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UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA  
COLOMBUS DIVISION

ERIXON ALI BONILLA JIMENEZ,

A 

Petitioner,

v.

JASON STREEVAL, WARDEN,  
STEWART DETENTION CENTER;  
KRISTI NOEM, DHS SECRETARY

Respondent.

Case No.

PETITION FOR WRIT OF  
HABEAS CORPUS

1  
2 **INTRODUCTION**

3 1. Petitioner seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2241  
4 challenging the constitutionality and statutory legality of his current immigration  
5 detention and requesting his immediate release from custody. Petitioner is a native  
6 and citizen of Honduras who entered the United States on December 13, 2024,  
7 without inspection. He was apprehended shortly after entry and, on January 20, 2025,  
8 the Department of Homeland Security (“DHS”) issued a Notice to Appear and  
9 placed him into removal proceedings under Immigration and Nationality Act (“INA”)  
10 § 240.  
11

12 2. On January 23, 2025, DHS affirmatively granted Petitioner  
13 humanitarian parole pursuant to 8 U.S.C. § 1182(d)(5)(A), valid through January 22,  
14 2026. Following his release, Petitioner lived openly in the community, complied  
15 with all conditions of parole, reported to Immigration and Customs Enforcement  
16 (“ICE”) as required, retained counsel, timely filed his Application for Asylum and  
17 for Withholding of Removal (Form I-589), and timely complied with the  
18 Immigration Court’s scheduling order. Despite the continued validity of his parole,  
19 and without notice, explanation, or any individualized determination, ICE arrested  
20 and detained Petitioner on January 16, 2025, during a routine check-in appointment.  
21  
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23 3. Petitioner’s detention is per se unlawful and violates the Due Process  
24 Clause of the Fifth Amendment. By affirmatively granting humanitarian parole

1  
2 under 8 U.S.C. § 1182(d)(5)(A), the Government created a protected liberty interest  
3 in Petitioner's continued freedom from physical restraint for the duration of that  
4 parole. The Government extinguished that liberty interest without written notice,  
5 without a hearing, and without any individualized determination that the purpose of  
6 parole had been satisfied or that humanitarian or public-benefit grounds no longer  
7 justified parole. ICE's summary re-detention of Petitioner—despite full compliance  
8 and in the absence of any lawful parole revocation—constitutes an arbitrary and  
9 unauthorized deprivation of liberty. Because Petitioner's continued custody is  
10 unsupported by statute and was imposed in total disregard of constitutionally  
11 required procedures, the only appropriate remedy is Petitioner's immediate release.  
12

13         4. No alternative detention authority justifies Petitioner's custody.  
14  
15 Petitioner is not subject to mandatory detention under any provision of the  
16 Immigration and Nationality Act, including 8 U.S.C. §§ 1225(b)(1) or 1225(b)(2).  
17 Petitioner was affirmatively paroled into the United States, placed into removal  
18 proceedings under INA § 240, and arrested in the interior of the country during a  
19 routine check-in while residing in the community and complying with all conditions  
20 of release. Section 1225 therefore does not apply. Any detention authority arises, if  
21 at all, under 8 U.S.C. § 1226(a), which authorizes only discretionary detention.  
22  
23 Where detention is unlawful at its inception, however, a bond hearing is an  
24 inadequate substitute for release and cannot cure the constitutional violation.

1  
2 5. Absent immediate judicial intervention, Petitioner will continue to  
3 suffer irreparable harm from an unlawful deprivation of liberty imposed through  
4 executive action wholly unsupported by notice, individualized findings, or  
5 compliance with DHS's own statutory and regulatory framework. Petitioner  
6 therefore respectfully requests that this Court order his immediate release from ICE  
7 custody.  
8

9 6. Only in the alternative, and only if the Court declines to order release,  
10 Petitioner requests a prompt bond hearing pursuant to 8 U.S.C. § 1226(a). Should  
11 the Court order such a hearing, Petitioner respectfully requests that the Government  
12 be directed to file a written status report with this Court detailing the outcome of the  
13 bond determination and the legal basis for any continued custody, so that this Court  
14 may ensure compliance with statutory and constitutional due process requirements.  
15

### 16 JURISDICTION

17 7. Petitioner is in the physical custody of Respondent. Petitioner is  
18 detained at the Stewart Detention Center located in Lumpkin, Georgia.

19 8. This Court has jurisdiction under 28 U.S.C. § 2241(c)(3) (habeas  
20 corpus), and 28 U.S.C. § 1331 (federal question).  
21

22 9. This Court may grant relief pursuant to 28 U.S.C. § 2241, the  
23 Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C.  
24 § 1651.

1  
2 **VENUE**

3 10. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S.  
4 484, 493- 500 (1973), venue lies in the United States District Court for the Middle  
5 District of Georgia, the judicial district in which Petitioner currently is detained.

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

10  
11 **REQUIREMENTS OF 28 U.S.C. § 2243**

12 12. The Court must grant the petition for writ of habeas corpus or order  
13 Respondents to show cause “forthwith,” unless the petitioner is not entitled to relief.  
14 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return  
15 “within three days unless for good cause additional time, not exceeding twenty days,  
16 is allowed.” *Id.*

17  
18 13. Habeas corpus is “perhaps the most important writ known to the  
19 constitutional law . . . affording as it does a swift and imperative remedy in all cases  
20 of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis  
21 added). “The application for the writ usurps the attention and displaces the calendar  
22 of the judge or justice who entertains it and receives prompt action from him within  
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24

1  
2 the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir.  
3 2000) (citation omitted).

4  
5 **PARTIES**

6 14. Petitioner, Mr. Erixon Ali Bonilla Jimenez, is a native and citizen of  
7 Honduras who is currently detained by U.S. Immigration and Customs Enforcement  
8 (“ICE”) at the Stewart Detention Center in Lumpkin, Georgia, where he has been  
9 held since January 16, 2026.

10 15. Respondent Jason Streeval is the Warden of the Stewart Detention  
11 Center, which is operated by CoreCivic. As Warden, he exercises immediate  
12 physical custody over Petitioner. He is sued in his official capacity.

13 16. Respondent Kristi Noem is the Secretary of the United States  
14 Department of Homeland Security (“DHS”). In that capacity, she has legal custody  
15 and ultimate authority over Petitioner’s detention through DHS and its component  
16 agency, ICE. She is sued in her official capacity.

17  
18 **STATUTORY AND REGULATORY FRAMEWORK GOVERNING**  
19 **PAROLE AND TERMINATION OF PAROLE**

20 17. The Immigration and Nationality Act authorize the Secretary of  
21 Homeland Security to parole a noncitizen into the United States on a temporary basis  
22 “for urgent humanitarian reasons or significant public benefit.” 8 U.S.C. §  
23 1182(d)(5)(A). The statute expressly requires that parole decisions be made “only  
24 on a case-by-case basis.” *Id.* A grant of parole therefore reflects an individualized

1  
2 determination by the government that detention is not warranted under the  
3 circumstances.

4 18. As the Supreme Court has explained, parole under § 1182(d)(5)(A)  
5 allows a noncitizen to be released from custody while their immigration case  
6 continues, and when parole is granted, the noncitizen's case "shall continue to be  
7 dealt with in the same manner as that of any other applicant for admission to the  
8 United States." *Jennings v. Rodriguez*, 583 U.S. 281, 288 (2018) (quoting 8 U.S.C.  
9 § 1182(d)(5)(A)). Thus, parole is a legally operative status that carries real  
10 consequences for custody and liberty.  
11

12 19. Once parole has been granted, it remains valid for the authorized period  
13 unless and until it is lawfully terminated. Termination of parole is governed by  
14 regulation, which provides that, in cases not involving automatic termination, parole  
15 may be terminated only upon either (1) accomplishment of the purpose for which  
16 parole was authorized, or (2) a determination that neither humanitarian reasons nor  
17 significant public benefit warrants the noncitizen's continued presence in the United  
18 States. 8 C.F.R. § 212.5(e)(2)(i).  
19

20 20. Critically, the regulation mandates that parole "shall be terminated  
21 upon written notice to the alien," and that the noncitizen must be restored to the  
22 status held at the time parole was granted. *Id.* Termination is therefore not implicit,  
23  
24

1  
2 automatic, or discretionary in silence; it requires an affirmative act by DHS and  
3 written notice to the noncitizen.

4 21. Courts interpreting § 1182(d)(5)(A) and its implementing regulations  
5 have consistently held that just as parole must be granted on a case-by-case basis,  
6 revocation or termination of parole likewise requires an individualized, case-specific  
7 assessment and compliance with the notice requirements of 8 C.F.R. § 212.5(e). *See,*  
8 *e.g., Loaiza Arias v. LaRose*, No. 3:25-cv-02595, 2025 WL 3295385, at 3 (S.D. Cal.  
9 Nov. 25, 2025) (holding that parole “may be terminated only if the purpose of parole  
10 is accomplished, or humanitarian reasons or public benefit no longer warrant  
11 parole”); *Mata Velasquez v. Kurzdorfer*, 794 F. Supp. 3d 128, 146 (W.D.N.Y. 2025)  
12 (finding revocation of parole requires a case-by-case assessment and granting  
13 injunctive relief).  
14  
15

16 22. Numerous district courts have concluded that DHS violates the INA  
17 and its own regulations when it re-detains paroled noncitizens without complying  
18 with the statutory and regulatory framework governing parole termination. *See, e.g.,*  
19 *Y-Z-L-H v. DHS*, 792 F. Supp. 3d 1137, 1147 (D. Mass. 2025); *Noori v. LaRose*, No.  
20 25-cv-1824, 2025 WL 2800149, at \*10–13 (S.D. Cal. Oct. 1, 2025); *Munoz*  
21 *Materano v. Arteta*, No. 25-CIV-6137, 2025 WL 2630826, at \*14–17 (S.D.N.Y. Sept.  
22 12, 2025); *Gabriel B.M. v. Bondi*, No. 25-cv-4298, 2025 WL 3443584, at \*6–7 (D.  
23 Minn. Dec. 1, 2025).  
24

1  
2 **DUE PROCESS FRAMEWORK**

3 **A. The Fifth Amendment and Protected Liberty Interests**

4 23. The Due Process Clause of the Fifth Amendment provides that no  
5 person shall be deprived of liberty without due process of law. This protection  
6 applies to all “persons” within the United States, including noncitizens, and  
7 safeguards freedom from physical restraint as a core constitutional interest.

8  
9 24. A protected liberty interest may arise not only from freedom from initial  
10 confinement, but also from conditional release from physical custody. The Supreme  
11 Court has recognized that when the government grants an individual conditional  
12 liberty—allowing the individual to live in the community subject to specified  
13 terms—that liberty interest is protected by the Due Process Clause. *See Young v.*  
14 *Harper*, 520 U.S. 143, 147–49 (1997).

15  
16 25. Importantly, the existence of statutory authority to arrest or detain an  
17 individual does not eliminate constitutional constraints. Even where a statute permits  
18 detention, the Due Process Clause may independently require procedural protections  
19 beyond those expressly provided by statute. *Id.*; *Gagnon v. Scarpelli*, 411 U.S. 778,  
20 782 (1973); *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972).

21 **B. Conditional Liberty and the Parole Analogy**

22 26. In determining whether a particular form of conditional release gives  
23 rise to a protected liberty interest, courts look to the nature of the release and  
24 compare it to parole as described in *Morrissey v. Brewer*. In *Morrissey*, the Supreme

1  
2 Court explained that parole permits an individual “to do a wide range of things open  
3 to persons who have never been in custody or convicted of any crime,” including  
4 living at home, working, associating with family and friends, and forming the  
5 “enduring attachments of normal life.” 408 U.S. at 482.

6  
7 27. Although parolees remain subject to conditions and supervision, the  
8 Court emphasized that their status “is very different from that of confinement in a  
9 prison.” *Id.* Because parole allows the individual to structure his life around  
10 continued freedom, the Court held that revocation of parole inflicts a “grievous loss”  
11 and therefore implicates a protected liberty interest. *Id.* at 482–84.

12  
13 28. The Court further recognized that conditional release carries an implicit  
14 promise that liberty will be revoked only upon failure to comply with release  
15 conditions. *Id.* This reliance interest is a key feature distinguishing conditional  
16 liberty from temporary or transitory release.

17 **C. Procedural Protections Required Before Revocation of Conditional Liberty**

18 29. Where a protected liberty interest exists, due process requires notice  
19 and an opportunity to be heard before that liberty may be terminated. The Supreme  
20 Court has consistently applied this principle across multiple contexts involving  
21 conditional release, including parole, probation, and parole programs. *See Morrissey*,  
22 408 U.S. at 482; *Gagnon*, 411 U.S. at 782; *Young*, 520 U.S. at 147–49.  
23  
24

1  
2 30. These decisions reflect a common constitutional principle: summary  
3 revocation of conditional liberty, without procedural safeguards, creates a  
4 substantial risk of erroneous deprivation. As a result, the Constitution requires at  
5 least minimal procedures—such as notice of the grounds for revocation and an  
6 opportunity to contest those grounds before a neutral decisionmaker—before liberty  
7 may be withdrawn.  
8

9 31. Courts addressing immigration detention have similarly recognized that  
10 once a noncitizen is released from custody and permitted to live in the community,  
11 a protected liberty interest in remaining free may arise, triggering due process  
12 protections before re-detention.  
13

#### 14 **D. The Mathews v. Eldridge Framework**

15 32. When evaluating whether the procedures used to deprive an individual  
16 of liberty satisfy due process, courts apply the three-factor balancing test articulated  
17 in *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976). That test requires consideration  
18 of:

- 19 1) the private interest affected by the official action;
- 20 2) the risk of erroneous deprivation under the procedures used, and the  
probable value of additional or substitute safeguards; and
- 21 3) the government's interest, including the fiscal and administrative  
burdens that additional procedures would entail.  
22

23 33. This framework governs the constitutional analysis where, as here, the  
24 government seeks to terminate conditional liberty through detention.

1  
2 **STATUTORY FRAMEWORK GOVERNING DETENTION**  
3 **UNDER 8 U.S.C. § 1225 AND 8 U.S.C. § 1226**

4 **A. Inspection, Parole, and Applicants for Admission**

5 34. The Immigration and Nationality Act (“INA”) establishes distinct  
6 statutory frameworks governing inspection, parole, and detention of noncitizens.  
7 Under 8 U.S.C. § 1225(a), a noncitizen who presents himself for inspection is treated  
8 as an “applicant for admission.” Applicants for admission may be inspected by  
9 immigration officers to determine admissibility to the United States.

10 35. Separately, Congress authorized the Secretary of Homeland Security to  
11 parole certain noncitizens into the United States on a discretionary basis. Under 8  
12 U.S.C. § 1182(d)(5)(A), DHS may parole a noncitizen “into the United States  
13 temporarily under such conditions as [it] may prescribe only on a case-by-case basis  
14 for urgent humanitarian reasons or significant public benefit.” Parole does not  
15 constitute an admission, but it permits the noncitizen to physically enter and reside  
16 in the United States subject to conditions imposed by DHS.

17 36. When parole is granted, the statute provides that upon termination of  
18 parole, the noncitizen “shall return or be returned to the custody from which he was  
19 paroled and thereafter his case shall continue to be dealt with in the same manner as  
20 that of any other applicant for admission.” 8 U.S.C. § 1182(d)(5)(A).  
21  
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1  
2 **B. Mandatory Detention and Expedited Removal Under 8 U.S.C. § 1225**

3 37. Section 1225(b) governs the inspection and initial processing of certain  
4 applicants for admission. Under § 1225(b)(1), DHS may subject certain noncitizens  
5 to expedited removal and mandatory detention. That provision applies only to  
6 specific categories of individuals, including noncitizens who have not been admitted  
7 or paroled into the United States and who cannot establish a requisite period of  
8 continuous physical presence. See 8 U.S.C. § 1225(b)(1)(A)(iii).  
9

10 38. Section 1225(b)(2) governs detention of other applicants for admission  
11 pending a determination of admissibility. Both provisions operate in the context of  
12 inspection and processing at or near the point of entry and are tied to an applicant's  
13 initial encounter with immigration authorities.

14 **C. Discretionary Detention Pending Removal Proceedings Under 8 U.S.C. §**  
15 **1226**

16 39. Once a noncitizen is placed into removal proceedings, detention  
17 authority is governed by 8 U.S.C. § 1226. Section 1226(a) provides the general rule  
18 for detention pending a decision on removability. Under that provision, DHS may  
19 arrest and detain a noncitizen, or release the noncitizen on bond or conditional parole,  
20 pending the outcome of removal proceedings.  
21

22 40. Detention under § 1226(a) is discretionary and contemplates  
23 individualized custody determinations. Noncitizens detained under § 1226(a) are  
24

1  
2 entitled to a bond hearing before an immigration judge to determine whether  
3 continued detention is warranted.

4 41. By contrast, § 1226(c) mandates detention of a narrow category of  
5 noncitizens with specified criminal convictions. Mandatory detention under §  
6 1226(c) applies only when the statutory criteria are satisfied.  
7

#### 8 **FACTUAL BACKGROUND**

9 42. Petitioner is a native and citizen of Honduras. He entered the United  
10 States on or about December 13, 2024, without inspection and was apprehended  
11 shortly after entry. On January 20, 2025, DHS issued Petitioner a NTA and placed  
12 him into removal proceedings pursuant to § 240 of the INA. Immigration officials  
13 subsequently exercised their discretionary authority to parole Petitioner into the  
14 United States pursuant to 8 U.S.C. § 1182(d)(5)(A), granting humanitarian parole  
15 valid through January 22, 2026.  
16

17 43. Immigration officials may parole a noncitizen under 8 U.S.C. §  
18 1182(d)(5)(A) for “urgent humanitarian reasons” or “significant public benefit,”  
19 provided the noncitizen presents neither a danger to the community nor a risk of  
20 absconding. See 8 C.F.R. § 212.5(b). A grant of parole thus reflects a considered and  
21 individualized determination by the government that the noncitizen does not pose a  
22 public safety risk and is likely to comply with all immigration requirements.  
23  
24

1  
2 44. Following his release, Petitioner established residence in McDonough,  
3 Georgia, where he has continuously resided with his sibling and uncles. During this  
4 period, Petitioner fully complied with all conditions of his humanitarian parole,  
5 including reporting to Immigration and Customs Enforcement (“ICE”) as directed.  
6 He retained counsel, timely filed an Application for Asylum and for Withholding of  
7 Removal (Form I-589), and timely complied with the Immigration Court’s  
8 scheduling order. Petitioner has remained available to the government at all times  
9 and has diligently complied with every obligation imposed upon him in his removal  
10 proceedings.  
11

12 45. Throughout his period of parole, Petitioner has remained a law-abiding  
13 and compliant member of his household and community. He has no criminal history  
14 of any kind and has not violated any condition of parole. DHS has never alleged that  
15 Petitioner poses a danger to the community or a risk of flight, nor has it identified  
16 any change in circumstances that would undermine the original parole determination.  
17

18 46. On January 16, 2025, Petitioner was arrested and detained by ICE  
19 during a routine, scheduled check-in appointment. Petitioner was taken into custody  
20 without prior notice, without explanation, and without any individualized  
21 assessment of flight risk or danger to the community. ICE did not issue a written  
22 notice of parole termination, conduct a hearing, or make any finding that the purpose  
23 of parole had been accomplished or that humanitarian or public-benefit grounds no  
24

1  
2 longer warranted parole. Petitioner remains detained despite the continued validity  
3 of his parole authorization and his pending removal proceedings.

4 47. Petitioner's parole into the United States was expressly premised on a  
5 governmental determination that he did not pose a risk to public safety or a risk of  
6 absconding. Nothing in the record before this Court demonstrates any material  
7 change in circumstances since that determination was made. Prior to his arrest on  
8 January 16, 2025, no DHS or ICE official conducted any individualized analysis  
9 concluding that Petitioner warranted re-detention or that parole should be revoked.  
10

11 48. Petitioner's continued detention constitutes a severe and unjustified  
12 infringement on his fundamental liberty interest in freedom from physical restraint—  
13 an interest protected at the core of the Fifth Amendment's Due Process Clause. The  
14 essence of due process is notice and an opportunity to be heard. Here, Petitioner was  
15 deprived of both. His summary re-detention, imposed without notice, explanation,  
16 or individualized findings and in disregard of DHS's own statutory and regulatory  
17 framework, creates an unacceptably high risk of erroneous deprivation and cannot  
18 withstand constitutional scrutiny.  
19

20  
21 **MEMORANDUM OF LAW**

22 **I. Petitioner's Re-Detention Violated the INA and DHS's Parole Regulations**

23 49. Petitioner is a native and citizen of Honduras who entered the United  
24 States on December 13, 2024, without inspection and was apprehended shortly after

1  
2 entry. On January 20, 2025, the DHS issued Petitioner a NTA and placed him into  
3 removal proceedings under INA § 240. DHS affirmatively exercised its  
4 discretionary authority to parole Petitioner into the United States pursuant to 8 U.S.C.  
5 § 1182(d)(5)(A), granting humanitarian parole valid through January 22, 2026.

6  
7 50. Petitioner fully complied with all conditions of parole and removal  
8 proceedings. He reported to Immigration and Customs Enforcement (“ICE”) as  
9 required, retained counsel, timely filed an Application for Asylum and for  
10 Withholding of Removal, and timely complied with the Immigration Court’s  
11 scheduling order. Since his release, Petitioner has continuously resided in  
12 McDonough, Georgia, with his sibling and uncles. He has no criminal history and  
13 has remained a law-abiding, compliant individual fully available to the government  
14 at all times.

15  
16 51. On January 16, 2025, Petitioner was arrested and detained by ICE  
17 during a routine, scheduled check-in appointment. Prior to this arrest, DHS never  
18 issued any written notice terminating Petitioner’s parole, never made any  
19 individualized finding that the purpose of parole had been accomplished, and never  
20 determined that humanitarian reasons or significant public benefit no longer justified  
21 parole.

22  
23 52. Based on the record before this Court, the purpose of Petitioner’s parole  
24 has not been accomplished. Petitioner remains an asylum seeker with a pending

1  
2 application, continues to comply with all immigration obligations, and presents no  
3 danger to the community and no risk of flight. There is likewise no evidence that the  
4 humanitarian or public-benefit grounds supporting parole have ceased to exist or  
5 were ever reevaluated prior to his re-detention.

6  
7 53. Because Respondents failed to comply with the statutory and regulatory  
8 requirements governing termination of parole, Petitioner's parole remained valid and  
9 operative at the time of his arrest. His warrantless re-detention—imposed without  
10 notice, explanation, or individualized assessment—violates 8 U.S.C. §  
11 1182(d)(5)(A), 8 C.F.R. § 212.5(e), and the Due Process Clause of the Fifth  
12 Amendment.

13  
14 **II. Petitioner Possessed a Protected Liberty Interest in His Continued Release**

15 54. Petitioner incorporates by reference the preceding paragraphs.

16 55. Petitioner was affirmatively granted humanitarian parole into the  
17 United States pursuant to 8 U.S.C. § 1182(d)(5)(A) after being placed into removal  
18 proceedings. Following his release, Petitioner lived openly in the community for a  
19 sustained period—residing in McDonough, Georgia with his sibling and uncles,  
20 reporting regularly to Immigration and Customs Enforcement, retaining counsel,  
21 timely filing his application for asylum, and complying with all conditions imposed  
22 by the Department of Homeland Security. At all times, Petitioner maintained a clean  
23 criminal record and remained fully available to the government.  
24

1  
2 56. This extended and stable period of community release is materially  
3 comparable to the conditional liberty recognized by the Supreme Court in *Morrissey*  
4 *v. Brewer*, where the Court held that parole permits an individual to live at home,  
5 work, support family, and form the enduring attachments of ordinary life. 408 U.S.  
6 471, 482–84 (1972). Petitioner’s release was not fleeting or transitory; it allowed  
7 him to establish residence, family stability, and reliance interests. As such, Petitioner  
8 acquired a protected liberty interest in remaining free from physical restraint absent  
9 constitutionally adequate revocation procedures. *Young v. Harper*, 520 U.S. 143,  
10 147–49 (1997).  
11

12 57. Petitioner’s compliance history confirms that this liberty interest was  
13 substantial and legitimate. He complied with every reporting requirement, adhered  
14 to all conditions of parole, timely pursued asylum relief, and engaged in no criminal  
15 conduct whatsoever. Nothing in the record suggests that detention was necessary to  
16 ensure his appearance in removal proceedings or to protect public safety. On the  
17 contrary, DHS’s own parole decision reflects a prior determination that Petitioner  
18 posed neither a flight risk nor a danger to the community.  
19

20 58. Courts confronting similar circumstances have recognized that when  
21 the government releases a noncitizen and permits him to live freely in the community,  
22 due process protections attach before re-detention may occur. See, e.g., *Pinchi v.*  
23 *Noem*, 792 F. Supp. 3d 1025, 1032 (N.D. Cal. 2025); *Guillermo M. R. v. Kaiser*, 791  
24

1  
2 F. Supp. 3d 1021, 1029 (N.D. Cal. 2025); *Ortega v. Kaiser*, 2025 WL 1771438, at  
3 \*3 (N.D. Cal. June 26, 2025). Because Respondents failed to provide notice, a  
4 hearing, or any individualized determination prior to re-detaining Petitioner, his  
5 continued detention violates the Due Process Clause and cannot stand.

6  
7 **III. Under *Mathews v. Eldridge*, Re-Detention Without Notice, Hearing, or  
Individualized Findings Violated Due Process**

8 **A. The Private Interest Affected Is Profound**

9 59. The private interest affected—freedom from physical restraint—is at  
10 the apex of due process protection. *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004).  
11 Petitioner’s liberty interest is particularly weighty because it followed a prolonged  
12 period of stable, compliant community release, during which he lawfully worked,  
13 supported his family, and pursued relief in removal proceedings.

14  
15 60. Re-detention did not merely adjust the conditions of supervision; it  
16 extinguished Petitioner’s liberty entirely. Under *Morrissey*, that loss is “grievous”  
17 and constitutionally significant. 408 U.S. at 482–84.

18 **B. The Risk of Erroneous Deprivation Was Exceptionally High, and Minimal  
19 Safeguards Would Have Significant Value**

20 61. The procedures used here created an unacceptably high risk of  
21 erroneous deprivation. Petitioner was arrested without prior notice, without  
22 explanation, and without any opportunity to contest the basis for detention.

23 62. The record reflects no individualized assessment finding Petitioner  
24 posed a flight risk or danger, and no change in circumstances undermining DHS’s

1  
2 original release determination. The absence of notice and a neutral, individualized  
3 process is precisely what drives the risk of error in conditional-liberty revocation.

4 *Young*, 520 U.S. at 147–49; *Morrissey*, 408 U.S. at 482–84.

5 63. Minimal safeguards—notice of the asserted basis for re-detention and  
6 a prompt hearing before a neutral decisionmaker—would materially reduce the risk  
7 of erroneous deprivation by requiring the Government to articulate and support its  
8 reasons and permitting Petitioner to respond.  
9

10 **C. The Government’s Interest Does Not Justify Summary Re-Detention**

11 64. The Government has an interest in administering the immigration  
12 system and ensuring appearance and community safety. But Petitioner’s extended  
13 compliance, stable residence, and lawful employment demonstrate that less  
14 restrictive measures were effective.  
15

16 65. Requiring basic procedural safeguards before extinguishing conditional  
17 liberty imposes a minimal burden compared to the severe deprivation imposed.  
18 *Morrissey*, 408 U.S. at 482; *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973).

19 **D. Balancing the Mathews Factors Confirms a Due Process Violation and**  
20 **Warrants Immediate Release**

21 66. Balancing the profound private interest, the substantial risk of  
22 erroneous deprivation created by summary re-detention, and the minimal burden of  
23 basic safeguards, the *Mathews* factors overwhelmingly favor Petitioner.  
24

1  
2 67. Because Petitioner’s conditional liberty was terminated without notice,  
3 without a hearing, and without individualized findings, his detention violates the  
4 Due Process Clause of the Fifth Amendment.

5 68. Where detention is the product of a constitutional violation in the  
6 process of revoking conditional liberty, habeas relief is warranted. Immediate release  
7 is the appropriate remedy to halt the ongoing unlawful deprivation of liberty.  
8

9 **IV. Petitioner Is Not Subject to Mandatory Detention Under 8 U.S.C. § 1225,**  
10 **and His Detention Is Governed by 8 U.S.C. § 1226(a)**

11 69. Respondents cannot lawfully justify Petitioner’s detention under the  
12 mandatory detention provisions of 8 U.S.C. § 1225. Although Petitioner initially  
13 presented himself for inspection in March 2024, DHS exercised its discretionary  
14 authority to parole him into the United States pursuant to 8 U.S.C. § 1182(d)(5)(A).  
15 Following that parole, Petitioner resided openly in the interior of the United States  
16 for more than twenty months prior to his arrest.

17 70. The plain text of § 1225(b)(1) forecloses its application here. That  
18 provision applies only to noncitizens “who ha[ve] not been admitted or paroled into  
19 the United States.” Because Petitioner was paroled, § 1225(b)(1) cannot serve as the  
20 statutory basis for his detention.  
21

22 71. Nor does the termination or expiration of parole retroactively transform  
23 a parolee into an arriving alien subject to § 1225. The parole statute provides only  
24 that upon termination, the individual’s case “shall continue to be dealt with in the

1  
2 same manner as that of any other applicant for admission.” 8 U.S.C. § 1182(d)(5)(A).

3 That posture is governed by § 1226, not § 1225.

4 72. Petitioner’s arrest further confirms § 1225’s inapplicability. He was not  
5 detained at the border or during inspection, but rather in the interior of the United  
6 States after prolonged community residence. Courts have repeatedly rejected efforts  
7 to stretch § 1225 to cover such circumstances.  
8

9 73. Because § 1225 does not apply, the only possible detention authority is  
10 8 U.S.C. § 1226(a), which authorizes discretionary detention and entitles Petitioner  
11 to an individualized bond hearing.

12 **V. The Government May Not Salvage an Unlawful Detention Through Post Hoc**  
13 **Recharacterization**

14 74. Respondents may not cure an unlawful detention by retroactively re-  
15 labeling its statutory basis during litigation. Habeas review examines the legality of  
16 detention as imposed, not as later reconstructed.

17 75. Allowing post hoc invocation of § 1225 would reward statutory and  
18 constitutional violations and permit detention first, authority later.  
19

20 76. Because Petitioner’s detention was unlawful from its inception,  
21 immediate release—not remand for a belated bond hearing—is the appropriate  
22 remedy.  
23  
24

1  
2 **CLAIMS FOR RELIEF**

3 **COUNT I**

4 **Violation of the Fifth Amendment Due Process Clause**  
5 **(Unlawful Revocation of Conditional Liberty Without Notice, Hearing, or**  
6 **Individualized Findings)**

7 77. Petitioner incorporates by reference all preceding paragraphs as if fully  
8 set forth herein.

9 78. The Due Process Clause of the Fifth Amendment prohibits the  
10 Government from depriving any person of liberty without due process of law.  
11 Freedom from physical restraint lies at the core of the liberty protected by the  
12 Constitution and may not be withdrawn absent constitutionally adequate procedures.

13 79. Petitioner possessed a protected liberty interest arising from his grant  
14 of humanitarian parole under 8 U.S.C. § 1182(d)(5)(A) and his prolonged, compliant  
15 release into the community. For an extended period, Petitioner lived with his family,  
16 appeared at all required immigration court hearings, complied with all conditions of  
17 release, and pursued relief in removal proceedings without incident.

18 80. Once the Government granted Petitioner conditional liberty, it created  
19 a reliance interest and an implicit promise that his liberty would not be revoked  
20 absent noncompliance with release conditions or a constitutionally adequate,  
21 individualized determination justifying re-detention.  
22  
23  
24

1  
2 81. Respondents revoked Petitioner's conditional liberty by arresting and  
3 detaining him without prior notice, without identifying any violation of parole  
4 conditions, and without affording him an opportunity to be heard before a neutral  
5 decisionmaker.

6  
7 82. Respondents further failed to conduct any individualized assessment  
8 finding that Petitioner posed a danger to the community or a risk of flight prior to  
9 re-detaining him, notwithstanding DHS's prior determination that such risks did not  
10 exist.

11 83. As demonstrated under the balancing framework set forth in *Mathews*  
12 *v. Eldridge*, 424 U.S. 319 (1976), the absence of notice, a hearing, and individualized  
13 findings created an intolerably high risk of erroneous deprivation that far outweighs  
14 any governmental interest in summary re-detention.  
15

16 84. Respondents' actions therefore violate the Due Process Clause of the  
17 Fifth Amendment, rendering Petitioner's detention unconstitutional and unlawful.

18 **COUNT II**

19 **Detention Without Statutory Authority Under the Immigration and**  
20 **Nationality Act**

21 **(Misapplication of 8 U.S.C. § 1225 Instead of 8 U.S.C. § 1226(a))**

22 85. Petitioner incorporates by reference all preceding paragraphs.

23 86. The Immigration and Nationality Act establishes distinct statutory  
24 frameworks governing immigration detention. Mandatory detention under 8 U.S.C.

1  
2 § 1225 applies only to narrowly defined categories of noncitizens who have not been  
3 admitted or paroled into the United States and who are encountered during  
4 inspection or expedited removal processing at or near the border.

5 87. Petitioner does not fall within any category subject to mandatory  
6 detention under § 1225. He was affirmatively paroled into the United States pursuant  
7 to 8 U.S.C. § 1182(d)(5)(A), placed into removal proceedings under INA § 240, and  
8 resided openly in the interior of the United States for an extended period before his  
9 arrest.  
10

11 88. The plain language of § 1225(b)(1)(A)(iii) applies only to noncitizens  
12 who “ha[ve] not been admitted or paroled into the United States.” Because Petitioner  
13 was paroled, § 1225 cannot serve as the statutory basis for his detention.  
14

15 89. Nor does termination or revocation of parole retroactively transform  
16 Petitioner into an “arriving alien” or return him to the legal fiction of standing at the  
17 threshold of entry. Under 8 U.S.C. § 1182(d)(5)(A), a parolee’s case “shall continue  
18 to be dealt with in the same manner as that of any other applicant for admission,”  
19 which includes noncitizens physically present in the United States without admission.  
20

21 90. Detention of such individuals is governed by 8 U.S.C. § 1226(a), which  
22 authorizes discretionary detention pending removal proceedings and requires  
23 individualized custody determinations, including the opportunity for release on bond.  
24

1  
2 91. Because § 1225 does not authorize Petitioner's detention, Respondents  
3 lack statutory authority to detain him without a bond hearing. Petitioner's continued  
4 detention therefore violates the INA and exceeds the authority conferred by  
5 Congress.

6  
7 **COUNT III**

8 **Ultra Vires Action and Unlawful Post Hoc Recharacterization of Detention**  
9 **Authority**  
10 **(Detention First, Legal Justification Later)**

11 92. Petitioner incorporates by reference all preceding paragraphs.

12 93. Petitioner was arrested and detained without any contemporaneous  
13 determination that his custody was authorized under 8 U.S.C. § 1225, § 1226(c), or  
14 any other mandatory detention provision of the INA.

15 94. Respondents may not cure an unlawful detention by retroactively  
16 invoking a different statutory basis during litigation. Habeas review examines  
17 whether detention was lawful at the time it was imposed, not whether the  
18 Government can later identify a post hoc justification.

19 95. Allowing Respondents to recharacterize the statutory basis for  
20 detention after the fact would impermissibly sanction detention first and legal  
21 authority later, undermining both the structure of the INA and fundamental  
22 principles of due process.  
23  
24

1  
2 96. Because Petitioner's detention was unlawful from its inception and  
3 cannot be salvaged through retrospective statutory reclassification, Respondents'  
4 continued detention of Petitioner is ultra vires and unlawful.

5 **COUNT IV**

6 **Violation of the Administrative Procedure Act**

7 *(Arbitrary and Capricious Agency Action; Action Not in Accordance with Law;*  
8 *Failure to Observe Required Procedures)*  
9 *5 U.S.C. § 706(2)(A), (C), (D)*

10 97. Petitioner incorporates by reference all preceding paragraphs.

11 98. The Administrative Procedure Act ("APA") requires federal agencies  
12 to act in accordance with law, follow their own regulations, and engage in reasoned  
13 decision-making. 5 U.S.C. § 706.

14 99. Respondents' decision to arrest and detain Petitioner while his parole  
15 remained valid constitutes final agency action subject to judicial review because it  
16 marks the consummation of the agency's decision-making process and directly  
17 affects Petitioner's rights and liberty.

18 100. Respondents acted not in accordance with law and in excess of statutory  
19 authority by detaining Petitioner without terminating parole in compliance with 8  
20 U.S.C. § 1182(d)(5)(A) and 8 C.F.R. § 212.5(e). See 5 U.S.C. § 706(2)(A), (C).

21 101. Respondents further failed to observe procedures required by law by  
22 terminating Petitioner's parole without written notice, without explanation, and  
23  
24

1  
2 without any individualized determination that parole was no longer warranted. See  
3 5 U.S.C. § 706(2)(D).

4 102. Respondents' actions were also arbitrary and capricious because they  
5 departed from DHS's prior determination that Petitioner posed no danger and no  
6 flight risk, without acknowledging or explaining that departure, and without  
7 identifying any change in circumstances justifying re-detention.  
8

9 103. The APA prohibits agencies from acting through unexplained  
10 inconsistency, silent reversal of prior determinations, or enforcement decisions  
11 untethered from governing statutes and regulations.

12 104. Because Respondents' actions violate the APA, they are unlawful and  
13 must be set aside. The Court should therefore vacate the decision to detain Petitioner  
14 and order appropriate relief, including immediate release or, in the alternative, a  
15 lawful custody determination consistent with statutory and constitutional  
16 requirements.  
17

18 **PRAYER FOR RELIEF**

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

- 20
- 21 a. Assume jurisdiction over this matter;
  - 22 b. Order that Petitioner shall not be transferred outside the Middle District  
23 of Georgia while this habeas petition is pending;
  - 24 c. Issue an Order to Show Cause ordering Respondents to show cause why  
this Petition should not be granted within three days;

- 1
- 2 d. Declare that Petitioner's detention is unlawful;
- 3 e. Order Petitioner's immediate release from custody;
- 4 f. In the alternative, order that any continued detention proceed solely
- 5 under 8 U.S.C. § 1226(a) and require a prompt bond hearing before an
- 6 impartial immigration judge, at which the Government bears the burden
- 7 of justifying continued detention;
- 8 g. If a bond hearing is ordered, direct Respondents to file a written status
- 9 report with this Court within a time set by the Court, stating whether
- 10 bond was granted or denied, the bond amount and conditions if granted,
- 11 and a summary of the reasons stated on the record for the custody
- 12 determination, so as to ensure compliance with statutory and
- 13 constitutional due process requirements;
- 14 h. Award Petitioner attorney's fees and costs under the Equal Access to
- 15 Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other
- 16 basis justified under law; and
- 17 i. Grant any other and further relief that this Court deems just and proper.

18 DATED this 29th day of January, 2026.

19 ZAMBRANO LAW,

20 /s/ Shirley C. Zambrano

21 Shirley C. Zambrano

22 GA Bar Number: 741429

23 1995 North Park Place, Suite 360

24 Atlanta, GA 30339

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1  
2 **VERIFICATION PURSUANT TO 28 U.S.C. § 2242**

3 I represent Petitioner, Mr. Erixon Ali Bonilla Jimenez, and submit this  
4 verification on his behalf. I hereby verify that the factual statements made in the  
5 foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my  
6 knowledge.

7 DATED this 29th day of January, 2026.

8 ZAMBRANO LAW,

9  
10 /s/ Shirley C. Zambrano

11 Shirley C. Zambrano

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*Counsel for Petitioner*