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**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

<p>JUAN RAMIREZ-BIBIANO, <i>Petitioner,</i> v. CHRISTOPHER LAROSE, Facility senior warden at the Otay Mesa Detention Facility, GREGORY J. ARCHAMBEAULT, Director of the U.S. Immigration and Customs Enforcement San Diego Field Office, TODD LYONS, acting Director of U.S. Immigration and Customs Enforcement, KRISTI NOEM, Secretary of the U.S. Department of Homeland Security, and PAM BONDI, U.S. Attorney General.</p>	<p>VERIFIED EMERGENCY PETITION FOR A WRIT OF HABEAS CORPUS, ORDER TO SHOW CUASE WITHIN THREE DAYS AND COMPLAINT FOR DECLARATORY RELIEF</p> <p style="text-align: center;">'25CV3429 JLS SBC</p>
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**PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C.
§2241**

INTRODUCTION

1. Petitioner Juan Ramirez-Bibiano files this petition for writ of habeas corpus seeking his release from the custody of the Department of Homeland Security. Petitioner is detained at the Otay Mesa Detention Facility.
2. Petitioner had been paroled into the United States and was detained during a routine check in with Immigration and Customs Enforcement on July 23, 2025.
3. Petitioner has been paroled into the United States through the Otay Mesa Port of Entry on numerous occasions: March 26, 2012, July 11, 2018, (as Significant Public Benefit Parole classification), May 7, 2019, July 13, 2021, and August 2, 2022. Ex. A. On January 31, 2023, Petitioner was granted a one-year parole extension. He was most recently paroled into the United States on February 13, 2025, with his parole continuing through December 14, 2025. Ex. B.
4. For more than thirteen years, Petitioner resided in San Diego with his U.S. citizen wife and children with the expectation that he would not be subject to detention if he did not violate the law. He was issued an Employment Authorization Document which is currently valid through December 2025. In addition, he has a valid California Driver's license which expires in April 2026.
5. Petitioner was arrested on July 23, 2025, and taken into immigration custody at the Otay Mesa Detention Center, where he has now been held for more than 4

months. To his knowledge, no revocation of parole was issued prior to his re-detention.

6. Petitioner was issued a Notice to Appear on July 23, 2025. He is charged with, inter alia, being an arriving alien. *See* 8 U.S.C. § 1182(a)(7)(A)(i)(I). Ex. C. Petitioner is seeking cancellation of removal, asylum, withholding of removal, protection under the Convention Against Torture, and an S Visa.
7. Petitioner's re-detention violated the Immigration and Nationality Act, the accompanying regulations, and Petitioner's right to Due Process.
8. Due Process requires the government to provide noncitizens with notice and a hearing prior to re-detention, and that re-detention, without prior notice, a showing of changed circumstance, or a meaningful opportunity to respond, does not satisfy the procedural requirements of the Fifth Amendment.

JURISDICTION AND VENUE

9. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§ 2201-02 (declaratory relief), and art. I sec. 9, cl. 2 of the United States Constitution (Suspension Clause), as Petitioner is presently in custody under the authority of the United States and challenges his detention as in violation of the Constitution, laws, or treaties of the United States.

10. The federal district courts have jurisdiction under Section 2241 to hear habeas claims by individuals challenging the lawfulness of their detention by ICE. *See Jennings v. Rodriguez*, 583 U.S. 281, 290-92 (2018).

11. Venue is proper in the Southern District of California, pursuant to 28 U.S.C. §§ 1391 and 2241(d) because Mr. Ramirez-Bibiano is detained at the Otay Mesa Detention Facility in San Diego, California.

REQUIREMENTS OF 28 U.S.S. § 2243

12. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC 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.” *Id.*

13. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to 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 and confinement. *Fay v. Noia*, 372 U.S. 391, 400 (1963) (overruled on other grounds by *Wainwright v. Sykes*, 433 U.S. 72 (1977)) (emphasis added). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within

the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

14. Petitioner Juan Ramirez-Bibiano is currently detained by Respondents in the Otay Mesa Detention Facility despite having been previously paroled into the United States on numerous occasions.
15. Respondent Christopher LaRose is the senior warden at the Otay Mesa Detention Facility in San Diego, California where Mr. Ramirez-Bibiano is currently detained. He is thus Mr. Ramirez-Bibiano’s immediate custodian and is sued in his official capacity.
16. Respondent Gregory J. Archambeault is the Director of ICE’s San Diego Field Office, which has jurisdiction over ICE detention facilities in San Diego and Imperial County, including the Imperial Regional Detention Center, and is thus Petitioner’s immediate custodian. He is sued in his official capacity.
17. Respondent Todd Lyons is the Director of ICE. He is responsible for the administration of ICE and the implementation and enforcement of the immigration laws, including immigrant detention. As such, Mr. Lyons is a legal custodian of Mr. Ramirez-Bibiano. He is sued in his official capacity.
18. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (DHS), which is responsible for the administration of ICE, a subunit of

DHS, and the implementation and enforcement of the immigration laws. As such, Ms. Noem is the ultimate legal custodian of Mr. Ramirez-Bibiano. She is sued in her official capacity.

19. Respondent Pam Bondi is the Attorney General of the United States and head of the Department of Justice, which encompasses the Board of Immigration Appeals and the Immigration Courts. Ms. Bondi shares responsibility for implementation and enforcement of the immigration laws with Respondent Noem. Ms. Bondi is a legal custodian of Mr. Ramirez-Bibiano. She is sued in her official capacity.

STATEMENT OF FACTS

20. Petitioner was born on , in Mexico and is a citizen of Mexico.

21. Petitioner was issued a Notice to Appear (NTA) on July 23, 2025, charging him with being an arriving alien. Ex. C. He was charged with being subject to removal pursuant to INA §212(a)(7)(A)(i)(I) as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act. *Id.*

22. Petitioner has been paroled into the United States on numerous occasions. Ex.

A, B. He is seeking several forms of relief before the immigration court, including adjustment of status, and has a pending U Visa before the United States Citizenship and Immigration Service.

23. For more than 13 years, Petitioner has lived in San Diego with the expectation that he would not be subject to detention if he did not violate the law. He has two United States citizen children and a United States citizen spouse.

24. Mr. Ramirez-Bibiano has been married to his United States citizen wife, Claudeth Borrego, for 18 years. They have two United States citizen children together, a 17-year-old daughter and a two-year-old son. Claudeth describes her husband as “a devoted, loving, and hardworking father whose greatest priority has always been our family.” Ex. D. In addition, “he is a man of faith, integrity, and deep compassion.” *Id.* For over 16 years, Mr. Ramirez-Bibiano has worked at K-Tube Technology to provide for his family. *Id.* He’s a devoted and loving father, who has been actively involved in his children’s lives. *Id.*

25. Petitioner did not receive any termination of his parole status. Nor was he provided with notice that his parole would be terminated, or the opportunity for a hearing on whether he is a danger or a flight risk.

LEGAL FRAMEWORK

26. “[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. *Zadvydas v. Davis*, 533 U.S. 678 (2001). Accordingly, “[i]t is well established that the Fifth Amendment entitles aliens to due process of law in the context of removal proceedings. *Trump v. J.G.G.*, 604 U.S. 670, 673 (2025) (internal quotation marks omitted) (citing *Reno v. Flores*, 507 U.S. 292, 306 (1993)). Due process “requires some kind of a hearing *before* the State deprives a person of liberty or property.” *Zinerman v. Burch*, 494 U.S. 113, 127 (1990).
27. To determine what protections due process demands in a given situation, courts consider three factors: (1) the private interest that will be affected by the official action; (2) the risk of erroneous deprivation of such interest through the procedures used, and the probable value of additional safeguards; and (3) the government’s interest, including the function involved and that burdens that would be imposed by additional process. *See Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).

A. Mr. Ramirez-Bibiano possesses a protected liberty interest in remaining out of custody.

28. Mr. Ramirez-Bibiano invokes “the most significant liberty interest there is – the interest in being free from imprisonment.” *Velasco Lopez v. Decker*, 978 F.3d

842, 851 (2d Cir. 2020). While “the initial decision to detain or release an individual may be within the government’s discretion, the government’s decision to release an individual from custody creates ‘an implicit promise,’ upon which that individual may rely, that their liberty ‘will be revoked only if they fail to live up to the...conditions of release.” *Pinchi v. Noem*, 792

F.Supp.3d 1025, 1032 (N.D. Cal. 2025) (alternation marks omitted).

Accordingly, “[w]hen an immigrant is placed into parole status after having been detained, a protected liberty interest may arise,” and the “Due Process Clause may protect this liberty interest even where a statute allows the immigrant’s arrest and detention and does not provide for procedural protections.” *Espinoza v. Kaiser*, 2025 WL 2675785, *9 (E.D. Cal. 2025).

29. The government’s decision to grant parole to Mr. Ramiriz-Bibiano on multiple occasions “reflect[ed] a determination by the government that the noncitizen is not a danger to the community or a flight risk.” *Fernández López v. Wofford*, 2025 WL 2959319, *2 (E.D. Cal. 2025). Moreover, his “release from ICE custody constituted an implied promise that [his] liberty would not be revoked unless [he] failed to live up to the conditions of [his] release.” *Pinchi*, 792 F.Supp.3d at 1034 (internal quotation marks omitted). In other words, petitioner gained a protected liberty interest in remaining out of custody absent a showing that he is a flight risk or a danger to the community. *See e.g., Fernández López*,

2025 WL 2959319 at *4-5 (finding that petitioner released from immigration detention on parole had protected liberty interest in remaining out of custody, including if the authority for petitioner’s parole was § 1182(d)(5)(A)); *Noori v. Larose*, 2025 WL 2800149, *4, 9-10 (S.D. Cal. 2025) (finding that petitioner who was paroled from immigration detention under § 1182(d)(5)(A) had protected liberty interest in remaining out of custody).

B. Mr. Ramirez-Bibiano was entitled to a pre-deprivation bond hearing prior to his re-detention.

30. Because Mr. Ramirez-Bibiano had previously been granted parole on numerous occasions, due process requires that he be provided with a pre-deprivation bond hearing prior to his re-detention. *See Valdez v. Joyce*, 2025 WL 1707737, *4 (S.D.N.Y. 2025) (“In the context of revocation of civil release, an individual whose release is sought to be revoked is entitled to due process such as notice of the alleged grounds for revocation, a hearing, and the right to testify at such a hearing.”) (internal quotation marks omitted); *see also, Ramirez Tesara*, 2025 WL 2637663, at *4 (granting TRO under similar circumstances and ordering that petitioner, who had been re-detained months after the expiration of his parole, “should be released and only re-detained after a hearing in front of an immigration judge”); *Rodriguez Cabrera*, 2025 WL 3072687, at *15 (granting habeas petition where petitioner was re-detained three years after the expiration of his parole, and enjoining the government “from re-detaining Petitioner in

connection with his current removal proceedings without an individualized bond hearing”).

CLAIMS FOR RELIEF

COUNT ONE

VIOLATION OF PAROLE STATUTE

31. Petitioner re-alleges and incorporates by reference each allegation contained above.

32. The parole statute at 8 U.S.C. §1182(d)(5)(A) permits the termination of parole only where there is a finding that the purpose of such parole has been served. *Y-Z-L-H v. Bostock*, 792 F. Supp. 3d 1123, 1133 (D. Or. 2025).

33. No finding has been made that the purpose of Petitioner’s parole has been served to warrant the termination of parole.

COUNT TWO

VIOLATION OF PAROLE REGULATION

34. Petitioner re-alleges and incorporates by reference each allegation contained above.

35. The parole regulation, 8 C.F.R. §212.5(e), provides that upon written notice, DHS may terminate parole “upon accomplishment of the purpose for which parole was authorized or when in the opinion of one of the officials listed in paragraph (a) of this section, neither humanitarian reasons nor public benefit warrants the continued presence of the alien in the United States.”

36. There is no evidence that any official found that humanitarian reasons do not warrant Petitioner’s presence in the United States.

37. Petitioner is not a flight risk nor a danger to the public.

38. An agency’s failure to follow its regulations that are meant to protect fundamental rights is a violation of due process. *Accardi v. Shaughnessy*, 347 U.S. 260, 267, 74 S.Ct. 499, 98 L.Ed. 681 (1954); *Sameena Inc. v. U.S. Air Force*, 147 F.3d 1148, 1153 (9th Cir. 1998).

39. The rearrest of Petitioner terminated his release on parole and violated the regulations and due process. *Bostock*, 792 F. Supp. 3d at 1145.

COUNT THREE

VIOLATION OF DUE PROCESS REVOCATION OF PAROLE WITHOUT NOTICE

40. Petitioner re-alleges and incorporates by reference each allegation contained above.

41. The Due Process Clause of the Fifth Amendment forbids the government from depriving any person of liberty without due process of law. U.S. Const. amend. V. “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 (citing *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)).
42. An individual released from immigration custody has a constitutionally protected liberty interest in remaining free from detention. *Morrissey v. Brewer*, 408 U.S. 471, 482, 92 S. Ct. 2593, 2601, 33 L. Ed. 2d 484 (1972); *see also Sanchez v. LaRose*, 25-cv-2396; 2025 WL 2770629, at * 3 (S.D. Cal.). Thus, Petitioner has a fundamental interest in liberty and being free from official restraint.
43. The liberty interest applies to individuals who are paroled into the United States and released to attend removal proceedings. *Garcia v. Andrews*, No. 1:25-CV-01006 JLT SAB, 2025 WL 2420068, at *11 (E.D. Cal. Aug. 21, 2025); *Valencia Zapata v. Kaiser*, No. 25-CV-07492-RFL, 2025 WL 2578207, at *3 (N.D. Cal. Sept. 5, 2025); *Y-Z-L-H v. Bostock*, No. 3:25-CV-965-SI, 2025 WL 1898025, at *13 (D. Or. July 9, 2025).
44. While DHS has discretion to revoke parole, it may not do so in a manner that is inconsistent with constitutional protections.

45. Due process requires notice before Petitioner is re-detained by immigration authorities. *Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306, 320, 70 S. Ct. 652, 660, 94 L. Ed. 865 (1950).

COUNT FOUR

VIOLATION OF DUE PROCESS

REVOCAION OF PAROLE WITHOUT NEUTRAL DECISIONMAKER

46. Petitioner re-alleges and incorporates by reference each allegation contained above.
47. Under the Due Process Clause of the Fifth Amendment to the United States Constitution, no person shall be “deprived of life, liberty, or property, without due process of law.” U.S. Const. amend. V. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects.” *Zadvydas*, 533 U.S. at 690.
48. An individual released from immigration custody has a liberty interest in remaining free from detention. *Morrissey*, 408 U.S. at 482.
49. The liberty interest applies to individuals who are paroled into the United States and released to attend removal proceedings. *Garcia v. Andrews*, No. 1:25-CV-01006 JLT SAB, 2025 WL 2420068, at *11 (E.D. Cal. Aug. 21, 2025); *Valencia Zapata v. Kaiser*, No. 25-CV-07492-RFL, 2025 WL 2578207, at *3 (N.D. Cal.

Sept. 5, 2025); *Bostock*, No. 3:25-CV-965-SI, 2025 WL 1898025, at *13 (D. Or. July 9, 2025).

50. While DHS has discretion to revoke parole, it may not do so in a manner that is inconsistent with constitutional protections.

51. Due Process requires that Petitioner be afforded a bond determination before a neutral adjudicator if the government is to re-detain Petitioner. *Mathews v. Eldridge*, 424 U.S. 319 (1976).

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

1. Assume jurisdiction over this matter.
2. Order that Petitioner shall not be transferred outside the Southern District of California.
3. Issue a Writ of Habeas Corpus ordering Respondents to immediately release Mr. Ramiriz-Bibiano.
4. Issue an Order to Show Cause why this Petition should not be granted within three days and set a hearing on this Petition within five days of the return pursuant to 28 U.S.C. § 2243.
5. Declare that Petitioner's re-detention is unlawful.

6. Order that Petitioner may not be re-detained absent proper notice of the reasons that form the basis for revocation of parole.
7. Order that Petitioner is entitled to a bond hearing before the immigration judge of DHS revokes parole with proper notice.
8. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412.
9. Grant such further relief as this Court deems just and proper.

Respectfully submitted,

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Pro Bono Counsel for Petitioner

Dated: December 4, 2025

**VERIFICATION BY ATTORNEY ACTING ON MR. RAMIREZ-
BIBIANO'S BEHALF PURSUANT TO 28 U.S.C. §2242**

I am submitting this verification on behalf of Mr. Ramirez-Bibiano because I am his attorney. As Mr. Ramirez-Bibiano's attorney, I hereby verify that the factual statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: December 4, 2025

By: /s/ Cassandra Lopez