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18 UNITED STATES DISTRICT COURT

19 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

20 NAYADE MACEO AGUILERA,

21 *Petitioner,*

22 v.

23 THE CITY OF HOLTVILLE, CA,
24 owner of the Imperial Regional Detention
25 Center; JEREMY CASEY, Warden of the
26 Imperial Regional Detention Center; DANIEL
27 A. BRIGHTMAN, Director of the U.S.
28 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.

**AMENDED VERIFIED EMERGENCY
PETITION FOR A WRIT OF HABEAS
CORPUS AND ORDER TO SHOW
CAUSE WITHIN THREE DAYS, AND
COMPLAINT FOR DECLARATORY
RELIEF (28 U.S.C. §§ 2241, 2243)**

INTRODUCTION

1. Petitioner Nayade Maceo Aguilera files this petition for writ of habeas corpus seeking her release from the custody of the Department of Homeland Security, U.S. Immigration and Customs Enforcement ("ICE"). Petitioner is detained at the Imperial Regional Detention Facility.

2. Petitioner was detained, during a routine traffic stop, by the Department of Homeland Security on July 29, 2025, and taken into immigration custody at the Imperial Regional Detention Facility.

3. Petitioner was paroled into the United States ("U.S.") through the San Ysidro Port of Entry on December 23, 2024, with her parole continuing through December 21, 2026. At the time of her detention on July 29, 2025, Petitioner's parole remained valid and in effect through December 21, 2026, and she had received no revocation of parole and, to her knowledge, no revocation of parole was issued prior to her July 29, 2025 detention.

4. During her time in the U.S., Petitioner has lived as a law-abiding person, with the expectation that she would not be subject to re-detention if she did not violate the law.

5. Due Process requires the government to provide noncitizens paroled into the U.S. notice and a hearing *prior* to re-detention. Re-detention without prior notice, a showing of changed circumstance regarding risk of danger or flight, or a meaningful opportunity to respond, violates procedural due process under the Fifth Amendment.

6. Petitioner has now been held in detention for more than five (5) months.

7. Petitioner is set to appear before a judge on February 3, 2026. She is charged with being an arriving alien. *See* Ex. 1; 8 U.S.C. § 1182(a)(7)(A)(i)(I). In her immigration proceeding, Petitioner is seeking cancellation of removal, asylum, withholding of removal, protection under the Convention Against Torture, and a T Visa.

8. Petitioner's re-detention violated the Immigration and Nationality Act, the accompanying regulations, and Due Process rights, and she therefore seeks habeas relief via this Petition and Complaint ("Petition") on an expedited basis, pursuant to 28 U.S.C. §§ 2241 and 2243. *See Ramirez-Bibiano v. LaRose*, No. 25-CV-3429 JLS (SBC), 2025 WL 3632748, at *4–5 (S.D. Cal. Dec. 15, 2025) (Sammartino, J.) (ordering immediate release subject to conditions of petitioner's preexisting parole where DHS had summarily revoked parole and re-detained without notice or a hearing).

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 U.S. Constitution (Suspension Clause), as Petitioner is presently in custody under the authority of the U.S. and challenges her 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 Ms. Maceo Aguilera is detained at the Imperial Regional Detention Facility in Calexico, California.

REQUIREMENTS OF 28 U.S.C. § 2243 (IMMEDIATE ISSUANCE OF WRIT OF HABEAS CORPUS OR OSC THEREON)

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

1 respondents to file a return “within three days unless for good cause additional time,
2 not exceeding twenty days is allowed.” *Id.*

3 13. Courts have long recognized the significance of the habeas statute in
4 protecting individuals from unlawful detention. The Great Writ has been referred to
5 as “perhaps the most important writ known to the constitutional law of England,
6 affording as it does a swift and imperative remedy in all cases of illegal restraint and
7 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963), *overruled on other grounds by*
8 *Wainwright v. Sykes*, 433 U.S. 72 (1977). “The application for the writ usurps the
9 attention and displaces the calendar of the judge or justice who entertains it and
10 receives prompt action from him [or her] within the four corners of the application.”
11 *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

12 PARTIES

13 14. Petitioner Nayade Maceo Aguilera is currently detained by Respondents
14 in the Imperial Regional Detention Facility despite having been previously paroled
15 into the United States.

16 15. Respondent The City of Holtville, CA is the owner of the Imperial
17 Regional Detention Facility in Calexico, California where Ms. Maceo Aguilera is
18 currently detained. It is thus Ms. Maceo Aguilera’s immediate custodian and is sued
19 in its official capacity.

20 16. Respondent Jeremy Casey is the Warden and head administrator of the
21 Imperial Regional Detention Facility. He is therefore Petitioner’s immediate
22 custodian and is sued herein in his official capacity.

23 17. Respondent Danial A. Brightman is the Director of ICE’s San Diego
24 Field Office, which has jurisdiction over ICE detention facilities in San Diego and
25 Imperial County, including the Imperial Regional Detention Center, and is thus
26 Petitioner’s immediate custodian. He is sued in his official capacity.

27 18. Respondent Todd Lyons is the Director of ICE. He is responsible for the
28 administration of ICE and the implementation and enforcement of the immigration

1 laws, including noncitizen detention. As such, Mr. Lyons is a legal custodian of Ms.
2 Maceo Aguilera. He is sued in his official capacity.

3 19. Respondent Kristi Noem is the Secretary of the Department of
4 Homeland Security (DHS), which is responsible for the administration of ICE, a
5 subunit of DHS, and the implementation and enforcement of the immigration laws.
6 As such, Ms. Noem is the ultimate legal custodian of Ms. Maceo Aguilera. She is
7 sued in her official capacity.

8 20. Respondent Pam Bondi is the Attorney General of the United States and
9 head of the Department of Justice, which encompasses the Board of Immigration
10 Appeals and the Immigration Courts. Ms. Bondi shares responsibility for
11 implementation and enforcement of the immigration laws with Respondent Noem.
12 Ms. Bondi is a legal custodian of Ms. Maceo Aguilera. She is sued in her official
13 capacity.

14 **STATEMENT OF FACTS**

15 21. Petitioner was born on  in Cuba and is a citizen of Cuba.

16 22. Petitioner was paroled into the United States ("U.S.") through the San
17 Ysidro Port of Entry on December 23, 2024, with her parole continuing through and
18 not set to expire until December 21, 2026.

19 23. Petitioner was arrested on July 29, 2025, during an apparently routine
20 traffic stop, and taken into immigration custody at the Imperial Regional Detention
21 Facility, where she has now been held for more than five (5) months. To her
22 knowledge, no revocation of parole was issued prior to her detention.

23 24. Petitioner is set to appear before an immigration judge on February 3,
24 2026, charging her with being an arriving alien. Ex. 1. She was charged with being
25 subject to removal pursuant to INA § 212(a)(7)(A)(i)(I) as a noncitizen who, at the
26 time of application for admission, is not in possession of a valid unexpired immigrant
27 visa, reentry permit, border crossing card, or other valid entry document required by
28 the act, and a valid unexpired passport, or other suitable travel document, or

1 document of identity and nationality as required under the regulations issued by the
2 Attorney General under section 211(a) of the Act. *Id.*

3 25. During her time in the U.S., Petitioner lived with the expectation that
4 she would not be subject to re-detention if she did not violate the law.

5 26. She is seeking several forms of relief before the immigration court,
6 including adjustment of status and a pending application for asylum and for
7 withholding of removal.

8 27. Ms. Maceo Aguilera does not have immediate family in the United
9 States but has established significant ties through close friendships and her long-term
10 relationship with her boyfriend, who is a lawful permanent resident. After arriving in
11 the United States, she initially lived with a friend and later moved in with her
12 boyfriend, with whom she maintains an ongoing relationship. She has been steadily
13 employed, having worked for two different cleaning companies, one in Las Vegas,
14 Nevada, and another in Phoenix, Arizona, demonstrating her willingness and ability
15 to support herself lawfully and contribute to her community.

16 28. Petitioner did not receive any notice of termination of her parole status.
17 Nor was she provided with notice that her parole would be terminated, or the
18 opportunity for a hearing on whether she is a danger or a flight risk.

19 **LEGAL FRAMEWORK**

20 29. “[T]he Due Process Clause applies to all ‘persons’ within the United
21 States, including aliens, whether their presence here is lawful, unlawful, temporary,
22 or permanent.” *Zadvydas v. Davis*, 533 U.S. 678 (2001). Accordingly, “[i]t is well
23 established that the Fifth Amendment entitles aliens to due process of law in the
24 context of removal proceedings.” *Trump v. J.G.G.*, 604 U.S. 670, 673 (2025) (internal
25 quotation marks omitted) (citing *Reno v. Flores*, 507 U.S. 292, 306 (1993)). Due
26 process “requires some kind of a hearing before the State deprives a person of liberty
27 or property.” *Zinerman v. Burch*, 494 U.S. 113, 127 (1990).

28 30. Traditionally, to determine what protections due process demands in a

1 given situation, courts consider three factors, the *Mathews* factors: (1) the private
 2 interest that will be affected by the official action; (2) the risk of erroneous
 3 deprivation of such interest through the procedures used, and the probable value of
 4 additional safeguards; and (3) the government's interest, including the function
 5 involved and that burdens that would be imposed by additional process. *See Mathews*
 6 *v. Eldridge*, 424 U.S. 319, 335 (1976). In applying these factors specifically to the
 7 context of a person challenging immigration detention, courts assess: (1) the
 8 petitioner's liberty interest in remaining out of custody; (2) the risk of erroneous
 9 deprivation of that interest; and (3) the government's interest in detaining the
 10 petitioner without affording pre-deprivation notice, reasoning, and a hearing.
 11 *Ramirez-Bibiano*, 2025 WL 3632748 at *4–5.

12 A. **Both Summary Parole Revocation and Re-Detainment of a**
 13 **Previously Paroled Person are Violations of Due Process Requiring**
 14 **Immediate Habeas Relief.**

15 31. Consistent with the traditional *Mathews* three-factor test, district courts
 16 in the Ninth Circuit have coalesced around a bright-line Due Process rule: if a
 17 noncitizen has been paroled into the U.S., the government may not revoke their parole
 18 or re-detain them without first affording pre-deprivation notice and a hearing
 19 establishing that the person is now a danger or flight risk, and failure to provide this
 20 is a violation of the person's Fifth Amendment Due Process rights requiring
 21 immediate habeas relief. *See, e.g., id.* (ordering immediate habeas relief; holding the
 22 government's summary revocation of parole and re-detention without pre-
 23 deprivation notice or a hearing establishing present risk of danger or flight violates
 24 Fifth Amendment Due Process); *see also Noori v. LaRose*, No. 25-CV-1824-GPC-
 25 MSB, 2025 WL 2800149 (S.D. Cal. Oct. 1, 2025) (Curicl, J.) (granting immediate
 26 habeas release; holding the government's summary revocation of parole and re-
 27 detention without pre-deprivation notice, reasons, and a hearing establishing present
 28 danger or flight risk violated due process under *Mathews*); *Ramirez Tesara v.*

1 *Wamsley*, 800 F. Supp. 3d 1130 1135–39 (W.D. Wash. 2025) (granting TRO and
 2 ordering immediate release; holding that even though petitioner’s parole had expired,
 3 because he had previously been paroled his re-detention without a pre-deprivation
 4 hearing establishing a justification for re-detention violated due process under
 5 *Mathews*); *Fernández López v. Wofford*, No. 1:25-CV-01226-KES-SKO (HC), 2025
 6 WL 2959319, at *6 (E.D. Cal. Oct. 17, 2025) (ordering immediate habeas release;
 7 canvassing seven cases establishing the principle that re-detention of a previously
 8 paroled noncitizen without a pre-deprivation hearing establishing a change in the
 9 person’s risk of danger or flight violates Due Process and requires immediate habeas
 10 relief).

11 32. In *Ramirez-Bibiano*, a case from this District Court factually on-point
 12 to the instant Petitioner’s, a noncitizen who had been previously paroled into the U.S.
 13 was summarily re-detained after ICE revoked his parole without notice, reasons, or
 14 an opportunity to be heard. *Ramirez-Bibiano*, 2025 WL 3632748 at *1, *4–5. The
 15 Court applied *Mathews*, granted immediate habeas relief and attorneys’ fees
 16 according to proof, and ordered that any future detention be supported at a hearing
 17 with the government bearing the burden to show by clear and convincing evidence
 18 that the petitioner was a present danger or flight risk. *Id.* at *4–5.

19 33. In *Noori* (S.D. Cal.), an Afghan national paroled into the U.S. after
 20 assisting U.S. forces was arrested at a courthouse and re-detained following the
 21 government’s summary revocation of his humanitarian parole, without any pre-
 22 deprivation notice, reasons provided, or opportunity to be heard, despite a clean
 23 record and consistent compliance. *Noori*, 2025 WL 2800149 at *1–2. This Court held
 24 that the government’s summary parole revocation and re-detention violated due
 25 process under *Mathews* given the lack of justification, notice, and an opportunity to
 26 be heard. *Id.* at *9–12. The Court granted the habeas petition, ordered that the
 27 government shall not re-detain the petitioner during the pendency of his removal
 28 proceedings, and granted attorneys’ fees according to proof. *Id.* at *14.

34. In *Ramirez Tesara*, a Venezuelan asylum-seeker who had been paroled into the U.S. was re-detained as he appeared for a monitoring appointing, without any pre-deprivation notice or hearing. 800 F. Supp. 3d at 1134. That court assessed the petitioner's due process habeas claim under *Mathews* and concluded that because he had been previously paroled, ICE could only have re-detained the petitioner after a hearing before an immigration judge at which the government met its burden to justify detention. *Id.* at 1135–38. ICE's summary re-detention therefore violated Due Process and required the petitioner's immediate release. *Id.* at 1138–39.

35. In *Fernández López*, an asylum-seeker from Chile who had been paroled in 2021 was summarily re-detained by ICE in August 2025 after a credible-fear interview. 2025 WL 2959319 at *1. Once again, applying *Mathews*, and for the same reasons as the courts in *Ramirez-Bibiano*, *Ramirez Tesara*, and *Noori*, that court granted a preliminary injunction as well as the habeas petition at issue, and enjoined the government from re-detaining the petitioner absent a pre-deprivation bond hearing at which the government must prove current danger or flight risk by clear and convincing evidence. *Id.* at *5–8. That court also canvassed cases from other district courts in the Ninth Circuit to state the *Mathews*-derived rule that if the government has previously paroled a noncitizen, it may not re-detain that person without first providing pre-deprivation notice and a hearing through which the government establishes a change in the person's risk of danger or flight. *Id.* at *6. Failure to provide this pre-deprivation process is a violation of the person's Fifth Amendment Due Process rights and grounds for immediate release. *Id.* at *6–8.

36. Taken together, the district courts of the Ninth Circuit have developed the bright-line rule that **if a noncitizen has been paroled into the U.S., the government may not revoke that person's parole or re-detain them without first providing pre-deprivation notice and a hearing establishing a change in danger or flight risk by clear and convincing evidence.** To date, the courts to have considered habeas petitions in this context have each applied the three-factor

1 *Mathews* test to uniformly reach what has now coalesced into a bright-line rule of
2 law. The above rule incorporates and relies upon a *Mathews* analysis, but streamlines
3 the statement of law so as not to require a step-by-step in-depth inquiry of each
4 *Mathews* factor.

5 37. This rule is grounded in the acknowledgment that the government's
6 initial decision to grant parole "reflects a determination by the government that the
7 noncitizen is not a danger to the community or a flight risk." *Fernández López*, 2025
8 WL 2959319 at *2. Absent "evidence that the noncitizen is in fact dangerous or has
9 become a flight risk," "there is no evidence that these findings have changed" and
10 there is therefore no justification for re-detention. *Ramirez-Bibiano*, 2025 WL
11 3632748 at *4. Without establishing a change in circumstances via notice, a hearing,
12 and evidence, parole-revocation or re-detention of a previously paroled person
13 violates Fifth Amendment Due Process. *See id.*

14 38. Accordingly, where the Court finds that a petitioner has been previously
15 paroled and yet the government summarily revoked her parole or re-detained her, a
16 step-by-step *Mathews* analysis is unnecessary; it is already incorporated into and
17 performed by the bright-line rule established by *Ramirez-Bibiano*, *Ramirez Tesara*,
18 *Fernández López* and the many district court cases it cites, and *Mathews*.

19 39. Here, consistent with this line of cases, because Petitioner had
20 previously been paroled into the U.S., the government's summary parole-revocation
21 and re-detention violated her Due Process Rights and she must therefore be
22 immediately released pursuant to a writ of habeas corpus.

23 40. The Court should reject any jurisdictional defenses the government may
24 assert under 8 U.S.C. §§ 1252(g) and (b)(9), because this challenge does not seek
25 review of any removal order and instead challenges re-detention. *Ramirez-Bibiano*,
26 2025 WL 3632748 at *2–3 (rejecting the government's challenges under 8 U.S.C. §§
27 1252(g) and (b)(9) to habeas jurisdiction); *Noori*, 2025 WL 2800149 at *6–7 (same).
28 The Court also should waive any exhaustion requirement as futile for the same

1 reasons it did so in *Ramirez-Bibiano*. 2025 WL 3632748 at *3 (recognizing the
2 Southern District of California finds exhaustion to be futile in this context such that
3 immediate judicial review of habeas petitions challenging parole-revocation and re-
4 detention is required). *Id.* at *2–3.

5 **B. The Mathews Test Also Requires Petitioner’s Immediate Release.**

6 41. To the extent the Court finds it necessary to undertake the *Mathews* test
7 step by step, each *Mathews* factor weighs in favor of Petitioner and the result is the
8 same as if the Court were to apply the aforementioned *Mathews*-based bright-line
9 rule.

10 **1. *Mathews* Factor 1: Ms. Maceo Aguilera possesses a protected**
11 **liberty interest in remaining out of custody.**

12 42. Ms. Maceo Aguilera possesses a protected liberty interest in remaining
13 out of custody, namely, “the most significant liberty interest there is – the interest in
14 being free from imprisonment.” *Velasco Lopez v. Decker*, 978 F.3d 842, 851 (2d Cir.
15 2020). “Freedom from imprisonment—from government custody, detention, or other
16 forms of physical restraint—lies at the heart of the liberty [the Due Process Clause]
17 protects.” *Zadvydas*, 533 U.S. at 690. While “the initial decision to detain or release
18 an individual may be within the government’s discretion, the government’s decision
19 to release an individual from custody creates ‘an implicit promise,’ upon which that
20 individual may rely, that their liberty ‘will be revoked only if they fail to live up to
21 the...conditions of release.’” *Pinchi v. Noem*, 792 F.Supp.3d 1025, 1032 (N.D. Cal.
22 2025) (alternation marks omitted).

23 43. Here, as in *Ramirez-Bibiano*, Petitioner has a significant liberty interest
24 in remaining free of ICE custody under prior parole conditions. Her initial “release
25 from ICE custody constituted an implied promise that her liberty would not be
26 revoked unless she failed to live up to the conditions of her release.” *Pinchi*, 792 F.
27 Supp. 3d at 1034 (internal quotation marks omitted). In other words, petitioner gained
28 a protected liberty interest in remaining out of custody absent a showing that she is a

1 flight risk or a danger to the community. *See, e.g., Fernández López*, 2025 WL
2 2959319 at *4-5 (finding that petitioner released from immigration detention on
3 parole had protected liberty interest in remaining out of custody, including if the
4 authority for petitioner's parole was § 1182(d)(5)(A)); *Noori v. Larose*, 2025 WL
5 2800149, *4, 9-10 (S.D. Cal. 2025) (Curiel, J.) (finding that petitioner who was
6 paroled from immigration detention under § 1182(d)(5)(A) had protected liberty
7 interest in remaining out of custody).

8 **2. Mathews Factor 2: The Risk of Erroneous Deprivation Here**
9 **Under the Procedure Used, Namely No Procedure At All, is**
 High.

10 44. Here, as in *Ramirez-Bibiano*, “the risk of an erroneous deprivation of
11 such interest is high as Petitioner’s parole was revoked without providing [her] a
12 reason for revocation or giving [her] an opportunity to be heard.” 2025 WL 3632748
13 at *4. The inquiry on the second factor may rightfully end there, as Ms. Maceo
14 Aguilera’s parole was revoked and she was detained without any prior notice,
15 reasoning, or hearing. *See Ramirez Tesara*, 800 F. Supp. 3d at 1137 (granting habeas
16 petition and TRO under similar circumstances because “re-detainment without a
17 hearing results in a risk of erroneous deprivation of [a] protected interest.”);
18 *Rodriguez Cabrera v. Mattos*, No. 2:25-CV-01551-RFB-EJY, 2025 WL 3072687, at
19 *12–13 (D. Nev. Nov. 3, 2025) (noting the government’s arbitrary re-detention
20 “creates an extreme risk of erroneous deprivation).

21 **3. Mathews Factor 3: The Government’s Interest and the**
22 **Burdens of Additional Process.**

23 45. Under *Mathews*, the third factor examines the Government’s interests,
24 including the function at issue and the administrative burdens of additional
25 procedures. Here, the relevant function is DHS’s administration of immigration
26 parole and civil detention to ensure appearance at proceedings and protect public
27 safety. Minimal procedural safeguards—notice of the reasons for revocation and a
28 prompt opportunity to be heard before a neutral decisionmaker—impose little burden

1 on that function. They rely on processes the Government already uses in custody
2 determinations and post-parole supervision, and they enhance accuracy without
3 materially impeding enforcement. *See Mathews*, 424 U.S. at 335.

4 46. As *Ramirez-Bibiano* recognized, where a noncitizen has been lawfully
5 paroled and there is no change in circumstances indicating danger or flight risk, the
6 Government's interest in immediate re-detention without notice or hearing is low,
7 while the value of modest additional procedures is high. Applied here, the
8 government has not identified any change in circumstances to justify summary
9 revocation, and requiring notice and a brief hearing would not compromise its ability
10 to manage parole or ensure attendance, but would meaningfully reduce the risk of
11 error. The third *Mathews* factor therefore weighs against detention without pre-
12 deprivation process in this case. *See Ramirez-Bibiano*, 2025 WL 3632748 at *5
13 (finding in favor of petitioner on *Mathews* factor 3, stating "the Government's
14 interest in detaining Petitioner without notice, reasoning, and a hearing is 'low'"
15 when detaining a previously paroled person); *Noori*, 2025 WL 2800149 at *11–12
16 (finding *Mathews* factor 3 in favor of the petitioner for the same reasons); *Ramirez*
17 *Tesara*, 800 F. Supp. 3d at 1137 (same); *Fernández López*, 2025 WL 2959319 at *6;
18 *see Mathews*, 424 U.S. at 335.

19
20 **CLAIMS FOR RELIEF**

21 **COUNT ONE**

22 **VIOLATION OF PAROLE STATUTE**

23 47. Petitioner re-alleges and incorporates by reference each allegation
24 contained above.

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

28 49. No finding has been made that the purpose of Petitioner's parole has

1 been served to warrant the termination of parole.

2 **COUNT TWO**

3 **VIOLATION OF PAROLE REGULATION**

4 50. Petitioner re-alleges and incorporates by reference each allegation
5 contained above.

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

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

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

14 54. An agency’s failure to follow its regulations that are meant to protect
15 fundamental rights is a violation of due process. *Accardi v. Shaughnessy*, 347 U.S.
16 260, 267, 74 S.Ct. 499, 98 L.Ed. 681 (1954); *Sameena Inc. v. U.S. Air Force*, 147
17 F.3d 1148, 1153 (9th Cir. 1998).

18 55. The arrest of Petitioner terminated her release on parole and violated the
19 regulations and due process. *Bostock*, 792 F. Supp. 3d at 1145.

20 **COUNT THREE**

21 **VIOLATION OF DUE PROCESS**
22 **REVOCATION OF PAROLE WITHOUT NOTICE**

23 56. Petitioner re-alleges and incorporates by reference each allegation
24 contained above.

25 57. The Due Process Clause of the Fifth Amendment forbids the
26 government from depriving any person of liberty without due process of law. U.S.
27 Const. amend. V. “Freedom from imprisonment—from government custody,
28 detention, or other forms of physical restraint—lies at the heart of the liberty” that

1 the Due Process Clause protects. *Zadvydas*, 533 U.S. at 690 (citing *Foucha v.*
2 *Louisiana*, 504 U.S. 71, 80 (1992)).

3 58. An individual released from immigration custody has a constitutionally
4 protected liberty interest in remaining free from detention. *Morrissey v. Brewer*, 408
5 U.S. 471, 482, 92 S. Ct. 2593, 2601, 33 L. Ed. 2d 484 (1972); *see also Sanchez v.*
6 *LaRose*, 25-cv-2396; 2025 WL 2770629, at * 3 (S.D. Cal.). Thus, Petitioner has a
7 fundamental interest in liberty and being free from official restraint.

8 59. The liberty interest applies to individuals who are paroled into the
9 United States and released to attend removal proceedings. *Garcia v. Andrews*, No.
10 1:25-CV- 01006 JLT SAB, 2025 WL 2420068, at *11 (E.D. Cal. Aug. 21, 2025);
11 *Valencia Zapata v. Kaiser*, No. 25-CV-07492-RFL, 2025 WL 2578207, at *3 (N.D.
12 Cal. Sept. 5, 2025); *Y-Z-L-H v. Bostock*, No. 3:25-CV-965-SI, 2025 WL 1898025, at
13 *13 (D. Or. July 9, 2025).

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

16 61. Due process requires notice before Petitioner is detained by immigration
17 authorities. *Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306, 320, 70 S. Ct.
18 652, 660, 94 L. Ed. 865 (1950); *Ramirez-Bibiano*, 2025 WL 3632748, at *3; *Ramirez*
19 *Tesara*, 800 F. Supp. 3d at 1135; *Fernández López v. Wofford*, 2025 WL 2959319,
20 at *3.

21 **COUNT FOUR**

22 **VIOLATION OF DUE PROCESS** 23 **REVOCATION OF PAROLE WITHOUT NEUTRAL DECISIONMAKER**

24 62. Petitioner re-alleges and incorporates by reference each allegation
25 contained above.

26 63. Under the Due Process Clause of the Fifth Amendment to the United
27 States Constitution, no person shall be “deprived of life, liberty, or property, without
28 due process of law.” U.S. Const. amend. V. “Freedom from imprisonment— from

1 government custody, detention, or other forms of physical restraint—lies at the heart
2 of the liberty that Clause protects.” *Zadvydas*, 533 U.S. at 690.

3 64. An individual released from immigration custody has a liberty interest
4 in remaining free from detention. *Morrissey*, 408 U.S. at 482.

5 65. The liberty interest applies to individuals who are paroled into the
6 United States and released to attend removal proceedings. *Garcia v. Andrews*, No.
7 1:25-CV- 01006 JLT SAB, 2025 WL 2420068, at *11 (E.D. Cal. Aug. 21, 2025);
8 *Valencia Zapata v. Kaiser*, No. 25-CV-07492-RFL, 2025 WL 2578207, at *3 (N.D.
9 Cal. Sept. 5, 2025); *Bostock*, No. 3:25-CV-965-SI, 2025 WL 1898025, at *13 (D. Or.
10 July 9, 2025).

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

13 67. Due Process requires that Petitioner be afforded a bond determination
14 before a neutral adjudicator if the government is to re-detain Petitioner. *Mathews v.*
15 *Eldridge*, 424 U.S. 319 (1976); *Ramirez-Bibiano*, 2025 WL 3632748, at *5; *Ramirez*
16 *Tesara*, 800 F. Supp. 3d at 1136; *Fernández López*, 2025 WL 2959319, at *7.

17 **PRAYER FOR RELIEF**

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

- 19 1. Assume jurisdiction over this matter.
- 20 2. Order that Petitioner shall not be transferred outside the Southern
21 District of California.
- 22 3. Issue a Writ of Habeas Corpus ordering Respondents to immediately
23 release Ms. Macco Aguilera pursuant to the same terms and conditions as her original
24 parole.
- 25 4. Issue an Order to Show Cause why this Petition should not be granted
26 within three days and set a hearing on this Petition within five days of the return
27 pursuant to 28 U.S.C. § 2243.
- 28 5. Declare that Petitioner’s current 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 an immigration judge if 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,

Dated: January 30, 2026

/s/ Cassandra Lopez
Cassandra Lopez
Litigation Director
AL OTRO LADO
Counsel for Petitioner
NAYADA MACEO AGUILERA

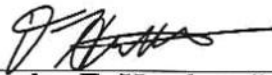

Douglas E. Hewlett Jr.
Kyle Freeman
ARENTFOX SCHIFF LLP
Counsel for Petitioner
NAYADA MACEO AGUILERA

Verification by Attorney Acting on Ms. Maceo Aguilera's Behalf Pursuant to
28 U.S.C. § 2242

I am submitting this verification on behalf of Ms. Maceo Aguilera because I am her attorney. As Ms. Maceo Aguilera'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: January 30, 2026

ARENTFOX SCHIFF LLP


Douglas E. Hewlett, Jr.

Attestation of Authority to Include Electronic Signature

I hereby certify that the contents of this document are acceptable to all persons whose electronic signatures appear on this document. I hereby certify that I am authorized by all signing parties to file this document on their behalf.

Dated: January 30, 2026

ARENTFOX SCHIFF LLP


Douglas E. Hewlett, Jr.