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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

Dharit Sachin PARLIKAR, Petitioner, v. Christopher J. LAROSE, Warden, Otay Mesa Detention Center; Daniel A BRIGHTMAN, Field Office Director, San Diego Field Office, United States Immigration and Customs Enforcement; Todd M. LYONS, Acting Director, United States Immigration and Customs Enforcement; Kristi NOEM, Secretary of Homeland Security, Respondents.	Case No.: '25CV3438 RSH DDL **PETITION FOR WRIT OF HABEAS CORPUS AND ORDER TO SHOW CAUSE WITHIN THREE DAYS AND COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF**

Petitioner Dharit Sachin Parlikar petitions this Court for a writ of habeas corpus under 28 U.S.C. § 2241 to remedy Respondents' detaining him unlawfully, and states as follows:

INTRODUCTION

1. Dharit Sachin Parlikar, a 29-year-old derivative beneficiary of a pending I-485 adjustment application, has resided lawfully in the United States since 1999. He entered at age three on an H-4 visa, graduated from Michigan State University College of Law, and passed the February 2025 California Bar

Examination—only to be detained by U.S. Immigration and Customs Enforcement weeks before his oath ceremony.

2. In connection with the pending adjustment of status application, U.S. Citizenship and Immigration Services granted him travel authorization in 2018, when it issued him a combination employment authorization document and I-512 advance parole document. And he left the country one time using that document, traveling to India for his grandfather's funeral in 2018. On his return from that brief trip, U.S. Customs and Border Patrol officers paroled him into the United States without warning that he would later be classified as an "arriving alien" and subjected to mandatory detention. For seven years, he relied on this parole to build a life, until ICE revoked it summarily on October 20, 2025—without notice, a hearing, or justification.

3. ICE's actions flout *Morrissey v. Brewer*'s core holding: Parole revocation demands pre-deprivation process. 408 U.S. 471, 480-90 (1972). The Fifth Amendment permits no less. *Zinermon v. Burch*, 494 U.S. 113, 127 (1990) ("[T]he Constitution requires some kind of a hearing before the State deprives a person of liberty or property."); *Pinchi v. Noem*, 792 F. Supp. 3d 1025, 2025 U.S. Dist. LEXIS 142213, at *7 (N.D. Cal. 2025) (collecting cases); *see also Sharif v. Semaia*, No. 5:25-cv-02834-FMO-KES, at *6-12 (C.D. Cal. Nov. 26, 2025) (holding parole revocation "unlawful absent pre-deprivation process") (courtesy copy attached as Exhibit A); *Sanchez v. LaRose*, No. 25-cv-2396-JES-MMP, 2025 U.S. Dist. LEXIS 190593, at *7 (S.D. Cal. Sep. 26, 2025) (observing "'continued freedom after release on own recognizance' was a core liberty interest" (quoting *Alegria Palma v. LaRose*, 25-cv-1942, ECF No. 14 (S.D. Cal. Aug. 11, 2025))).

4. Parlikar asked an immigration judge to review ICE's custody decision, but the IJ determined that he lacked jurisdiction to consider Parlikar's bond request, reasoning that Parlikar's return with advance parole means that he is now considered an "arriving alien" and subject to mandatory custody under 8 U.S.C. §

1225(b)(2)(A). He appealed to the Board of Immigration Appeals, but prudential exhaustion is unnecessary here because it would be futile. *See Beltran v. Noem*, No. 25cv2650-LL-DEB, 2025 LX 484516, at *10-11 (S.D. Cal. Nov. 4, 2025) (exhaustion excused where BIA precedent forecloses relief).

5. Respondents' conduct violates due process, misapplies the INA, and controverts Ninth Circuit authority. This petition requests immediate release—or a bond hearing consistent with *Singh v. Holder*, 638 F.3d 1196, 1203–06 (9th Cir. 2011)—and an injunction against new detention without constitutionally adequate safeguards.

CUSTODY

6. Parlikar is currently in Respondents' legal and physical custody. They are detaining him at the Otay Mesa Detention Center in San Diego, California. He is under Respondents' and their agents' direct control.

PARTIES

7. Petitioner Dharit Sachin Parlikar is a citizen of India who entered the United States lawfully in 1999 as an H-4 derivative beneficiary. He is a derivative beneficiary of his father's I-485 adjustment application pending before an IJ.

8. Respondent Christopher J. LaRose is the Warden of the Otay Mesa Detention Center. He is Petitioner's immediate custodian and is sued in his official capacity.

9. Respondent Daniel A. Brightman is the Field Office Director of ICE's San Diego Field Office, which has operational authority over Petitioner's detention and release decisions. He is sued in his official capacity.

10. Respondent Todd M. Lyons is the Acting Director of ICE, the agency responsible for enforcing immigration laws and detaining noncitizens. ICE is a component of the Department of Homeland Security, 6 U.S.C. § 271. He is sued in his official capacity.

11. Respondent Kristi Noem is the Secretary of the Department of Homeland Security, which has ultimate authority over ICE's detention policies. She is sued in her official capacity.

JURISDICTION AND VENUE

12. This Court has jurisdiction under 28 U.S.C. §§ 1331, 2241; 5 U.S.C. §§ 701–706; and the Suspension Clause, U.S. Const. art. I, § 9, cl. 2, and the Fifth and Eighth Amendments. Jurisdiction is not limited by nationality or immigration status. *Boumediene v. Bush*, 553 U.S. 723, 747 (2008).

13. This Court has authority under 28 U.S.C. § 2241 to review Parlikar's detention because Respondents hold him "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3). The REAL ID Act does not strip jurisdiction over challenges to the lawfulness of detention. *INS v. St. Cyr*, 533 U.S. 289, 301 (2001); *Lopez-Marroquin v. Barr*, 955 F.3d 759, 759 (9th Cir. 2020).

14. Venue is proper in this judicial district under 28 U.S.C. § 1391(b)(2) and § 1391(e)(1) because Petitioner is detained at Otay Mesa Detention Center, which is located at 7488 Calzada de la Fuente, in San Diego, California—within this judicial district. Venue is also proper under 28 U.S.C. § 2243 because Petitioner's immediate custodian resides here. *Rumsfeld v. Padilla*, 542 U.S. 426, 451–52 (2004) (Kennedy, J., concurring).

FACTUAL BACKGROUND

15. Petitioner Parlikar is a native and citizen of India, born in 1996. He entered the United States lawfully in 1999 at age three as an H-4 derivative beneficiary. He has resided continuously in the U.S. for over 25 years—virtually his entire life.

16. In June 2005, Parlikar's father's employer filed an EB-3 worker visa petition [redacted] which USCIS approved in March 2009. While Parlikar maintained valid H-4 status, his father filed an I-485 adjustment application in

December 2016 [redacted], listing Parlikar as a derivative beneficiary. This ensured Parlikar remained in a period of stay authorized by the Secretary of Homeland Security. U.S. Citizenship & Immigr. Servs., Adjudicator's Field Manual, ch. 40.9.2; U.S. Citizenship & Immigr. Servs., Policy Manual, vol. 7, pt. B, ch. 3; 9 FAM 302.11-3(B)(1)(b)(5).

17. In 2018, after obtaining travel authorization, Parlikar briefly traveled abroad to attend his grandfather's funeral. He re-entered the United States on September 12, 2018, via the travel authorization USCIS provided him based on his pending adjustment of status application. CBP officers marked "DA" on his I-94. Neither USCIS nor CBP advised him that accepting parole would later subject him to mandatory detention as an arriving alien.

18. On April 18, 2025, USCIS issued a Notice to Appear (NTA) designating Parlikar as an arriving alien and charging him inadmissibility under 8 U.S.C. § 1182(a)(7)(A)(i)(I)—despite his 25-year residence and his presence in the interior of the United States. Removal proceedings are pending before an IJ in San Diego, with a master hearing set for December 5, 2025.

19. On October 20, 2025, ICE summoned Parlikar to an unscheduled check-in, detained him, and transferred him to Otay Mesa Detention Center. ICE claimed he was subject to mandatory detention under § 1225(b)(2)(A)—a statute inapplicable to a long-term resident with no recent entry and who is not seeking admission.

20. Once at Otay Mesa Detention Center, ICE officers pressured Parlikar to sign forms falsely stating that he was subject to a removal order (the first version stated he had been ordered removed to Iran in 2004; the second stated he had been ordered removed to India in September 2025), which he refused.

21. Parlikar has no criminal history and has complied with all immigration requirements. And he has strong equities. Apart from his family and community ties, Parlikar graduated from Michigan State University College of Law

in May 2024 and passed the February 2025 California Bar Examination; and the same week ICE detained him, he received notice that the Court had signed his admission motion allowing him to register for the Attorney Oath.

22. ICE continues to detain Parlikar despite clear eligibility for durable relief (adjustment of status); no risk of flight (deep community ties); and no evidence of danger to the community.

EXHAUSTION OF REMEDIES

23. Petitioner has exhausted all required administrative remedies. ICE's parole revocation and detention decision is a final agency action not subject to administrative appeal. *See Zadvydas v. Davis*, 533 U.S. 678, 687–88 (2001).

24. Further exhaustion would be futile. The IJ explicitly declined jurisdiction over Parlikar's bond request, holding that he is an arriving alien under *Matter of Oseiwusu*, 22 I. & N. Dec. 19 (BIA 1998), and subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). The IJ's decision relied on the parole re-entry in 2018, which he determined triggered arriving alien status under 8 C.F.R. § 1001.1(q), and 8 C.F.R. § 1003.19(h)(2)(i)(B) barred the IJ from redetermining custody for arriving aliens.

25. The futility doctrine applies here. This Court "may waive the prudential exhaustion requirement if 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." *Hernandez v. Sessions*, 872 F.3d 976, 988 (9th Cir. 2017) (citation and quotation marks omitted); *see also Rodriguez v. Larose*, No. 3:25-cv-02940-RBM-JLB, 2025 U.S. Dist. LEXIS 235083, at *8 (S.D. Cal. Dec. 2, 2025) (collecting cases); *see also Velasquez v. LaRose*, No. 25-CV-3137 JLS (MSB), 2025 LX 538873, at *7-8 (S.D. Cal. Nov. 21, 2025) (exhaustion futile where precedent forecloses relief).

26. Petitioner's remedy lies in federal habeas review under 28 U.S.C. § 2241. *Zadvydas*, 533 U.S. at 687-88; *INS v. St. Cyr*, 533 U.S. 289, 301–14 (2001).

LEGAL FRAMEWORK

27. When immigration authorities grant parole, they establish an implicit contractual promise that liberty will be revoked only for noncompliance with release conditions. *Morrissey*, 408 U.S. at 477-87. This promise creates a constitutionally protected liberty interest, as parolees retain "core values of unqualified liberty"—including employment, family ties, and community connections—whose termination inflicts a "grievous loss" on the parolee and often on others. *Id.* at 482. The Supreme Court has held that arbitrary revocation without procedural safeguards violates the Due Process Clause. U.S. Const. amend. V; *see also Sharif*, No. 5:25-cv-02834-FMO-KES, at *6-12 (holding parole revocation "unlawful absent pre-deprivation process"); *Sanchez*, 2025 U.S. Dist. LEXIS 190593, at *7 (observing "'continued freedom after release on own recognizance' was a core liberty interest" (quoting *Alegria Palma*, 25-cv-1942)).

28. The Fifth Amendment mandates robust procedural protections before the government may deprive any individual of this liberty. *Zinermon*, 494 U.S. at 127. Under *Morrissey*, this interest demands "some orderly process, however informal," including: (1) written notice of alleged violations; (2) disclosure of evidence against the parolee; (3) opportunity to present witnesses and evidence; (4) confrontation rights absent good cause; (5) neutral decisionmakers; and (6) written findings. 408 U.S. at 484-85.

29. Under the *Mathews* balancing framework (424 U.S. at 335), these procedural protections are essential in parole revocation cases. First, the private interest weighs heavily—as stated, parolees maintain employment, family relationships, and community connections that constitute "core values of unqualified liberty." *Morrissey*, 408 U.S. at 482. Second, the risk of erroneous deprivation is acute when revocation occurs summarily, as demonstrated by *Noori v. Larose*, No. 25-cv-1824, 2025 LX 410576, at *33-36 (S.D. Cal. Oct. 1, 2025), which found ICE's revocation of humanitarian parole violated 8 C.F.R. § 212.5(e)

due to lack of written notice and individualized determination, rendering the action "arbitrary and capricious" under the APA. Third, the government's burden is minimal—ICE retains full authority to detain after providing basic due process protections, as courts have repeatedly ordered release where procedural safeguards were omitted. *J.C.E.P. v. Wofford*, No. 1:25-cv-01559-EFB (HC), 2025 LX 517667, at *24-25 (E.D. Cal. Nov. 24, 2025).

30. While DHS possesses discretion to grant parole initially, parole revocation demands a pre-deprivation hearing before a neutral decisionmaker. 5 U.S.C. §§ 554, 706(2)(A); *see Alvarez v. Larose*, No. 23-cv-01564-JAH-BLM, 2025 U.S. Dist. LEXIS 234154, at *8 (S.D. Cal. Dec. 1, 2025). IJs lack jurisdiction to review ICE's unilateral parole revocations, as the regulations expressly reserve that authority for ICE officials. 8 C.F.R. §§ 212.5(a), (e). Consequently, where parole has been unlawfully terminated without due process, § 1225(b)(2)(A)'s mandatory detention scheme cannot apply, as the noncitizen is present in the interior of the United States for purposes of § 1226(a). *See Dominguez v. Noem*, No. 1:25-cv-1577-JDP, 2025 LX 588420, at *4-12 (E.D. Cal. Nov. 24, 2025).

31. Courts have rejected that post-deprivation bond hearings can remedy due process violations in parole revocations. *Pinchi*, 2025 U.S. Dist. LEXIS 142213, at *8-10. The proper remedy is immediate release to restore a petitioner to their pre-revocation status, coupled with injunctive relief requiring ICE to provide: (a) written notice specifying the grounds for revocation; (b) a meaningful pre-deprivation hearing before a neutral decisionmaker; and (c) clear evidence of danger or flight risk justifying any subsequent detention. *See Sharif*, No. 5:25-cv-02834-FMO-KES, at *12-13 ("Respondents shall not re-detain petitioners during the pendency of these proceedings without providing petitioners with, at minimum, a pre-deprivation bond hearing before an immigration judge. Petitioners may not be detained unless respondents demonstrate at such a pre-deprivation bond hearing, by clear and convincing

evidence, that petitioners are a flight risk or a danger to the community, and that there are no conditions that will reasonably assure petitioners' appearance and the safety of any other person in the community."). Declaratory relief is likewise appropriate to confirm violations of the Fifth Amendment's Due Process Clause, the INA's detention statutes, and the procedural requirements.

32. And the government's putative justification for mandatory detention here, 8 U.S.C. § 1225(b)(2)(A), governs only noncitizens physically "seeking admission" at the border. *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM, 2025 U.S. Dist. LEXIS 233085, at *15-29 (C.D. Cal. Nov. 20, 2025); *see also Torres v. Barr*, 976 F.3d 918, 925 (9th Cir. 2020) (en banc). While *Gambino-Ruiz* clarifies that the Attorney General may designate certain aliens as functionally "arriving" under § 1225(b)(1)(A)(iii), that designation power explicitly excludes aliens who "have been admitted or paroled into the United States." *United States v. Gambino-Ruiz*, 91 F.4th 981, 986 (9th Cir. 2024). Once immigration authorities parole a noncitizen into the United States, that person is no longer "seeking admission," and § 1226(a)'s discretionary detention framework rather than § 1225(b)(2)(A)'s mandatory detention regime applies.

FIRST CAUSE OF ACTION

Violation of Due Process Through Unlawful Parole Revocation Without Pre-Deprivation Hearing

33. Petitioner re-alleges and incorporates by reference paragraphs 1–32 as if fully set forth herein.

34. The Fifth Amendment's Due Process Clause mandates notice and an opportunity to be heard *before* the government deprives a person of liberty. *Mathews*, 424 U.S. at 335; *Zinermon*, 494 U.S. at 127–28 (holding pre-deprivation process is constitutionally required absent "impossible" circumstances).

35. CBP's 2018 grant of parole created an "implicit promise" that Parlikar's liberty would not be revoked arbitrarily or without cause. *Morrissey*, 408

U.S. at 477–78; *Perez v. Larose*, No. 3:25-cv-02620-RBM-JLB, 2025 LX 552148, at *10-14 (S.D. Cal. Nov. 13, 2025).

36. Parlikar justifiably relied on this promise for seven years, establishing deep community ties, attending law school and passing the California Bar Examination, and seeking adjustment of status—factors underscoring the weighty liberty interest at stake. *J.C.E.P.*, 2025 LX 517667, at *17-18.

37. On October 20, 2025, ICE revoked Petitioner's parole summarily—without written notice, articulated reasons, or a hearing—in direct violation of *Morrissey* and *Zinermon*.

38. Under *Mathews*, the balance favors Petitioner: (1) his liberty interest is "substantial" (*J.C.E.P.*, 2025 LX 517667, at *17-18); (2) the risk of erroneous deprivation is "also considerable" where revocation lacks procedural safeguards (*id.* at *18-19); and (3) the government's interest in bypassing hearings is "low" (*id.* at 19).

SECOND CAUSE OF ACTION

Unlawful Mandatory Detention Under 8 U.S.C. § 1225(b)(2)

39. Petitioner re-alleges and incorporates by reference paragraphs 1–32 as if fully set forth herein.

40. Section 1225(b)(2)(A) applies exclusively to noncitizens "seeking admission" at a U.S. port of entry—not to individuals physically present in the United States after release. The *Maldonado Bautista* court rejected the government's position that anyone who entered without inspection remains an "applicant for admission" and "seeking admission" indefinitely, holding that such individuals are subject to discretionary detention under § 1226(a) and entitled to bond hearings. 2025 U.S. Dist. LEXIS 233085, at *15-29. Similarly, *Torres* holds that one makes an "application for admission" under the INA at the specific time when they make an actual attempt to cross the border, not under a legal fiction derived from prior entries or parole status. *Torres*, 976 F.3d at 924–26; *id.* at 925

("The phrase 'application for admission' refers to the point of entry, not a perpetual status").

41. Parlikar's status distinguishes him from "arriving aliens" "seeking admission." He was paroled into the United States in 2018 and returned to his life in the United States for seven years. He is not now "seeking admission" for § 1225(b)(2)(A) because his last entry, seven years ago, was via advance parole tied to a pending I-485—which *Matter of Arrabally* treats as a continuation of his prior lawful status (25 I. & N. Dec. 771 (BIA 2012))—and he was apprehended during an ICE check-in in the interior of the United States—not at a port of entry (*Dominguez*, 2025 LX 588420, at *12 n.6).

THIRD CAUSE OF ACTION

Unreasonable Detention Without Bond Hearing in Violation of 8 U.S.C. § 1226(a) and Due Process

42. Petitioner re-alleges and incorporates by reference paragraphs 1–32 as if fully set forth herein.

43. Under 8 U.S.C. § 1226(a), Parlikar is entitled to an individualized bond hearing where the government must prove flight risk or danger by clear and convincing evidence. *Singh*, 638 F.3d at 1203–06. This constitutional protection becomes imperative when detention extends beyond a reasonable period.

44. Respondents have detained Petitioner since October 20, 2025, without an individualized bond hearing. The Supreme Court has recognized that "freedom from bodily restraint has always been at the core of the liberty protected by the Due Process Clause." *Zadvydas*, 533 U.S. at 690.

45. Under the *Banda* framework, courts must consider multiple factors when evaluating such detention: (1) the total length of detention to date; (2) the likely duration of future detention; (3) the conditions of detention; (4) delays in the removal proceedings caused by the detainee; (5) delays in the removal proceedings cause by the government; and (6) the likelihood that the removal

proceedings will result in a final order of removal. *Banda v. McAleenan*, 385 F. Supp. 3d 1099, 1106 (W.D. Wash. 2019) (citing *Jamal A. v. Whitaker*, 358 F. Supp. 3d 853, 858–59 (D. Minn. 2019)); *accord Kydyrali v. Wolf*, 499 F. Supp. 3d 768 (S.D. Cal. 2020).

46. Recently, a judge in this district added more factors, finding that the "most relevant factors here . . . fall outside the six-factor test," including that "Petitioner was previously granted parole under 8 U.S.C. § 1182(d)(5)." *Mingzhi Gao v. Larose*, No. 25-cv-2084-RSH-SBC, 2025 U.S. Dist. LEXIS 190572, at *11-12 (S.D. Cal. Sep. 26, 2025); *accord Hamideh Sadeqi v. Larose*, No. 25-cv-2587-RSH-BJW, 2025 LX 533424, at *8-12 (S.D. Cal. Nov. 12, 2025). Detainees with prior parole status—including those deemed arriving aliens—are entitled to bond hearings complying with *Singh* when detention becomes unreasonable. *Mingzhi Gao,* 2025 U.S. Dist. LEXIS 190572, at *13-14. Parlikar's prior parole triggers this protection.

47. The combination of these established tests creates a mandate for relief. Parlikar's detention without bond hearing violates both statutory requirements and constitutional protections, warranting this Court's intervention.

PRAYER FOR RELIEF

Parlikar respectfully requests that this Court grant the following relief:

1. Assume jurisdiction under 28 U.S.C. § 2241;
2. Issue a writ of habeas corpus directing Respondents to file a return within three calendar days of this petition's filing, showing cause why Petitioner's detention does not violate due process under *Morrissey* and *Mingzhi Gao*, and statutory limits under *Maldonado Bautista* and *Torres*;
3. Order Petitioner's immediate release under his preexisting parole conditions, as his detention violates due process (*J.C.E.P.*, 2025 U.S. Dist. LEXIS 230733, at *19-20)), and post-deprivation hearings cannot cure

the constitutional violation (*Pinchi*, 2025 U.S. Dist. LEXIS 142213, at *8-10));

4. Enjoin Respondents from re-detaining Petitioner unless they provide written notice of revocation reasons, citing specific parole violations; conduct a pre-deprivation hearing before a neutral decisionmaker, with counsel and evidence presentation rights; and prove by clear and convincing evidence that Petitioner poses a flight risk or danger;
5. Declare that Respondents violated Parlikar's Fifth Amendment rights by revoking his parole without due process; misapplied 8 U.S.C. § 1225(b)(2)(A) to someone not "seeking admission"; and ignored Petitioner's lengthy residence, community ties, lack of criminal history, and other equities;
6. Award fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A); and
7. Grant any other relief the Court deems just and proper.

Dated: December 5, 2025

Respectfully submitted,

By: /s/ Joshua A. Altman
Joshua A. Altman

Attorney for Petitioner

TABLE OF EXHIBITS

Exhibit A: *Sharif v. Semaia*, No. 5:25-cv-02834-FMO-KES (C.D. Cal. Nov. 26, 2025)

VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF PURSUANT TO 28 U.S.C. § 2242

I, Joshua A. Altman, do depose and state:

I represent Petitioner Dharit Sachin Parlikar in these habeas corpus proceedings. Parlikar is currently being held in detention at the Otay Mesa Detention Center and cannot appear in my office to sign this Verification. I have reviewed the record of his detention and discussed this matter with Parlikar. I verify that the information contained in the foregoing petition is true and correct to the best of my knowledge and belief.

Dated: December 5, 2025

By: /s/ Joshua A. Altman
Joshua A. Altman

Attorney for Petitioner