

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GAGIEV,

Petitioner,

v.

ROSE, et al,

Respondents.

**PETITIONER'S REPLY TO
RESPONSE AND LETTER**

Case No. 26-169

DISTRICT JUDGE JOHN F
MURPHY

PETITIONER'S REPLY TO RESPONSE AND LETTER

Respondents offer no individualized reason for revoking Petitioner's parole. None. Under *Jean v. Nelson*, 472 U.S. 846, 857 (1985), that alone renders his detention unlawful. Petitioner should be released immediately.

I. Respondents unlawfully revoked Petitioner's parole without any individualized determination.

The parole statute demands individualized decision-making. Parole may be revoked only when "the purposes of such parole shall, in the opinion of the Secretary . . . have been served." 8 U.S.C. § 1182(d)(5)(A). The Supreme Court has made clear that parole decisions must be made "in an individualized and nondiscriminatory manner." *Jean*, 472 U.S. at 853. Just as grants of parole require case-by-case analysis, so too must revocations. *See Mata Velasquez v. Kurzdorfer*, 794 F. Supp. 3d 128, 146 (W.D.N.Y. 2025) ("a decision to revoke parole 'must attend to the reasons an individual [noncitizen] received parole'"); *Jean*, 472 U.S. at 852 (discussing arbitrary denial of parole to Haitian noncitizens).

Here, no such determination occurred. Petitioner was paroled [REDACTED]

[REDACTED]

[REDACTED] obtained work authorization, and appeared at every scheduled check-in. His reward for full compliance was arrest. And this Court may take judicial notice of the arbitrary treatment of noncitizens for the past twelve months when reviewing Petitioner's treatment by Respondents.¹ Respondents have offered no finding that Petitioner's parole purpose was accomplished, no assessment that humanitarian reasons no longer support his presence, and no explanation whatsoever for their decision.

This categorical approach violates the APA. Agency action is "arbitrary or capricious" when "it is not reasonable and reasonably explained." *In re Yellow Corp.*, 152 F.4th 491, 502 (3d Cir. 2025) (citing *Ohio v. EPA*, 603 U.S. 279, 292 (2024)). The touchstone of APA review is "reasoned decisionmaking." *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 52 (1983). Respondents cannot satisfy this standard by offering no rationale at all.

Nor can Respondents cure this defect with after-the-fact justifications. A "post hoc rationalization" cannot substitute for the agency's contemporaneous explanation. *Dep't of Homeland Sec. v. Regents of the Univ. of Cal.*, 591 U.S. 1, 21 (2020). Without an individualized determination at the time of revocation, the Government's action is unlawful regardless of what arguments counsel now advances. Thus, this Court retains jurisdiction to review his claim that he was detained in violation of the APA. *See also Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954) (requiring agencies to follow their own policies).

¹ *See also Arias v. Noem*, No. 5:26-cv-00415-FB, Dkt. 9, slip op. at 1, 2 (W.D. Tex. Jan. 31, 2026) (noting the recent "government pursuit of daily deportation quotas, apparently even if it requires traumatizing children[,] and that the regular incarceration and deportation of noncitizens should be done "by proper legal procedures."").

More broadly, this Court also has jurisdiction under 28 U.S.C. § 2241 to review Petitioner’s habeas petition, as it is not barred by 8 U.S.C. § 1252’s jurisdiction-stripping provisions. *See, e.g., Demore v. Kim*, 538 U.S. 510, 517 (2003). Petitioner disputes that his detention is an action taken as part of his removal proceedings, but rather a separate action [REDACTED]

II. Persuasive authority granted relief on similar facts.

Y-Z-L-H v. Bostock, 792 F. Supp. 3d 1123 (D. Or. 2025), is instructive. There, as here, a noncitizen applied for admission, [REDACTED] complied with all conditions, and was later detained when DHS terminated his parole with others en masse without explanation and over an email. *Id.* at 1130–31. The court held the termination unlawful because there was “no evidence, let alone any opinion or finding” that the parole’s purpose had been served. *Id.* at 1147. The same is true here.

The logic is straightforward: “[C]ommon sense suggests . . . that parole given only on a case-by-case basis is to be terminated only on such a basis.” *Id.* at 1138; *see also Doe v. Noem*, No. 25-1384, 2025 WL 1505688, at *1 (1st Cir. May 5, 2025) (expressing doubt that “en masse termination of parole is immune to judicial review”). This Court is not “obliged to stand aside and rubber-stamp” agency decisions that are “inconsistent with a statutory mandate.” *NLRB v. Brown*, 380 U.S. 278, 291 (1965).

III. Respondents’ supplemental authority supports Petitioner.

Respondents’ supplemental authority supports Petitioner. In *Vasquez-Rosario v. Noem*, No. 25-cv-7427 (E.D. Pa. Jan. 26, 2026), Judge Kenney rejected the identical ‘arriving alien’ argument and held that a noncitizen paroled under § 1182(d)(5) cannot be subjected to mandatory detention under § 1225(b). *See Attach.*, Dkt. 5-1 at 14-15. That holding applies with equal force

here. Section 1225(b)(1)(A)(iii)(II) excludes from mandatory detention any noncitizen who “has . . . *been paroled* into the United States.” The statute uses the past tense—not “is currently on parole.” Petitioner’s prior parole removes him from the reach of 8 U.S.C. § 1225(b)(1)(A)(iii)(II).

CONCLUSION

Petitioner’s parole was revoked without an individualized and reasonable determination aligned with the statutory purpose of humanitarian parole, in violation of the Immigration and Nationality Act, and the APA. Accordingly, his continued detention is unlawful. Petitioner requests that this Court grant his petition and order his immediate release.

Date: February 2, 2026

Respectfully Submitted,

/s Adam R. Boyd

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 2 2026, he served a copy of the attached:

PETITIONER'S REPLY TO RESPONSE AND LETTER

by electronic service to Respondents' Counsel via ECF.

Date: Feb. 2, 2026

Respectfully submitted,

/s Adam R. Boyd

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