UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

YEFERSON GONZALEZ CONTRERAS

Petitioner,

v.

Samuel L. OLSON, Field Office Director of Enforcement and Removal Operations, St. Paul Field Office, Immigration and Customs Enforcement; **Kristi NOEM**, in her official capacity as Secretary of the U.S. Department of Homeland Security; **Todd LYONS**, in his official capacity as acting director of U.S. Immigration and Customs Enforcement; **Pam Bondi**, in her official capacity as Attorney General of the United States; **Joel BROTT**, Sherburne County Jail Sheriff.

Respondents.

Case No. 0:25-cv-4814

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner Yeferson Gonzalez Contreras ("Mr. Gonzalez Contreras" or "Petitioner"), is a citizen of Venezuela who fled the country after suffering persecution at the hands of the dictatorial Maduro government. He presented himself for inspection at the United States border on or about October 26, 2024. After inspection, he was paroled into the United States. After being paroled, Mr. Gonzalez Contreras resided peacefully in the country, filing an application for asylum, committing no crimes, and awaiting his hearing and an opportunity to have his asylum claim heard. On September 9, 2025, he attended his scheduled Master Calendar Hearing ("MCH") before an Immigration Judge ("IJ").

2. On that day, the Department of Homeland Security ("DHS") moved to dismiss Mr. Gonzalez Contreras's removal proceedings before the Executive Office for Immigration Review ("EOIR"), and the IJ granted that motion over Mr. Gonzalez Contreras's objection. As Mr. Gonzalez Contreras was leaving the courtroom, he was detained by Immigration and Customs Enforcement ("ICE"). He remains detained to this day.

3. Mr. Gonzalez Contreras sought bond but the IJ denied jurisdiction based on October 21, 2025. The Immigration Judge relied on *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). Mr. Gonzalez Contreras previously had a petition for a writ of habeas corpus before this court. *See Gonzalez Contreras v. Olson*, 0:25-cv-04325-MJD-LIB (D. Minn). The parties agreed that Mr. Gonzalez Contreras was detained subject to 8 U.S.C. 1226(a) rather than under 8 U.S.C. 1225. The Court granted a

temporary restraining order in part and denied it in part on November 21, 2025. Following a bond hearing ordered by the Court, the Immigration Court found that it lacked jurisdiction and concluded that 8 C.F.R. § 1003.19(h)(2)(i)(B) was a "a separate and distinct category of bond ineligibility" than detailed under 8 U.S.C. § 1225. IJ Brian Sardelli found that if the "Minnesota Federal District Court, Board of Immigration Appeals, or other higher Court find that this Court does have jurisdiction, absent new evidence, the Court would likely grant the request for bond" in the amount of $5000.

4. While meeting and conferring about a court-mandated joint status update, the parties agreed that the previous petition for a writ of habeas corpus would be dismissed without prejudice and that Petitioner would be able to refile his habeas petition.

5. Mr. Gonzalez Contreras's detention is unlawful under the Immigration and Nationality Act ("INA") and under the United States Constitution.

PARTIES

6. Mr. Gonzalez Contreras is a citizen of Venezuela who was paroled into the United States on October 26, 2024. He subsequently attended his immigration MCH on September 9, 2025, where the IJ dismissed his case and he was detained by ICE. Mr. Gonzalez Contreras remains in ICE custody to this date.

7. Respondent Samuel Olson is the Director of the MSP Field Office of ICE's Enforcement and Removal Operations division. As such, Samuel Olson is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.

8. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the INA, and oversees ICE, which is responsible for Petitioner's detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

9. Respondent Pam Bondi is the Attorney General of the United States and the senior official of the U.S. Department of Justice. She has the authority to adjudicate removal cases and to oversee EOIR, which administers the immigration courts and the Board of Immigration Appeals (BIA). Ms. Bondi has ultimate custodial authority over Petitioner and is sued in her official capacity.

10. Respondent Joel Brott is the Sheriff of Sherburne County, where Petitioner is detained. Sherburne County Jail is operated by the sheriff's department of Sherburne County. He has immediate physical custody of Petitioner. He is sued in his official capacity.

JURISDICTION

11. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Sherburne County Jail in Elk River, Minnesota.

12. This Court has jurisdiction under 28 U.S.C. § 2241(c)(1), (3) (writ of habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

13. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All-Writs Act, 28 U.S.C. § 1651.

VENUE

14. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the District of Minnesota, the judicial district in which Petitioner currently is detained.

15. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the District of Minnesota.

FACTS

16. Mr. Gonzalez Contreras fled persecution in his home country of Venezuela, where he opposed the governing Maduro regime. En route to the United States, he traveled through Mexico, and to enter the United States he had scheduled an appointment with CBP through the CBP One app. He presented himself for inspection to border enforcement officers on the day of his scheduled appointment on or about October 26, 2024. After inspection by officers, he was paroled into the United States and issued a Form I-862 Notice to Appear ("NTA") charging him as removable pursuant to INA § 212(a)(7)(A)(i)(I) as an arriving alien not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid document. That NTA provided a hearing date before EOIR on September 9, 2025.

17. After being paroled into the United States, Mr. Gonzalez Contreras resided peacefully in the country, committing no crimes and awaiting his hearing and an opportunity to have his asylum claim heard. On or about April 9, 2025, Mr.

Gonzalez Contreras timely filed a Form I-589, Application for Asylum and for Withholding of Removal, with EOIR.

18. He then attended his MCH before IJ Ivany, as scheduled, on September 9, 2025. There, Counsel for the Department of Homeland Security ("DHS") moved to dismiss Mr. Gonzalez Contreras's removal proceedings before EOIR. Mr. Gonzalez Contreras objected, asking the IJ and DHS to allow him an opportunity to present his claim for asylum. The IJ granted DHS's motion over Mr. Gonzalez Contreras's objection and dismissed his case. This effectively terminated Mr. Gonzalez Contreras's pending asylum application without having an opportunity to present it. As Mr. Gonzalez Contreras left the courtroom, he was detained by ICE.

19. After being detained, DHS did not set a bond. Mr. Gonzalez Contreras timely filed an appeal of the IJ decision dismissing his matter, filing a Form E-26, Notice of Appeal from a Decision of an Immigration Judge on October 1, 2025, seeking the opportunity to present his asylum claim. Around that same time, Mr. Gonzalez Contreras also requested a credible fear interview,[1] again seeking an opportunity to present his asylum claim. On October 2, 2025, Immigration and Customs Enforcement officers ("ICE") informed Counsel that because Mr. Gonzalez Contreras had appealed the dismissal of his case, the United States Citizenship and Immigration Services ("USCIS") would not hear his credible fear request until the

[1] Because the request for a credible fear interview was made by Mr. Gonzalez Contreras while he was in custody, Counsel is not clear on the precise date that the credible fear request was made.

appeal is concluded before the BIA. The Department of Homeland Security has motioned the BIA to remand Mr. Gonzalez Contreras' case to immigration court so that DHS can withdraw its motion to dismiss. The case remains pending before the BIA despite Petitioner's request that the BIA expedite adjudication of DHS's motion.

LAW

DUE PROCESS CLAUSE

20. No person shall be "deprived of life, liberty, or property without due process of law[.]" U.S. Const. amend. V. The Due Process Clause of the Fifth Amendment is the foundational pillar protecting individuals from unlawful government restraint and provides Mr. Gonzalez Contreras with important protections regarding his detention. As the Supreme Court has explained, "[f]reedom 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. 678,690 (2001).

21. "It is well established that the Fifth Amendment entitles [noncitizens] to due process of law in deportation proceedings." *Demore v. Kim*, 538 U.S. 510, 523 (2003) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)).

22. Due Process requires that there be "adequate procedural protections" to ensure that the government's asserted justification for a noncitizen's physical confinement "outweighs the 'individual's constitutionally protected interest in avoiding physical restraint.'" *Id.* at 690 (*quoting Kansas v. Hendricks*, 521 U.S. 346, 356 (1997)). In

the immigration context, the Supreme Court only recognizes two purposes for civil detention: preventing flight and mitigating the risks of danger to the community. *Zadvydas*, 533 U.S. at 690; *Demore*, 538 U.S. at 528. A noncitizen may only be detained based on these two justifications if they are otherwise statutorily eligible for bond. *Zadvydas*, 533 U.S. at 690.

23. In defense of the right to liberty, due process requires "adequate procedural protections" that ensure the government's asserted justification for confinement "outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Zadvydas*, 533 U.S. at 690 (internal quotation marks omitted).

24. To that end, habeas corpus is "perhaps the most important writ known to[ ]constitutional law . . . 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) (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).

REQUIREMENTS OF 28 U.S.C. § 2243

25. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Respondents must file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.* Pursuant to this Court's order from December 29, 2025, the

Respondents shall have twenty-one days to respond to an order to show cause, and Petitioner will have seven days to file a reply.

26. "To determine whether injunctive relief is proper, a district court considers four factors: (1) the movant's likelihood of success on the merits, (2) the threat of irreparable harm to the movant, (3) the balance between the harm to the movant and the injury that granting an injunction will inflict on other parties to the litigation, and (4) the public interest. *Maldonado v. Olson*, No. 25-CV-3142 (SRN/SGE), 2025 WL 2374411, at 8 (D. Minn. Aug. 15, 2025); *see also Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).

DETENTION

27. The INA prescribes three basic forms of detention for noncitizens in removal proceedings.

28. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens already in the United States and in standard removal proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention. *See* 8 U.S.C. § 1226(c).

29. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other noncitizens who are "applicants for admission" as referred to under § 1225(b)(2). The phrase "applicant for admission" in turn "refers to a person attempting or intending to gain lawful

entry into the United States.'" *Eliseo A.A. v. Olson*, No. CV 25-3381 (JWB/DJF), 2025 WL 2886729, at 3 (D. Minn. Oct. 8, 2025) (*citing Francisco T. v. Bondi*, Civ. No. 25-3219, Doc. No. 20 at 12–13 (D. Minn. Sept. 5, 2025); *see also Lopez-Campos v. Raycraft*, Civ. No. 2:25-CV-12486, 2025 WL 2496379, at 7 (E.D. Mich. Aug. 29, 2025)). Expedited removal in turn applies to noncitizens who arrive in, attempt to enter, or have entered the United States without being admitted or paroled following inspection at a port of entry, and who have not been present in the United States for a continuous period of two years. 8 C.F.R. § 235.3(b)(ii). If an applicant for admission is determined to be inadmissible, the immigration officer "shall order the alien removed from the United States without further hearing or review unless the alien indicates . . . an intention to apply for asylum." 8 U.S.C. § 1225(b)(1)(A)(i).

30. Last, the INA also provides for detention of noncitizens who have been ordered removed, including individuals in withholding-only proceedings. *See* 8 U.S.C. § 1231(a)–(b).

31. A non-citizen is vested with the rights granted by Congress when DHS decides to place the non-citizen in § 240 removal proceedings instead of expedited removal. *Mata Velasquez v. Kurzdorfer*, No. 25-CV-493-LJV, 2025 WL 1953796, at 9 (W.D.N.Y. July 16, 2025); *see also Petitioner, v. David Rivas, et al., Respondents.*, No. CV-25-02943-PHX-GMS, 2025 WL 2899092 (D. Ariz. Oct. 10, 2025). A non-citizen has a vested reliance interest when they pursue an application for asylum after being "invited" into the country through the grant of parole. *Petitioner, v. David Rivas, et al., Respondents.*, No. CV-25-02943-PHX-GMS, 2025 WL

2899092 (D. Ariz. Oct. 10, 2025); *see also Mata Velasquez v. Kurzdorfer*, No. 25-CV-493-LJV, 2025 WL 1953796, at *16 (W.D.N.Y. July 16, 2025) (distinguishing from *Thuraissigiam* and *Mezei*).

32. Where a non-citizen is granted parole through an individualized determination, they have a right to an individualized determination as to the revocation or cancellation of that parole. *Mata Velasquez v. Kurzdorfer*, No. 25-CV-493-LJV, 2025 WL 1953796, at 11 (W.D.N.Y. July 16, 2025). Detention is unlawful if it followed the unlawful termination of parole. *Y-Z-L-H v. Bostock*, No. 3:25-CV-965-SI, 2025 WL 1898025, at 11 (D. Or. July 9, 2025). Termination of parole for an asylum seeker is unlawful by virtue of being arbitrary and capricious where parole was granted to enable the pursuit of asylum and there is no formal determination that that "humanitarian" purpose has been satisfied or exhausted. *Y-Z-L-H v. Bostock*, No. 3:25-CV-965-SI, 2025 WL 1898025, at 12–13 (D. Or. July 9, 2025).

33. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

34. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104-–208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Section 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025).

35. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under §

1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

36. Thus, in the decades that followed, most people who entered without inspection and were placed in standard removal proceedings received bond hearings, unless their criminal history rendered them ineligible. That practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed "arriving" were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply "restates" the detention authority previously found at § 1252(a)).

37. Section 1226(a) applies by default to all persons "pending a decision on whether the [noncitizen] is to be removed from the United States." These removal hearings are held under § 1229a, to "decid[e] the inadmissibility or deportability of a[] [noncitizen]."

38. The text of § 1226 also explicitly applies to people charged as being inadmissible, including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)'s reference to such people makes clear that, by default, such people are afforded a bond hearing under subsection (a). As the *Rodriguez Vazquez* court explained, "[w]hen Congress creates "specific exceptions" to a statute's applicability, it "proves" that absent those exceptions, the statute generally applies.

Rodriguez v. Bostock, 779 F. Supp. 3d 1239, 1257 (W.D. Wash. 2025) (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)).

39. Section 1226 therefore leaves no doubt that it applies to people who face charges of being inadmissible to the United States, including those who are present without admission or parole.

40. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who recently entered the United States. The statute's entire framework is premised on inspections at the border of people who are "seeking admission" to the United States. 8 U.S.C. § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme applies "at the Nation's borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible." *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

PAROLE

41. "The Secretary of Homeland Security may . . . in his discretion parole into the United States temporarily under such conditions as he may prescribe only on a case-by-case basis for urgent humanitarian reasons or significant public benefit any alien applying for admission to the United States." INA § 212(d)(5)(A); 8 U.S.C. § 1182(d)(5)(A).

42. On October 19, 2022, DHS issued a Notice in the Federal Register of the implementation of a new process "for certain Venezuelan nationals to lawfully enter the United States in a safe and orderly manner." Implementation of a Parole Process for Venezuelans, 87 Fed. Reg. 63507-17 (Oct. 19, 2022). That policy was then

extended to include Venezuelans, Cubans, Haitians, and Nicaraguans (collectively the "CHNV parole programs") on January 5, 2023. *Fact Sheet: Data From First Six Months of Parole Processes for Cubans, Haitians, Nicaraguans, and Venezuelans Shows That Lawful Pathways Work*, U.S. Department of Homeland Security, https://www.dhs.gov/archive/news/2023/07/25/fact-sheet-data-first-six-months-parole-processes-cubans-haitians-nicaraguans-and (July 25, 2023).[2][3]

43. Then, on March 25, 2025, DHS issued a notice in the Federal Register that it was terminating parole for anyone admitted through the parole program for Venezuelans, or the similar parole programs for Cubans, Haitians, and Nicaraguans. *See* Termination of Parole Processes for Cubans, Haitians, Nicaraguans, and Venezuelans ("Termination Notice"), 90 Fed. Reg. 13611-01, 2025 WL 894696 (Mar. 25, 2025).

44. A non-citizen is vested with the rights granted by Congress when DHS decides to place the non-citizen in § 240 removal proceedings instead of expedited removal. *Mata Velasquez v. Kurzdorfer*, No. 25-CV-493-LJV, 2025 WL 1953796, at 9 (W.D.N.Y. July 16, 2025); *see also Petitioner, v. David Rivas, et al., Respondents.*, No. CV-25-02943-PHX-GMS, 2025 WL 2899092 (D. Ariz. Oct. 10, 2025). A non-

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[2] The official White House statement on the expansion of this policy appears to have been removed from the White House website. *See generally* https://www.whitehouse.gov/briefing-room/statements-releases/2023/01/05/fact-sheet-biden-harris-administration-announces-new-border-enforcement-actions/ (last visited Nov. 3, 2025).

[3] *See also* Implementation of a Parole Process for Cubans, 88 Fed. Reg. 1266 (Jan. 9, 2023); Implementation of a Parole Process for Haitians, 88 Fed. Reg. 1243 (Jan. 9, 2023); Implementation of a Parole Process for Nicaraguans, 88 Fed. Reg. 1255 (Jan. 9, 2023).

citizen has a vested reliance interest when they pursue an application for asylum after being "invited" into the country through the grant of parole. *Petitioner, v. David Rivas, et al., Respondents.*, No. CV-25-02943-PHX-GMS, 2025 WL 2899092 (D. Ariz. Oct. 10, 2025); *see also Mata Velasquez v. Kurzdorfer*, No. 25-CV-493-LJV, 2025 WL 1953796, at *16 (W.D.N.Y. July 16, 2025) (distinguishing from *Thuraissigiam* and *Mezei*).

45. Where a non-citizen is granted parole through an individualized determination, they have a right to an individualized determination as to the revocation or cancellation of that parole. *Mata Velasquez v. Kurzdorfer*, No. 25-CV-493-LJV, 2025 WL 1953796, at 11 (W.D.N.Y. July 16, 2025).

46. Detention is unlawful if it follows the unlawful termination of parole. *Y-Z-L-H v. Bostock*, No. 3:25-CV-965-SI, 2025 WL 1898025, at 11 (D. Or. July 9, 2025). Termination of parole for an asylum seeker is unlawful by virtue of being arbitrary and capricious where parole was granted to enable the pursuit of asylum and there is no formal determination that that "humanitarian" purpose has been satisfied or exhausted. *Y-Z-L-H v. Bostock*, No. 3:25-CV-965-SI, 2025 WL 1898025, at 12–13 (D. Or. July 9, 2025); *see also Noori v. Larose*, 2025 WL 2800149, 13 (S.D. Ca. Oct. 1, 2025) (unpub) (noting that a paroled non-citizen should not be returned to custody unless the purposes of the parole have been served). Indeed, where an asylum seeker was paroled, the purpose of parole has not been satisfied when an asylum seeker had not completed the asylum process. *Orellana v. Francis*, 2025 WL 2402780, 5 (E.D.N.Y. Aug, 19, 2025) (unpub). In such an instance, stripping

that person of parole and re-detaining them is a violation of the Administrative Procedure Act. *Id.*

EXHAUSTION

47. 8 U.S.C. 1252(d) allows the Court to review a *final order of removal* only if "the alien has exhausted all administrative remedies available to the alien as of right. "However, that subsection applies only to the review of a final order of removal." *Giron Reyes v. Lyons*, --- F.Supp.3d ----, 2025 WL 2712427, at 3 (N.D. Iowa Sept. 23, 2025).

48. "There is no statutory requirement that a habeas petitioner exhaust his administrative remedies before challenging his immigration detention." *J.O.E. v. Bondi*, —— F. Supp. 3d ——, 2025 WL 2466670, at 5 (D. Minn. Aug. 27, 2025).

49. Awaiting exhaustion of administrative remedies would be futile. "Where the agency has already adopted a definitive position, exhaustion serves no purpose." *Eliseo A.A. v. Olson*, 2025 WL 2886729, at 7 (D. Minn. Oct. 8, 2025) (*citing McCarthy v. Madigan*, 503 U.S. 140, 148 (1992)). Here, administrative review would be futile because "it is settled that the immigration judge and [the BIA] lack jurisdiction to rule upon the constitutionality of the [INA] and the regulations." *Matter of C-*, 20 I&N Dec. 529, 532 (BIA 1992).

50. Awaiting a BIA determination on Mr. Gonzalez Contreras's appeal guarantees irreparable harm. He has been detained for three months since the dismissal of his asylum application and subsequent detention. In-custody BIA appeals can take hundreds of days, sometimes over a year, to resolve. "In 2024, EOIR data showed

an average processing time of 204 days for bond appeals. EOIR data also showed that 200 bond appeal cases "took a year or longer to resolve." *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239, 1248 (W.D. Wash. 2025) (internal citations omitted).

CLAIMS FOR RELIEF

COUNT I

Violation of Due Process

51. Petitioner repeats, re-alleges, and incorporates by reference each allegation in the preceding paragraphs as if fully set forth herein.

52. The government may not deprive a person 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 the Clause protects." *Zadvydas*, 533 U.S. at 690, 121 S.Ct. at 150 (2001).

53. The government's arbitrary revocation of parole and subsequent detention of Petitioner is unjustified. The government had an obligation to provide Petitioner prior notice of the revocation of parole to prevent erroneous deprivation. No such notice was provided. The government had an obligation to provide an individualized determination that the purposes of parole had been satisfied, mooted, or the Petitioner had violated conditions of parole. No such individualized determination was conducted. Further, no evidence in the record would support a finding the Petitioner violated conditions of parole, the underlying asylum application had been adjudicated, or that the underlying asylum application had been mooted.

54. Petitioner has a fundamental interest in liberty and being free from official restraint.

55. Given no procedural proper revocation was conducted – and no facts in the record would support an inference that one could have been conducted – the inexorable conclusion is that the Petitioner was and remains unlawfully deprived of his liberty.

COUNT II

Violation of the APA

56. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

57. Under 8 U.S.C. 1182(d)(5)(A), humanitarian parole may be revoked when when the purposes of such parole shall [...] have been served."

58. Petitioner was granted humanitarian parole to pursue his asylum claim, which remains unresolved. "Therefore, the purpose of Petitioner's parole had not been served at the time of termination." *Noori v. LaRose*, ---F.Supp.3d---, 2025 2800149, *13 (S.D. Cal. Oct. 01, 2025).

COUNT III

Applying a mandatory detention regulation to a Petitioner categorized under 8 U.S.C. 1226(a) violates due process as applied

59. The government has withdrawn its former position of categorizing Petitioner as subject to mandatory detention under 8 U.S.C. 1225. The IJ found that even if Petitioner is subject to 8 U.S.C.1226, he would still be subject to the mandatory detention under 8 C.F.R. § 1003.19(h)(2)(i)(B). It is contradictory to find that

Petitioner is both subject to a statute concerning discretionary detention, and then hold that he is ineligible for bond.

60. Respondents have arbitrarily rescinded Petitioner's parole and have left him detained without recourse and left him with no avenue to prove he merits a bond to escape detention. *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). Petitioner cannot present facts demonstrating that he can be safely released back to his community when the Respondents illegally deprive any IJ of jurisdiction to hear his case.

PRAYER FOR RELIEF

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

61. Assume jurisdiction over this matter;

62. Issue a writ of habeas corpus requiring that Respondents immediately release Petitioner due to the detention resulting from due process violations and APA violations stemming from the arbitrary revocation of Petitioner's parole.

63. Require Petitioner's release under the same conditions as his improperly revoked grant of parole, until such time as the purposes of parole have been satisfied.

64. Alternatively, provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within 14 days following a finding that the Immigration Court has jurisdiction to issue a bond;

65. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and

66. Grant any other and further relief that this Court deems just and proper.

DATED this 30th day of December 2025.

/s/Gloria Contreras Edin
Gloria Contreras Edin (SBN 0353255)
Contreras Edin Law, PA
663 University Ave. West 200
St. Paul, MN 55104
(651) 771-0019
Gloria@contrerasedinlaw.com

Attorney for Petitioner