationality Act (“INA”) provides that the Department of Homeland Security “may . . . in [the Secretary’s] discretion parole” a noncitizen into the United States on a “*case-by-case basis* for urgent humanitarian reasons or significant public benefit.” 8 U.S.C. § 1182(d)(5)(A).
64. Release on parole is an “express exception” to detention and is a “specific provision authorizing release.” *Jennings v. Rodriguez*, 583 U.S. 231, 300 (2018).
65. “During the Biden Administration, DHS began directing noncitizens to use the CBP One mobile application as the primary, if not exclusive, mechanism

to seek parole and/or asylum at the southwestern border.” *Coalition for Human Immigrant Rights v. Noem*, No. 25 Civ 872 (JMC), 2025 WL 2192986, at *8 (D.D.C. Aug. 1, 2025) (citing, *inter alia*, Circumvention of Lawful Pathways, 88 Fed. Reg. 31314, 31317–18 (May 16, 2023)).

Regulation for Terminating Parole

66. If the Department exercises the option of paroling the noncitizen into the United States under 8 U.S.C. § 1182(d)(5), the Department has limited authority to terminate parole granted under § 1182(d)(5).
67. The plain language of 8 U.S.C. § 1182(d)(5) establishes that Respondents may grant or terminate parole under this section *only upon* conducting an individual, case-by-case basis review.
68. 8 U.S.C. § 1182(d)(5)(A) directs that parole may be granted “only on a case-by-case basis” and may be terminated “when the purposes of such parole shall . . . have been served.” *See also Doe v. Noem*, 2025 WL 1505688, at *1 (1st Cir. May 5, 2025) (observing that “[c]ommon sense suggests . . . that parole given only on a case-by-case basis is to be terminated only on such a basis” and pointing to individualized statutory language of § 1182(d)(5)).
69. Respondents’ regulation, 8 C.F.R. § 212.5(e)(2)(i), controls the termination of parole granted under § 1182(d)(5).

70. Respondents must observe the rules, regulations or procedures which it has established. *See United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954).
71. The failure of Respondents to follow their own established procedures is a violation of due process. *See Service v. Dulles*, 354 U.S. 363 (1959); *Vitarelli v. Seaton*, 359 U.S. 535 (1950).
72. 8 C.F.R. § 212.5(e)(2)(i) states that termination prior to the expiration of time for which the parole was authorized is only possible “upon accomplishment of the purpose for which parole was authorized or when . . . neither humanitarian reasons nor public benefit warrants the continued presence of the alien in the United States.” 8 C.F.R. § 212.5(e)(2)(i).
73. According to ICE’s own guidance, if an asylum-seeker establishes his identity and that he presents neither a flight risk nor a danger to the public, his detention “is not in the public interest,” and thus ICE “should, absent additional factors ... parole the alien.” *See ICE Directive 11002.1, Parole of Arriving Aliens Found to Have a Credible Fear of Persecution or Torture* ¶ 6.2 (Dec. 8, 2009).
74. Respondents’ regulation requires written notice to the noncitizen of the termination of parole. 8 C.F.R. § 212.5(e)(2)(i).

75. Here, Respondents made no individualized, case-by-case assessment in terminating Petitioner's parole as required by 8 C.F.R. § 212.5(e)(2)(i).
76. The purpose of the parole is ongoing because Petitioner is still seeking asylum.
77. Petitioner's detention is not in the public interest because Petitioner has established his identity, has presented that he is neither a flight risk nor a danger to the public, and is still actively seeking asylum
78. Respondents sent Petitioner a mass boilerplate email stating that Petitioner's parole would be terminated in seven days and providing no further rationale or explanation.
79. This mass boilerplate email did not even contain Petitioner's name anywhere on it.
80. A generic notification of this kind is insufficient to fulfill the written notice requirement.
81. Moreover, "written notice is a *necessary* but not a *sufficient* condition for compliance with this regulation." *Y-Z-L-H v. Bostock*, 792 F. Supp. 3d 1123, 1145 (D. Or. 2025) (emphasis in original). Individualized assessment is required. 8 C.F.R. § 212.5(e)(2)(i).
82. Respondents have violated 8 C.F.R. § 212.5(e)(2)(i).

Administrative Procedures Act

83. Under the Administrative Procedures Act (“APA”), Respondents must act in a manner that is not arbitrary or capricious. *See* 5 U.S.C. § 706(2)(A) (directing courts to “hold unlawful and set aside agency action” that is arbitrary and capricious); *Dep’t of Com. v. New York*, 139 S. Ct. 2551, 2569 (2019) (requiring an agency to articulate a “satisfactory explanation” for its action, “including a rational connection between the facts found and the choice made”).
84. “A government agency terminating an alien’s status is subject to review under the APA as a final agency action when the termination has lasting consequences that would not be cured even if the agency reinstated status through its internal processes.” *Sanchez v. LaRose*, No. 25-CV-2396-JES-MMP, 2025 WL 2770629, at *4 (S.D. Cal. Sept. 26, 2025) (first citing *Jie Fang v. Dir. U.S. Immigr. & Customs Enf’t*, 935 F.3d 172,183 (3rd Cir. 2019); and then citing *Doe v. Noem*, 778 F.Supp.3d 1151, 1159 (W.D. Wash. April 17, 2025)).
85. Under the APA, immigration parolees are entitled to determinations related to their parole revocations that are not arbitrary, capricious or an abuse of discretion. *Y-Z-L-H*, 792 F. Supp. 3d at 1143–47.

86. Respondents here have acted in a manner that is arbitrary and capricious by purporting to terminate Petitioner's parole by mass boilerplate email without an individualized assessment.
87. The agency here has failed to articulate a "satisfactory explanation" for its action and thus acted in violation of the APA.
88. Respondents acted arbitrarily and capriciously, in violation of the APA, when they denied Petitioner the required procedure before terminating his parole.
89. Respondents have acted in a manner that is arbitrary and capricious by continuing to detain Petitioner despite their multiple violations in Petitioner's matter and the lack of evidence of danger or flight risk since initially paroling Petitioner.

Due Process

90. Immigration detention should not be used as a punishment and should only be used when, under an individualized determination, a noncitizen is a flight risk because they are unlikely to appear in immigration court or the person is a danger to the community. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
91. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas v. Davis*, 533 U.S. at 690. "[T]he Due Process Clause applies to all 'persons' within the United States, including

aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Id.* at 693.

92. Parolees have a weighty liberty interest under the Due Process Clause. The Supreme Court has noted that, “subject to the conditions of his parole, [a parolee] can be gainfully employed and is free to be with family and friends and to form the other enduring attachments of normal life.” *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972).
93. “[T]he parolee has relied on at least an implicit promise that parole will be revoked only if he fails to live up to the parole conditions.” *Morrissey v. Brewer*, 408 U.S. at 482. The Court explained that “the liberty of a parolee, although indeterminate, includes many of the core values of unqualified liberty and its termination inflicts a grievous loss on the parolee and often others.” *Id.* In turn, “[b]y whatever name, the liberty is valuable and must be seen within the protection of the [Fifth] Amendment.” *Id.*
94. Petitioner lived up to the parole conditions. He submitted a timely application for asylum before the immigration court and attended his scheduled hearing.
95. “Adequate, or due, process depends upon the nature of the interest affected. The more important the interest and the greater the effect of its impairment, the greater the procedural safeguards the [government] must provide to satisfy

due process.” *Haygood v. Younger*, 769 F.2d 1350, 1355-56 (9th Cir. 1985) (en banc) (citing *Morrissey*, 408 U.S. at 481-82).

96. On August 29, 2025, *Make the Road New York v. Noem*, 1:25-cv-00190 (D.D.C.), affirmed that parolees have a liberty interest and in the country’s interior. The court divined from citing *Dep’t of Homeland Sec. v. Regents of the Univ. of Cal.*, 591 U.S. 1, 24 (2020) that the Constitution requires the Government to “turn square corners” when acting, which means providing meaningful due process to parolees before terminating parole.
97. In determining whether due process has been violated, the Court should weigh (1) the private interest affected by the government action; (2) the risk that current procedures will cause an erroneous deprivation of the private interest, and the extent to which that risk could be reduced by additional safeguards; and (3) the government’s interest in maintaining the current procedures, including the function involved and the fiscal and administrative burdens that the substitute procedural requirement would entail. *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).
98. As to the first *Mathews v. Eldridge*, 424 U.S. 319 (1976) factor, the private interest affected by the government action, “Petitioner’s liberty interest in remaining free from governmental restraint is of the highest constitutional import.” *Zavala*, 310 F. Supp. 2d at 1076; *see also Ashley*, 288 F. Supp. 2d at

670–71 (“[F]reedom from confinement is a liberty interest of the ‘highest constitutional import.’”) (quoting *St. John v. McElroy*, 917 F. Supp. 243, 250 (S.D.N.Y. 1996)). “[B]eing free from physical detention is ‘the most elemental of liberty interests.’” *Günaydin v. Trump*, 784 F.Supp.3d 1175, 1187 (D. Minn. 2025) (quoting *Hamdi v. Rumsfeld*, 542 U.S. 507, 529, 531 (2004)). Justiz Perez has been detained for weeks. As a parolee, Justiz Perez has a protected liberty interest in remaining out of custody pursuant to his parole. See, e.g., *Pinchi, v. Noem*, 792 F. Supp. 3d 1025, 1034 (N.D. Cal. 2025) (“[Petitioner’s] release from ICE custody after her initial apprehension reflected a determination by the government that she was neither a flight risk nor a danger to the community, and [Petitioner] has a strong interest in remaining at liberty unless she no longer meets those criteria.”).

99. In assessing the first factor, “courts consider the conditions under which detainees are currently held, including whether a detainee is held in conditions indistinguishable from criminal incarceration.” *Günaydin*, 784 F.Supp.3d at 1187 (first citing *Hernandez-Lara v. Lyons*, 10 F.4th 19, 28 (1st Cir. 2021) (involving noncitizen detainee held “alongside criminal inmates” at a county jail); and then citing *Velasco Lopez v. Decker*, 978 F.3d 842, 852 (2d Cir. 2020) (observing noncitizen was “not detained” but, rather, was incarcerated in conditions identical to those imposed on criminal defendants after being

convicted of “violent felonies and other serious crimes”)). Justiz Perez is being held at the Sherburne County Jail, which houses civil immigration detainees, pre-trial criminal arrestees, and incarcerated prisoners serving criminal sentences. “He is experiencing all the deprivations of incarceration, including loss of contact with friends and family...lack of privacy, and, most fundamentally, the lack of freedom of movement.” *Günaydin*, 784 F.Supp.3d at 118

100. As to the second *Mathews v. Eldridge* factor, this Court must look at the risk that current procedures will cause an erroneous deprivation of a private interest, and the extent to which that risk could be reduced by additional safeguards. *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).
101. As explained above, it is nearly guaranteed that the current procedures cause an erroneous deprivation of Justiz Perez’s liberty interest in remaining free from detention. Justiz Perez’s parole was terminated without providing him with a reason for revocation or giving him an opportunity to be heard. *See, e.g., Navarro Sanchez*, 2025 WL 2770629, at *4 (finding revocation of petitioner’s parole arbitrary and capricious because respondents did not state any reasons for the revocation); *Noori*, 2025 WL 2800149, at *3 (“Petitioner’s parole was revoked without an individualized determination or provided reasoning, which violated the APA.”). Justiz Perez has no criminal history,

timely filed his asylum application, and appeared for his court hearing. “Since DHS’s initial determination that Petitioner should be paroled because [h]e posed no danger to the community and was not a flight risk, there is no evidence that these findings have changed.” *Salazar v. Casey*, 2025 WL 3063629, at *4 (S.D. Cal. Nov. 3, 2025).

102. “Since mid-May of 2025, the Department of Homeland Security has made a practice of appearing at regular removal proceedings in immigration court, moving to dismiss the proceedings, and then re-arresting the individual in order to place them in expedited removal proceedings.” *J.S.H.M v. Wofford*, No. 1:25-CV-01309 JLT SKO, 2025 WL 2938808, at *6 (E.D. Cal. Oct. 16, 2025) (quoting *Salcedo Aceros*, 2025 WL 2637503 at *1-4 (internal footnotes omitted)).
103. While Justiz Perez’s expedited removal proceedings were ongoing, the U.S. District Court for the District of Columbia issued a stay halting policies permitting DHS to put individuals who entered on parole at a port of entry into expedited removal proceedings. *CHIRLA v. Noem*, No. 25-5289, 2025 WL 2192986 (D.C. Cir. Aug. 1, 2025).
104. Justiz Perez requested that Respondents halt his expedited removal proceedings and release him from custody pursuant to the stay in *CHIRLA v. Noem*.

105. Respondents nonetheless proceeded with Petitioner's expedited removal proceedings. He was found to have a credible fear of persecution or torture and was placed back into removal proceedings pursuant to 8 U.S.C. § 1229a.
106. Instead of releasing Justiz Perez in light of their violations, Respondents now continue to violate the Constitution, statutes, and their own regulations by continuing to detain Justiz Perez.
107. When Respondents paroled Justiz Perez into the United States, they considered Justiz Perez's facts and circumstances and determined that he was not a flight risk or danger to the community.
108. There have been no changes to the facts or any materially changed circumstances that justify his detention now.
109. Respondents have made no finding that Justiz Perez, an individual with no criminal history anywhere in the world, is a danger to the community.
110. Respondents have also made no finding that Justiz Perez is a flight risk because, in fact, he was arrested while appearing at his immigration proceedings.
111. Respondents' re-detention of Justiz Perez is arbitrary.
112. There is a high risk that Respondents' current procedures cause an erroneous deprivation of a private interest.

113. This erroneous deprivation can be avoided by additional safeguards such as proper notice and an opportunity to be heard.
114. The second *Mathews v. Eldridge* factor is met.
115. As to the third *Mathews v. Eldridge* factor, the government's interest in maintaining the current procedures is minimal here. "[T]he Government's interest in detaining Petitioner without notice, reasoning, and a hearing is 'low.'" *Salazar v. Casey*, 2025 WL 3063629, at *5 (S.D. Cal. Nov. 3, 2025) (first citing *Pinchi*, 2025 WL 2084921, at *5; then citing *Matute*, 2025 WL 2817795, at *6; and then citing *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 970 (N.D. Cal. Nov. 22, 2019)).
116. To prevail on a claim asserting the deprivation of due process, a petitioner must also show "actual prejudice." *Puc-Ruiz v. Holder*, 629 F.3d 771, 782 (8th Cir. 2010) (citation omitted). Actual prejudice occurs if "an alternate result may well have resulted without the violation." *Id.* (citation omitted) (internal quotations omitted); *see also Lazaro v. Mukasey*, 527 F.3d 977, 981 (9th Cir. 2008) (explaining that prejudice is not necessary where agency action was *ultra vires*).
117. Justiz Perez was paroled into the United States through August 7, 2026, had a pending application for asylum, and was attending his court hearings. If not for Respondents' unlawful actions, Justiz Perez would be home with his

family and friends. The fact that he is still detained despite his valid parole is clear prejudice.

118. Respondents' mass termination of parole and detention of individuals like Justiz Perez violates both substantive and procedural due process and the Administrative Procedures Act.
119. Multiple courts have explicitly agreed. *See, e.g., Salazar v. Casey*, No. 25-CV-2784 JLS (VET), 2025 WL 3063629 (S.D. Cal. Nov. 3, 2025); *Francois v. Wamsely*, No. C25-2122-RSM-GJL, 2025 WL 3063251 (W.D. Wash. Nov. 3, 2025); *Alvarenga Matute v. Wofford*, No. 1:25-CV-01206-KES-SKO (HC), 2025 WL 2817795 (E.D. Cal. Oct. 3, 2025); *Noori v. Larose*, No. 25-CV-1824-GPC-MSB, 2025 WL 2800149 (S.D. Cal. Oct. 1, 2025); *Navarro Sanchez v. LaRose*, No. 25-CV-2396-JES-MMP, 2025 WL 2770629 (S.D. Cal. Sept. 26, 2025); *Munoz Materano v. Arteta*, No. 25 CIV. 6137 (ER), 2025 WL 2630826 (S.D.N.Y. Sept. 12, 2025); *Mendez Los Santos v. LaRose et al.*, No. 25-cv-2216 TWR (MSB), ECF No. 14 (S.D. Cal. Sept. 4, 2025); *Pinchi v. Noem*, 792 F. Supp. 3d 1025 (N.D. Cal. 2025); *Y-Z-L-H*, 792 F. Supp. 3d 1123. *See also Mohammed H. v. Trump*, 786 F. Supp. 3d 1149, 1157–59 (D. Minn. 2025) (granting a writ of habeas corpus on due process grounds due to a lack of individualized legal justification for changing the petitioner's status).

120. Respondents detained Justiz Perez by terminating his parole in violation of his constitutional rights and the APA. His detention is unlawful.

REMEDY

121. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to Respondents “forthwith,” unless Petitioner is not entitled to relief. 28 U.S.C. § 2243. If an Order to Show Cause is issued, the Court must require respondents to file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.”
122. Respondents’ detention of Justiz Perez violates the Due Process Clause of the United States Constitution. Justiz Perez’s ongoing detention violates the Fifth Amendment’s guarantee that “[n]o person shall be . . . deprived of life, liberty, or property without due process of law.” U.S. Const. amend. V.
123. Due Process requires that detention “bear [] a reasonable relation to the purpose for which the individual [was] committed.” *Zadvydas*, 533 U.S. at 690 (citing *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)).
124. Respondents’ boilerplate mass termination of CBP One parole and their decision to detain Justiz Perez violates Justiz Perez’s rights to substantive due process and procedural due process under the Fifth Amendment of the United States Constitution.

125. Respondents' categorical revocation of Justiz Perez's parole without any description of the reasons therefore and detention of Justiz Perez without consideration of his individualized facts and circumstances is arbitrary and capricious, out of accord with the law, violative of both 8 U.S.C. § 1225(b)(2) and 8 U.S.C. § 1226(a)(2), contrary to the Fifth Amendment of the United States Constitution, and constitutes a systematic failure to apply the custody procedural framework set forth at 8 U.S.C. § 1226(a)(2).
126. Justiz Perez seeks immediate release.
127. Although neither the Constitution nor the federal habeas statutes delineate the necessary content of habeas relief, *I.N.S. v. St. Cyr*, 533 U.S. 289, 337 (2001) (Scalia, J., dissenting) ("A straightforward reading of [the Suspension Clause] discloses that it does not guarantee any content to . . . the writ of habeas corpus"), implicit in habeas jurisdiction is the power to order release. *Boumediene v. Bush*, 553 U.S. 723, 779 (2008) ("[T]he habeas court must have the power to order the conditional release of an individual unlawfully detained.").
128. The Supreme Court has noted that the typical remedy for unlawful detention is release from detention. *See, e.g., Munaf v. Geren*, 553 U.S. 674 (2008) ("The typical remedy for [unlawful executive detention] is, of course, release."); *see also Wajda v. United States*, 64 F.3d 385, 389 (8th Cir. 1995)

(stating the function of habeas relief under 28 U.S.C. § 2241 “is to obtain release from the duration or fact of present custody”).

129. That courts with habeas jurisdiction have the power to order outright release is justified by the fact that, “habeas corpus is, at its core, an equitable remedy,” *Schlup v. Delo*, 513 U.S. 298, 319 (1995), and that as an equitable remedy, federal courts “[have] broad discretion in conditioning a judgment granting habeas relief [and are] authorized . . . to dispose of habeas corpus matters ‘as law and justice require.’” *Hilton v. Braunskill*, 481 U.S. 770, 775 (1987) (citing 28 U.S.C. § 2243). An order of release falls under the Court’s broad discretion to fashion relief. *See, e.g., Jimenez v. Cronen*, 317 F. Supp. 3d 626, 636 (D. Mass. 2018) (“Habeas corpus is an equitable remedy. The court has the discretion to fashion relief that is fair in the circumstances, including to order an alien’s release.”).
130. “As a remedy, courts across the country have ordered the release of individuals stemming from ICE’s illegal detention.” *Mejia v. Woosley*, No. 4:25-CV-82-RGJ, 2025 WL 2933852, at *5 (W.D. Ky. Oct. 15, 2025) (first citing *Patel*, 2025 WL 2823607, at *6; then citing *Beltran Barrera*, 2025 WL 2690565, at *7; and then citing *Roble v. Bondi*, 2025 WL 2443453, at *5 (D. Minn. Aug. 25, 2025) (ordering petitioner’s “release from custody as a remedy for ICE’s illegal re-detention”)).

131. Immediate release is an appropriate remedy in this case.

CAUSE OF ACTION

COUNT I

Violation of the Fifth Amendment – Substantive Due Process

132. Justiz Perez re-alleges and incorporates by reference each allegation contained in the preceding paragraphs as if set forth fully herein.
133. Petitioner's continued detention violates his right to substantive due process through a deprivation of the core liberty interest in freedom from bodily restraint.
134. The Due Process Clause of the Fifth Amendment requires that the deprivation of Petitioner's liberty be narrowly tailored to serve a compelling government interest.
135. The Fifth Amendment Due Process Clause protects against arbitrary detention and requires that detention be reasonably related to its purpose and accompanied by adequate procedures to ensure that detention is serving its legitimate goals.
136. Due process asks whether the government's deprivation of a person's life, liberty, or property is justified by a sufficient purpose. Here, there is no question that the government has deprived Justiz Perez of his liberty. Justiz Perez has spent weeks in civil immigration detention.

137. The Constitution establishes due process rights for “all ‘persons’ within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S. at 693.
138. The government’s detention of Justiz Perez is unjustified. Respondents have not demonstrated that Justiz Perez needs to be detained. *See Zadvydas*, 533 U.S. at 690 (finding immigration detention must further the twin goals of (1) ensuring the noncitizen’s appearance during removal proceedings and (2) preventing danger to the community). There is no credible argument that Justiz Perez cannot be safely released back to his community.
139. Justiz Perez’s detention is also punitive and bears no “reasonable relation” to any legitimate purpose for detaining him. *Jackson v. Indiana*, 406 U.S. 715, 738 (1972) (“nature and duration” of civil confinement must “bear some reasonable relation to the purpose for which the individuals is committed”); *Zadvydas*, 533 U.S. at 690 (finding immigration detention is civil and thus ostensibly “nonpunitive in purpose and effect”). His “detention is not to facilitate deportation, or to protect against risk of flight or dangerousness, but to incarcerate for other reasons.” *Demore*, 538 U.S. at 532–33 (Kennedy, J., concurring).
140. Because of Justiz Perez’s profound legal interest in his liberty as a noncitizen with valid parole, his detention violates his due process rights. *See generally*

Mathews v. Eldridge, 424 U.S. 319, 333 (1976) (requiring notice and an opportunity to be heard before deprivation of a legally protected interest).

141. Petitioner's ongoing detention violates the Due Process Clause of the Fifth Amendment.

COUNT II

Violation of the Fifth Amendment – Procedural Due Process: Parole Termination

142. Justiz Perez re-alleges and incorporates by reference each allegation contained in the preceding paragraphs as if set forth fully herein.
143. The Constitution establishes due process rights for “all ‘persons’ within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S. at 693.
144. Justiz Perez has a profound legal interest in his liberty as a noncitizen with valid parole. *See generally Mathews v. Eldridge*, 424 U.S. 319, 333 (1976) (requiring notice and an opportunity to be heard before deprivation of a legally protected interest).
145. Respondents terminated Petitioner's parole in a mass boilerplate email with no prior notice, no individualized assessment, no notice of the facts that formed the basis for the parole termination, and no opportunity to respond.
146. Respondents violated Petitioner's Due Process rights by violating their statute and regulation.

147. Respondents' summary revocation of Petitioner's parole without justification, consideration of his individualized circumstances, prior notice, or an opportunity to be heard violates the Due Process Clause.

COUNT III

Violation of the Fifth Amendment – Procedural Due Process: Detention

148. Justiz Perez re-alleges and incorporates by reference each allegation contained in the preceding paragraphs as if set forth fully herein.
149. The Constitution establishes due process rights for “all ‘persons’ within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S. at 693.
150. The Fifth Amendment Due Process Clause protects against arbitrary detention and requires that detention be reasonably related to its purpose and accompanied by adequate procedures to ensure that detention is serving its legitimate goals.
151. Under the Due Process Clause of the Fifth Amendment, an alien is entitled to a timely and meaningful opportunity to demonstrate that he should not be detained.
152. Because Respondents detained Petitioner by revoking his parole in violation of the Due Process Clause, *see* Count II, his detention is unlawful.
153. DHS also did not advise Justiz Perez that it sought to detain him and claim that he is subject to mandatory detention. Moreover, Justiz Perez was detained

despite there being no evidence that he is a danger to the community or a flight risk. Indeed, Justiz Perez was detained without any opportunity to even be heard on these issues.

154. Because of Justiz Perez's profound legal interest in his liberty as a noncitizen with valid parole, his detention violates his due process rights. *See generally Mathews v. Eldridge*, 424 U.S. 319, 333 (1976) (requiring notice and an opportunity to be heard before deprivation of a legally protected interest).
155. Respondents violated Petitioner's Fifth Amendment Due Process rights by terminating his parole, moving to dismiss his removal proceedings, arresting him, placing him in expedited removal proceedings, and continuing to detain him.
156. Respondents violated Petitioner's Due Process rights by violating their statute and regulation.
157. Petitioner's sudden and continuing detention, with no process at all, much less prior notice, no showing of changed circumstances, or an opportunity to respond, violates his due process rights.

COUNT IV

Violation of the Immigration & Nationality Act

158. Justiz Perez re-alleges and incorporates by reference each allegation contained in the preceding paragraphs as if set forth fully herein.
159. Respondents' action against Petitioner aggrieved Petitioner under the APA.

160. Under 5 U.S.C. § 706(a), final agency action can be set aside if it is “not in accordance with law . . . in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; . . . [or] without observance of procedure required by law.” 5 U.S.C. § 706(2)(A), (C)-(D).
161. Respondents’ erroneous interpretation of the Immigration & Nationality Act is contrary to the plain language of the statute and its implementing regulations.
162. Respondents failed to enforce and administer the Immigration & Nationality Act, 8 U.S.C. § 1182, and 8 C.F.R. § 212.5(e)(2)(i) in accordance with the intent of Congress and the plain language of the regulation.
163. Respondents acted in excess of their statutory authority or limitation.
164. Respondents acted in excess of their regulatory authority or limitation.
165. Respondents’ action constitutes a final agency decision.
166. Petitioner has no administrative remedy available to him.

COUNT V

Violation of the APA – Failure to Comply with Regulatory Mandate & *Accardi* Doctrine

167. Justiz Perez re-alleges and incorporates by reference each allegation contained in the preceding paragraphs as if set forth fully herein.
168. Respondents have not complied with 8 C.F.R. § 212.5(e)(2)(i).
169. Petitioner’s parole can only be terminated, beyond the authorized time expiring, “upon accomplishment of the purpose for which parole was

authorized or ... [if] neither humanitarian reasons nor public benefit warrants the continued presence of the alien in the United States.” 8 C.F.R. § 212.5(e)(2)(i).

170. Petitioner’s parole can only be “terminated upon written notice.” Id.
171. Here, Respondents sent Petitioner a mass boilerplate email stating that Petitioner’s parole would be terminated in seven days.
172. Respondents made no individualized, case-by-case assessment in terminating Petitioner’s parole.
173. This mass boilerplate email did not even contain Petitioner’s name anywhere on it.
174. A generic notification of this kind is insufficient to fulfill the written notice requirement.
175. This is a violation of 8 C.F.R. § 212.5(e)(2)(i).
176. Respondents’ action also violates the mandate of *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954).
177. Respondents must observe the rules, regulations or procedures which it has established. *See United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954).
178. Respondents acted in excess of their regulatory authority or limitation.
179. Respondents’ action constitutes a final agency decision.

180. Petitioner has no administrative remedy available to him.
181. Respondents' action violates the APA.

COUNT VI

Violation of the APA – Arbitrary and Capricious: Parole Termination

182. Justiz Perez re-alleges and incorporates by reference each allegation contained in the preceding paragraphs as if set forth fully herein.
183. Under the APA, a court shall “hold unlawful and set aside agency action” that is an abuse of discretion. 5 U.S.C. § 706(2)(A).
184. An action is an abuse of discretion if the agency “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)).
185. To survive an APA challenge, the agency must articulate “a satisfactory explanation” for its action, “including a rational connection between the facts found and the choice made.” *Dep’t of Com. v. New York*, 139 S. Ct. 2551, 2569 (2019) (citation omitted).
186. In *Y-Z-H-L v Bostock*, 2025 WL 1898025, at *10-12 (D. Or. July 9, 2025), the court explained the parole process in immigration cases and noted that before

parole may be revoked, the parolee must be given written notice of the impending revocation, which must include a cogent description of the reasons therefore.

187. Under the APA, immigration parolees are entitled to determinations related to their parole revocations that are not arbitrary, capricious, or an abuse of discretion. *Id.* at *10.
188. 5 U.S.C. § 706(2)(A) provides that a final agency action can be set aside if it is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law,” including if it fails to make a rational connection between the facts found and the decision made. 5 U.S.C. § 706(2)(A).
189. Respondents failed to articulate the facts that formed a basis for their decision to terminate Petitioner’s parole status in violation of the APA, let alone any rational connection between the facts found and the decision made.
190. By categorically revoking Petitioner’s parole without any description of the reasons and detaining the Petitioner without consideration of his individualized facts and circumstances, Respondents have violated the APA.
191. Respondents’ action is therefore arbitrary and capricious.
192. Respondents’ action violates the APA.

COUNT VII

Violation of the APA – Arbitrary and Capricious: Detention

193. Justiz Perez re-alleges and incorporates by reference each allegation contained in the preceding paragraphs as if set forth fully herein.
194. Under the APA, a court shall “hold unlawful and set aside agency action” that is an abuse of discretion. 5 U.S.C. § 706(2)(A).
195. An action is an abuse of discretion if the agency “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)).
196. To survive an APA challenge, the agency must articulate “a satisfactory explanation” for its action, “including a rational connection between the facts found and the choice made.” *Dep’t of Com. v. New York*, 139 S. Ct. 2551, 2569 (2019) (citation omitted).
197. When Respondents paroled Petitioner into the United States, they considered Petitioner’s facts and circumstances and determined that he was not a flight risk or danger to the community.
198. There have been no changes to the facts or any materially changed circumstances that justify his detention now.

199. Respondents have made no finding that Petitioner, an individual with no criminal history anywhere in the world, is a danger to the community.
200. Respondents have also made no finding that Petitioner is a flight risk because, in fact, he was arrested while appearing at his immigration court hearing.
201. By detaining Petitioner categorically, Respondents have abused their discretion because there have been no changes to his facts or circumstances since the agency made its initial determination to parole him into the United States that support detention.
202. Respondents acted arbitrarily and capriciously in detaining Petitioner.
203. Respondents abused their discretion in detaining Petitioner.
204. Respondents' action is therefore arbitrary and capricious.
205. Respondents' action violates the APA.

PRAYER FOR RELIEF

WHEREFORE, Petitioner, Henry Justiz Perez, asks this Court for the following relief:

1. Assume jurisdiction over this matter.
2. Issue an Order to Show Cause under 28 U.S.C. § 2243 commanding Respondents to demonstrate, within three days or within whatever time period the Court deems reasonable, why the Court should not grant this writ.

3. Issue an order restraining Respondents from attempting to move Justiz Perez from the State of Minnesota during the pendency of this Petition.
4. Issue an order requiring Respondents to provide 72-hour notice of any intended movement of Justiz Perez.
5. Expedite consideration of this action pursuant to 28 U.S.C. § 1657 because it is an action brought under 28 U.S.C. § 153.
6. Declare that Petitioner's detention without an individualized determination violates Petitioner's Fifth Amendment Due Process rights
7. Declare that Petitioner's parole was not lawfully terminated, his parole remains active, and he is unlawfully detained.
8. Declare that Respondents' action is arbitrary and capricious.
9. Order Petitioner's immediate release from custody.
10. Set aside Respondents' policy of detaining parolees without individualized determination before the Immigration Court at Fort Snelling, Minnesota.
11. Order that prior to any re-detention of Petitioner, Petitioner is entitled to notice of the reasons for revocation of his parole and a hearing before a neutral decision maker to determine whether detention is warranted, where the Government shall bear the burden of establishing, by clear and convincing evidence, that Petitioner poses a danger to the community or a risk of flight.

12. Grant Justiz Perez reasonable attorney fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A).
13. Grant all further relief this Court deems just and proper.

DATED: November 13, 2025

Respectfully submitted,

/s/ David Wilson

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Attorneys for Petitioner

**Verification by
Petitioner Pursuant to 28 U.S.C. § 2242**

I am submitting this verification because I am the Petitioner. I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus, including the statements regarding my detention status, are true and correct to the best of my knowledge.

/s/ Henry Justiz Perez
Henry Justiz Perez

Date: November 13, 2025