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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DARIEN RODRIGUEZ FERNANDEZ

Petitioner

v.

Kristi NOEM, Secretary, U.S. Department of Homeland Security;

Todd LYONS, Acting Director, U.S. Immigration and Customs Enforcement;

Patrick DIVVER, Field Office Director, San Diego Field Office, U.S. Immigration and Customs Enforcement.

Christopher LAROSE, Senior Warden, Otay Mesa Detention Center;

Pamela BONDI, Attorney General, U.S. Department of Justice.

Respondents

Case No.: **'25CV3399 DMS KSC**

Agency File No: [redacted]

PETITION FOR WRIT OF HABEAS CORPUS AND ORDER TO SHOW CAUSE WITHIN THREE DAYS; COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. Petitioner, Darien Rodriguez Fernandez, petitions this Court for a writ of habeas corpus under 28 U.S.C. § 2241 to remedy Respondents' unlawful detention of him, and states as follows:

INTRODUCTION

2. Petitioner, Darien Rodriguez Fernandez, is a Cuban national currently detained at the Otay Mesa ICE Detention Center in San Diego, California.

3. He files this petition under 28 U.S.C. § 2241 seeking judicial review of Respondents' decision to detain him under 8 U.S.C. § 1225(b)(2) (INA § 235(b)(2)), despite lacking statutory authority to do so. Petitioner's parole was never lawfully terminated in accordance with the Immigration and Nationality Act, its implementing regulations, or constitutional Due Process. Because DHS failed to follow the procedures required to revoke parole, Petitioner's grant of parole remains valid, and his current detention is unlawful.

4. Because DHS never terminated Petitioner's parole in accordance with 8 C.F.R. § 212.5(e), Petitioner remains a parolee as a matter of law. DHS therefore lacks statutory authority to detain him under 8 U.S.C. § 1225(b)(2), and his confinement is unlawful.

5. Petitioner seeks declaratory and injunctive relief compelling his immediate release from immigration custody, where DHS has held him since May 23, 2025, without first providing a constitutionally adequate hearing to determine whether his incarceration is justified.

6. Absent intervention by this Court, no neutral adjudicator will review the legality of Petitioner's detention. Without habeas relief, Respondents will continue—unchecked—to detain him indefinitely. Petitioner therefore respectfully requests that this Court examine the lawfulness of his detention, declare that Respondents lack statutory authority to hold him under 8 U.S.C. § 1225(b)(2), and order his immediate release.

7. Courts in this District have recently granted habeas relief to similarly situated parolees whose humanitarian parole was purportedly terminated without compliance with 8 C.F.R. § 212.5(e). For example, in *Arias v. LaRose*, No. 3:25-cv-02595-BTM-MMP (S.D. Cal. Nov. 25, 2025), the court held that DHS may not terminate parole through mass form notices, may not

revoke parole without an individualized determination and a reasoned explanation, and may not detain a parolee under § 1225(b) unless parole has been lawfully terminated. Here, as in Arias, Respondents never lawfully terminated Petitioner's parole, provided no individualized justification, and nevertheless detained him under a statute that does not apply to parolees. Petitioner therefore seeks the same relief granted in Arias: immediate release from custody.

CUSTODY

8. Petitioner is currently in Respondents' legal and physical custody. He is detained at the Otay Mesa ICE Detention Center in San Diego, California, where he remains under Respondents' and their agents' direct control.

JURISDICTION AND VENUE

9. This action arises under the United States Constitution and the Immigration and Nationality Act, 8 U.S.C. § 1101 et seq., INA § 101 et seq., to challenge Petitioner's detention under the INA and any inherent or plenary powers the government may claim to continue holding him.

10. This Court has jurisdiction under 28 U.S.C. § 2241; Art. I, § 9, cl. 2 of the United States Constitution; and 28 U.S.C. § 1331, as Petitioner is presently in Respondents' custody under the United States' color of authority, and such custody violates the Constitution, laws, or treaties of the United States. This Court's jurisdiction is not limited by a petitioner's nationality, status as an immigrant, or any other classification. See *Boumediene v. Bush*, 553 U.S. 723, 747 (2008). This Court may grant relief under U.S. CONST. art. I, § 9, cl. 2; U.S. CONST. amends. V and VIII; 28 U.S.C. §§ 1361 (mandamus), 1651 (All Writs Act), and 2241 (habeas corpus).

11. Specifically, this Court has jurisdiction under 28 U.S.C. § 2241 to review Petitioner's detention. Federal district courts possess broad authority to issue writs of habeas corpus when a person is held "in custody in violation of the Constitution or laws or treaties of the United States" (28 U.S.C. § 2241(c)(3)), and this authority extends to immigration detention challenges that survived the REAL ID Act's jurisdictional restrictions.

12. Because Petitioner seeks the traditional habeas remedy of release from allegedly unlawful detention rather than additional administrative review of his underlying claims, his petition presents precisely the type of threshold legality-of-detention question that § 2241 was designed to address. See *INS v. St. Cyr*, 533 U.S. 289, 301 (2001); see also *Lopez-Marroquin v. Barr*, 955 F.3d 759, 759 (9th Cir. 2020) (citing *Singh*, 638 F.3d at 1211–12). No court has ruled on the legality of Petitioner's detention.

13. Venue is proper in this District under 28 U.S.C. §§ 1391(b)(2) and (e)(1) because a substantial part of the events or omissions giving rise to this claim have occurred here, Petitioner is detained here, and his custodian resides here. Venue is also proper under 28 U.S.C. § 2243 because Petitioner's immediate custodian resides in this District. See *Rumsfeld v. Padilla*, 542 U.S. 426, 451–52 (2004) (Kennedy, J., concurring).

14. Courts in the Southern District of California have repeatedly held that 8 U.S.C. §§ 1252(b)(9) and 1252(g) do not bar habeas review where, as here, a petitioner challenges the legality of detention rather than removal proceedings. See *Arias v. LaRose*, No. 3:25-cv-02595-BTM-MMP (S.D. Cal. Nov. 25, 2025) (rejecting the government's § 1252 arguments and exercising § 2241 jurisdiction over a parole-revocation detention challenge). Petitioner challenges only the statutory and constitutional authority for his continued detention, placing this case squarely within the Court's habeas jurisdiction.

PARTIES

15. Petitioner, Darien Rodriguez Fernandez, is a Cuban national detained at the Otay Mesa Detention Center, in San Diego, California.

16. Respondent Kristi Noem is the Secretary of the U.S. Department of Homeland Security (DHS).

17. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement (ICE).

18. Respondent Patrick Divver is the Director of the San Diego Field Office of U.S. Immigration and Customs Enforcement.

19. Respondent Christopher LaRose is the Senior Warden of the Otay Mesa Detention Center.

20. Respondent Pamela Bondi is the Attorney General of the United States and the head of the U.S. Department of Justice (DOJ).

21. All Respondents are named in their official capacities.

STATEMENT OF FACTS

22. Petitioner is a Cuban national currently detained at the Otay Mesa ICE Detention Center.

23. Petitioner fled Cuba after he and his family were targeted by the Cuban regime due to their political opinions, opposition to the government, and refusal to cooperate with regime-aligned organizations. Like many dissidents, Petitioner faced escalating threats and feared imprisonment or severe retaliation if he remained in Cuba.

24. Petitioner arrived in the United States on June 3, 2024, through the San Ysidro Port of Entry, after securing an inspection appointment using the CBP One mobile application. Upon inspection, Petitioner was paroled into the United States under INA § 212(d)(5)(A) and issued a Form I-94 valid for two years, through June 2, 2026. (*Exhibit* 1).

25. On August 5, 2024, DHS issued Petitioner an Employment Authorization Document ("EAD") under category C11 (*Exhibit* 2)—reserved exclusively for individuals granted parole under 8 U.S.C. § 1182(d)(5)(A). The EAD is valid through June 3, 2026. The issuance of a C11 card more than two months after Petitioner's arrival confirms that DHS continued to recognize his lawful parole status and never terminated that status pursuant to 8 C.F.R. § 212.5(e).

26. On or around April 2025, DHS sent a mass email to thousands of CBP One parolees purporting to terminate their parole within seven days and instructing them to depart the United States "immediately." The message provided no individualized reason, evidence, notice, or process required by the INA or its regulations. Although Petitioner did not personally receive this email, DHS has since relied on this mass-termination directive as the purported basis for

treating all CBP One parolees—including Petitioner—as if their parole had been validly terminated. No such lawful termination ever occurred in Petitioner's case.

27. On May 30, 2025, Petitioner appeared for a Master Calendar Hearing before Immigration Judge Scott Simpson in the San Diego Immigration Court. (*Exhibit* 3). Petitioner attended all prior hearings and remained in full compliance with all conditions of release.

28. At the conclusion of the hearing, as Petitioner exited the courtroom, ICE agents detained him—without prior notice and without any opportunity to be heard. This occurred despite Petitioner having a valid, unrevoked Form I-94 granting lawful parole through June 2, 2026, and without DHS ever issuing the written notice or individualized determination required to terminate parole under 8 C.F.R. § 212.5(e).

29. On June 30, 2025, Petitioner filed an application for adjustment of status under the Cuban Adjustment Act ("CAA"), and USCIS issued a Receipt IOE0932844131. (*Exhibit* 4).

30. As shown on the Notice to Appear ("NTA") (*Exhibit* 5), Petitioner is classified as an "Arriving Alien" who applied for admission on June 3, 2024. Accordingly, his adjustment-of-status application is governed by the jurisdictional framework set forth in 8 C.F.R. §§ 245.2(a)(1) and 1245.2(a)(1)(ii).

31. Under this regulatory scheme, USCIS retains exclusive jurisdiction to adjudicate the adjustment applications of "Arriving Alien", and Immigration Judges are divested of jurisdiction over such applications as a matter of law. As a result, only USCIS—not EOIR—has legal authority to adjudicate Petitioner's CAA-based adjustment application.

32. A search of the USCIS Case Status Online system completed on November 29, 2025, confirms that Petitioner's application remains pending. The system states: "As of September 24, 2025, your Form I-485, Application to Register Permanent Residence or Adjust Status, Receipt Number [redacted] is still being processed (*Exhibit* 6).

33. Petitioner remains detained today. His parole has never been lawfully terminated under the statutory or regulatory procedures required by 8 C.F.R. § 212.5(e)—including written

notice, an individualized determination, or an opportunity to respond. As a result, his parole remains in force, and his detention is unlawful.

34. Petitioner has no criminal history and was detained while attending a scheduled court hearing. He poses no danger to the community and no flight risk, given his valid parole, stable residence, and active CAA application pending before USCIS.

35.Recent litigation in this District confirms that DHS has engaged in a pattern of attempting to terminate humanitarian parole through mass form notices and without conducting any individualized assessment of the parolee's circumstances. In *Arias v. LaRose*, No. 3:25-cv-02595-BTM-MMP (S.D. Cal. Nov. 25, 2025), the court found that DHS issued a "mass form email" purporting to terminate parole, failed to provide an individualized determination, and detained the parole recipient under § 1225(b) without first complying with 8 C.F.R. § 212.5(e)'s termination procedures. Petitioner's experience is consistent with that pattern: DHS never provided him with individualized notice, never made an individualized determination, and never lawfully terminated his parole before detaining him.

REQUIREMENTS OF 28 U.S.C. § 2243

36. Under 28 U.S.C. § 2243, the Court "must" grant the petition for a writ of habeas corpus or issue an order to show cause ("OSC") "forthwith," unless the petitioner is not entitled to relief. If an OSC is issued, the statute requires that Respondents file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.* (emphasis added).

37. Federal courts have long emphasized the importance of habeas corpus as a protection against unlawful restraint. The Supreme Court has described the Great Writ as "perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963).

38. Congress and the courts have repeatedly reaffirmed that habeas corpus must remain a prompt and expeditious remedy. As the Ninth Circuit has explained, "The statute itself directs

courts to give petitions for habeas corpus 'special, preferential consideration to insure expeditious hearing and determination.'" *Yong v. INS*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted). The court cautioned that delays in habeas proceedings risk creating the impression "that courts are more concerned with efficient trial management than with the vindication of constitutional rights." *Id.*

EXHAUSTION OF ADMINISTRATIVE REMEDIES

39. In habeas corpus proceedings, exhaustion of administrative remedies is prudential, not jurisdictional. *Hernandez v. Sessions*, 872 F.3d 976, 988 (9th Cir. 2017). A court may waive prudential exhaustion where "administrative remedies are inadequate or not efficacious, pursuit of administrative remedies would be a futile gesture, irreparable injury will result, or the administrative proceedings would be void." *Id.* (quoting *Laing v. Ashcroft*, 370 F.3d 994, 1000 (9th Cir. 2004)). Here, exhaustion should be excused because administrative remedies are (1) futile and (2) Petitioner's continued detention results in irreparable harm.

40. Exhaustion would be futile because Respondents classify Petitioner as an "Arriving Alien," as reflected on the face of the Notice to Appear. Under 8 C.F.R. § 1003.19(h)(2)(i)(B), Immigration Judges lack jurisdiction to conduct custody redetermination hearings for individuals DHS designates as Arriving Aliens. In this District, Immigration Judges routinely state on the record that they have no authority to review custody when DHS asserts that § 235(b) applies or when the NTA identifies the respondent as an Arriving Alien. If Petitioner were to request a bond hearing, DHS would rely on the Arriving Alien designation to block review, and the Immigration Judge would be required to decline jurisdiction. Because no administrative mechanism exists to obtain custody review under DHS's asserted classification, any attempt to exhaust administrative remedies would be entirely futile.

41. Moreover, no statutory exhaustion requirement applies to Petitioner's claim that his detention violates the Constitution and the INA. Constitutional claims and pure questions of law —such as whether Petitioner's parole was lawfully terminated and whether DHS has statutory authority to detain him—fall outside the agency's adjudicatory competence. See *Am.-Arab Anti-*

Discrimination Comm. v. Reno, 70 F.3d 1045, 1058 (9th Cir. 1995) (exhaustion excused where the agency "does not have jurisdiction to review" constitutional claims); In re Indefinite Detention Cases, 82 F. Supp. 2d 1098, 1099 (C.D. Cal. 2000) (same). There is no administrative forum that can decide whether DHS lawfully terminated Petitioner's parole or whether DHS may invoke § 1225(b)(2) to detain him.

42. Finally, Petitioner suffers irreparable harm for each additional day he remains unlawfully detained. His detention has caused significant emotional distress, physical decline, and deterioration of mental health. Continued incarceration under an unrevoked grant of parole magnifies these ongoing harms. Courts routinely excuse exhaustion where prolonged or unlawful detention inflicts irreparable injury. See *De Paz Sales v. Barr*, No. 19-cv-07221-KAW, 2020 WL 353465, at *4 (N.D. Cal. Jan. 21, 2020). Petitioner's ongoing harm further warrants waiver of prudential exhaustion.

LEGAL FRAMEWORK

43. When a noncitizen arrives at a port of entry to seek asylum, the Department of Homeland Security has two statutory options: (1) detain the individual and place them in expedited removal proceedings, or (2) release them into the United States on parole while their case proceeds.

44. The Immigration and Nationality Act provides that DHS "may ... in [the Secretary's] discretion parole" an arriving 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).

45. Once DHS grants parole under § 1182(d)(5)(A), that parole may only be terminated before its expiration when "the purposes of such parole shall ... have been served," or when "neither humanitarian reasons nor public benefit warrants the continued presence of the alien." 8 C.F.R. § 212.5(e)(2)(i). The regulation requires an individualized determination; DHS must identify the purpose of parole and show that it has been accomplished or that the reasons supporting parole no longer exist.

46. Release on parole is an express statutory exception to detention. *Jennings v. Rodriguez*, 583 U.S. 281, 300 (2018). The statute requires that parole decisions—including termination—be made "only on a case-by-case basis" and tied to the individual circumstances of the person. 8 U.S.C. § 1182(d)(5)(A). The individualized nature of parole is a central statutory requirement, and parole may not be terminated through blanket or categorical actions.

47. Recent decisions in this District confirm that parole may be terminated only in strict compliance with the grounds and procedures established in 8 C.F.R. § 212.5(e). In *Arias v. LaRose*, No. 3:25-cv-02595-BTM-MMP (S.D. Cal. Nov. 25, 2025), the court held that DHS acted unlawfully when it attempted to terminate humanitarian parole through a "mass form email," provided no individualized explanation, and failed to demonstrate that the purpose of parole had been served or that humanitarian reasons no longer justified parole. The court emphasized that parole termination requires a case-by-case, individualized determination tied to the parolee's specific circumstances, and that categorical or boilerplate notices do not satisfy § 212.5(e). Here, as in *Arias*, DHS never issued an individualized determination or complied with the regulatory procedures for terminating parole before detaining Petitioner.

48. Under the Administrative Procedure Act, agency action must not be "arbitrary" or "capricious." 5 U.S.C. § 706(2)(A). DHS must provide a rational explanation for its action, based on consideration of relevant factors. *Dep't of Com. v. New York*, 139 S. Ct. 2551, 2569 (2019). Terminating parole without individualized findings violates both the statute and the APA.

49. Immigration detention is civil, not punitive. It is constitutionally permissible only when justified by legitimate governmental interests—namely, ensuring appearance at proceedings and protecting the community. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Detention must always comport with due process.

50. "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*, 533 U.S. at 690. Due Process protections apply to "all persons" in the United States, regardless of their immigration status. *Id.* at 693.

51. Parolees have a substantial liberty interest. As the Supreme Court explained, a parolee —though subject to certain conditions—"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). The termination of that liberty interest "inflicts a grievous loss" and therefore requires Due Process. *Id.*

52. The Supreme Court further held that individuals granted parole rely on the implicit governmental assurance that their parole will not be revoked arbitrarily or without cause. Termination requires procedural safeguards proportionate to the importance of the liberty interest at stake. *Id.* at 483–84.

53. "Adequate, or due, process depends upon the nature of the interest affected." *Haygood v. Younger,* 769 F.2d 1350, 1355–56 (9th Cir. 1985) (en banc). Because the liberty interest in remaining on parole is substantial, the government must provide meaningful procedural protections before revocation.

54. The Constitution requires immigration agencies to "turn square corners" when acting in ways that affect individuals' rights and lawful presence. *Dep't of Homeland Sec. v. Regents of the Univ. of Cal.*, 591 U.S. 1, 24 (2020). Where the government confers a lawful status—such as parole—it must comply with both statutory and constitutional Due Process requirements before revoking it.

CLAIM FOR RELIEF

COUNT 1

Violation of Due Process U.S. Constitution Amendment V

55. Petitioner re-alleges and incorporates by reference, as if fully set forth herein, all preceding paragraphs.

56. The Due Process Clause of the Fifth Amendment prohibits the federal government from depriving any person of "life, liberty, or property, without due process of law." U.S. CONST. amend. V. This protection applies to all persons within the United States, including

noncitizens, "whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

57. Neither Petitioner nor his immigration-court counsel received any notice that DHS intended to detain him, terminate his parole, or assert that he was subject to detention under 8 U.S.C. § 1225(b)(2). Petitioner was taken into ICE custody in the hallway immediately after his hearing—without prior notice and without any opportunity to be heard—despite having valid, unrevoked parole and having appeared as required for his scheduled immigration court proceeding. Nothing in the record indicates that Petitioner poses any danger to the community or any risk of flight.

58. Because Petitioner is a parolee with a recognized liberty interest—one that cannot be revoked absent individualized process—his sudden seizure and incarceration without notice or any opportunity to be heard violates the Due Process Clause. See *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976) (requiring notice and an opportunity to be heard prior to deprivation of a protected liberty interest); *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972) (parole revocation inflicts a "grievous loss" and requires minimum due process protections).

COUNT 2

Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A) Not in Accordance with Law and in Excess of Statutory Authority Unlawful Detention

59. Petitioner re-alleges and incorporates by reference, as if fully set forth herein, the allegations in the paragraphs above.

60. 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).

61. 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)).

62. 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).

63. Recent decisions in this District likewise confirm that DHS must provide a coherent, individualized explanation before terminating parole. See *Arias v. LaRose*, No. 3:25-cv-02595-BTM-MMP (S.D. Cal. Nov. 25, 2025) (holding DHS acted arbitrarily and capriciously when it attempted to revoke humanitarian parole through a mass email without individualized explanation, factual justification, or compliance with § 212.5(e)).

64. By revoking Petitioner's parole without providing any explanation or individualized assessment, and by detaining him without considering his specific facts and circumstances, Respondents have violated the Administrative Procedure Act.

65. Respondents further acted arbitrarily and capriciously by detaining Petitioner without providing any lawful or reasoned explanation for the asserted basis of detention, and without identifying why detention—rather than continued parole—was justified.

66. Respondents have made no finding that Petitioner, an individual with no criminal history anywhere in the world, is a danger to the community.

67. Respondents have also made no finding that Petitioner is a flight risk because, in fact, he was arrested immediately after appearing for his immigration proceeding, in the hallway outside the courtroom. His conduct demonstrates compliance with the immigration process, not any attempt to flee or evade lawful supervision.

68. By detaining Petitioner without any individualized assessment, Respondents have further 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 would justify detention.

69. DHS's own conduct demonstrates that it previously determined Petitioner could be released into the community without presenting a danger or a risk of flight. After inspecting him at the port of entry, DHS exercised its discretionary parole authority under 8 U.S.C. § 1182(d)(5)(A) on a case-by-case basis—an action the statute permits only when the individual's specific facts and circumstances justify release. DHS later reaffirmed that assessment by issuing Petitioner an EAD under category C11, which is available exclusively to parolees, and by permitting him to live and work in the United States for nearly a year without incident. Throughout this period, DHS raised no concerns regarding public safety or flight risk, issued no notice questioning his compliance, and took no action to terminate his parole as required under 8 C.F.R. § 212.5(e). There have been no materially changed circumstances since DHS made those determinations, and nothing in the record now justifies revoking his parole or detaining him as a danger or flight risk.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

A) Assume jurisdiction over this matter;

B) Issue the writ of habeas corpus or, in the alternative, an order to show cause directing Respondents to show cause, within three days of the filing of this Petition, why the relief requested should not be granted, and set a hearing within five days of Respondents' return, consistent with 28 U.S.C. § 2243;

C) Declare that Petitioner's continued detention without an individualized determination violates the Due Process Clause of the Fifth Amendment;

D) Declare that Petitioner's parole was never lawfully terminated, remains in effect, and that his continued detention is unlawful;

E) Declare that Respondents' actions treating Petitioner's parole as terminated and detaining him under 8 U.S.C. § 1225(b)(2) without lawfully terminating parole were arbitrary, capricious, an abuse of discretion, and not in accordance with law, in violation of the Administrative Procedure Act, 5 U.S.C. § 706(2);

F) Set aside Respondents' unlawful action under the Administrative Procedure Act, pursuant to 5 U.S.C. § 706(2)(A);

G) Issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from custody;

H) In the alternative, order a constitutionally adequate custody hearing at which DHS bears the burden of justifying Petitioner's continued detention by clear and convincing evidence, and the neutral adjudicator must consider alternatives to detention and Petitioner's ability to pay any bond imposed;

I) In the alternative, if no administrative adjudicator lawfully possesses jurisdiction to provide a constitutionally adequate custody hearing, conduct such a hearing before this Court, at which DHS must justify Petitioner's continued detention by clear and convincing evidence, and the Court must consider alternatives to detention and Petitioner's ability to pay;

J) Enjoin Respondents from transferring Petitioner outside this District without prior approval of this Court;

K) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412, and any other basis authorized by law; and

L) Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

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