UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No. 26-20848-CIV-WILLIAMS

SEBASTIAN ZAMBRANO RAMIREZ,

Petitioner,

v.

PAMELA BONDI, United States Attorney General, *et al.*,

Respondents.
_____/

RESPONSE TO ORDER TO SHOW CAUSE

Respondents[1] hereby respond to the Court's Order to Show Cause (ECF NO. 5).

INTRODUCTION

Petitioner Sebastain Zambrano Ramirez entered the United States as an arriving alien at a port of entry in October of 2024. *See* Petition at Ex. D. Pursuant to 8 U.S.C. § 1225(b)(2), an immigration officer found that Petitioner was not clearly and beyond a doubt entitled to be admitted and issued Petitioner a Notice to Appear for removal proceedings under 8 U.S.C. § 1229a. *Id.* Instead of detaining Petitioner as required by 8 U.S.C. § 1225(b)(2)(A), however, the Department of Homeland Security exercised its discretion to release Petitioner on humanitarian parole pursuant to 8 U.S.C. § 1182(d)(5). *Id.* at ¶ 1, 44.

[1] A writ of habeas corpus must "be directed to the person having custody of the person detained." 28 USC § 2243. In cases involving present physical confinement, the Supreme Court reaffirmed in *Rumsfeld v. Padilla*, 542 U.S. 426 (2004), that "the immediate custodian, not a supervisory official who exercises legal control, is the proper respondent." *Rumsfeld v. Padilla*, 542 U.S. 426, 439 (2004). Petitioner is currently detained at Krome North Service Processing Center. *See* Petition at ¶ 7. The only appropriate respondent named is Charles Parra, Assistant Field Office Director for the Krome North Service Processing Center. All other respondents should be dismissed.

Petitioner was arrested for misdemeanor domestic violence in November of 2025 and subsequently transferred to the custody of Immigration and Customs Enforcement.

Petitioner does *not* argue that 1226(a) rather than 1225(b)(2) governs his custody. Instead, he argues that his parole was not properly revoked in accordance with 8 C.F.R. § 212.5(e)(1), (e)(2). Specifically, he claims that his parole period (2 years) had not expired and that he was not given Notice of the reason for the revocation. He demands his immediate release – not a bond hearing. As demonstrated below, the Court lacks jurisdiction over Petitioner's claim.

IMMIGRATION PROCEEDINGS

Petitioner Sebastian Zambrano Ramirez is a native and citizen of Colombia who applied for admission to the United States on or about October 6, 2024, at the Brownsville, Texas Port of Entry. *See* Exhibit A, Form I-862, Notice to Appear ("NTA"), dated October 6, 2024. Customs and Border Protection ("CBP") determined that Petitioner did not have documents sufficient for lawful entry into the United States and issued him an Notice To Appear for removal proceedings, charging him with inadmissibility pursuant to 8 U.S.C. § 1182 (a)(7)(A)(i)(I), in that Petitioner was an immigrant who, at the time of application for admission, was not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Immigration and Nationality Act. *See id.* CBP also paroled Petitioner into the United States. *See* Exhibit B, Form I-213, Record of Deportable/Inadmissible Alien ("Form I-213"), dated October 6, 2024.

On November 22, 2025, U.S. Immigration and Customs Enforcement ("ICE") Enforcement and Removal Operations ("ERO") encountered Petitioner at the Turner Guilford Knight Correctional Center after he was arrested for battery – domestic violence. *See* Exhibit C, Declaration of Deportation Officer Bryan Galo, ¶ 10. Petitioner's aggravated battery charge was subsequently dropped. *See id.,* ¶ 11. Petitioner was transferred to the custody of ICE ERO on or about November 28, 2025. *See* Exhibit D, Detention History; Exhibit E, Form I-200, Warrant for Arrest of Alien, dated November 23, 2025. The venue of Petitioner's removal proceedings was subsequently changed to the Krome Immigration Court. *See* Exhibit C, Declaration of Deportation Officer Bryan Galo, ¶ 13.

Petitioner is currently detained by ICE at the Krome North Service Processing Center in Miami, Florida. *See* Exhibit D, Detention History. His next hearing is scheduled for February 25, 2026, at the Krome Immigration Court. *See* Exhibit F, Notice of Hearing in Removal Proceedings, dated January 22, 2026. Petitioner has not made a request for a custody redetermination hearing with the immigration court. *See* Exhibit C, Declaration of Bryan Galo, ¶ 16.

ARGUMENT

I. The Court Lacks Jurisdiction to Review the Revocation of Petitioner's Humanitarian Parole

The Court lacks subject matter jurisdiction over Petitioner's challenge to the revocation of his humanitarian parole. "Federal courts are 'courts of limited jurisdiction,' " which " 'possess only that power authorized by Constitution and statute.' " *Camarena v. Dir., Immigr. & Customs Enf't*, 988 F.3d 1268, 1271 (11th Cir. 2021) (quoting *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994)). Section 1252(g) of Title 8, 8 United States Code, provides that "no court shall have jurisdiction to hear any cause or claim by or on behalf of any alien arising from

the decision or action by the Attorney General to commence proceedings, adjudicate cases, or execute removal orders against any alien under this chapter." 8 U.S.C. § 1252(g). This statute expressly includes claims raised in § 2241 habeas corpus actions. *Id.* The Eleventh Circuit Court of Appeals has indicated that "[s]ecuring an alien while awaiting a removal determination constitutes an action taken to commence proceedings" as contemplated by § 1252(g). *Gupta v. McGahey*, 709 F.3d 1062, 1065 (11th Cir. 2013).

Likewise, under 8 U.S.C. § 1252(a)(2)(B)(ii), the Court lacks jurisdiction to review "any other decision or action of the Attorney General or the Secretary of Homeland Security the authority for which is specified under this subchapter to be in the discretion of the Attorney General or the Secretary of Homeland Security, other than the granting of relief under section 1158(a) of this title." Thus, district courts are precluded from considering "challenges to actual discretionary decisions to detain an alien or to seek removal of the alien or to any discretionary judgment, action, or decision...." *Dorley v. Normand*, No. 5:22-CV-62, 2023 WL 3620760, at *2 (S.D. Ga. Apr. 3, 2023), *report and recommendation adopted*, No. 5:22-CV-62, 2023 WL 3174227 (S.D. Ga. May 1, 2023).

> As relevant here, the Secretary of the Department of Homeland Security has discretion to:
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> > 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, but... when the purposes of such parole shall, in the opinion of the Secretary of Homeland Security, have been served the alien shall forthwith return or be returned to the custody from which he was paroled and thereafter his case shall continue to be dealt with in the same manner as that of any other applicant for admission to the United States.

8 U.S.C. § 1182(d)(5)(A). "The discretionary decision to deny or revoke parole 'is precisely the kind of discretionary decision that § 1252(a)(2)(B) precludes' a district court from reviewing." *Rezaee v. President of the United States*, Case No. 6:25-CV-1140-CEM-DCI, 2025 WL 4051609,

*3 (M.D. Fla. July 29, 2025) (quoting *Clifton M. v. Decker*, No. CV 18-15760 (KM), 2019 WL 13298586, at *4 (D.N.J. Mar. 19, 2019)). *See also Doe v. Rodriguez*, Civ. A. No. 17-1709 (JLL), 2018 WL 620898, at *8 (D.N.J. Jan. 29, 2018) ("The effect of [8 U.S.C. § 1252(a)(2)(B)(ii)] on habeas claims challenging discretionary parole denials is clear—the Government 'can and often does release ... alien[s] on parole, but [the] decision to do so is not judicially reviewable.'") (quoting *Bolante v. Keisler*, 506 F.3d 618, 621 (7th Cir. 2007)).

Section 1252(a)(2)(B)(ii)'s bar "applies equally to an initial denial of a request for discretionary parole or a decision to terminate discretionary parole." *Clifton M.*, 2019 WL 13298586, at *3 n.5. Accordingly, the Court lacks jurisdiction to hear Petitioner's challenge to the lawfulness of the revocation of his humanitarian parole.

II. The Petition Also Fails on Its Merits

Even if the Court had jurisdiction to review the revocation of Petitioner's humanitarian parole, Petitioner has not demonstrated he is entitled to relief. "[A]n alien who 'arrives in the United States,' or 'is present' in this country but 'has not been admitted,' is treated as 'an applicant for admission.'" *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018) (quoting 8 U.S.C. § 1225(a)(1)). "[A]pplicants for admission fall into one of two categories, those covered by § 1225(b)(1) and those covered by § 1225(b)(2)." *Id.* As relevant here, "Section 1225(b)(1) applies to aliens initially determined to be inadmissible due to fraud, misrepresentation, or lack of valid documentation." Id. (citing 8 U.S.C. §§ 1225(b)(1)(A)(i), 1182(a)(6)(C), (a)(7)).

"[A]pplicants for admission may be temporarily released on parole 'for urgent humanitarian reasons or significant public benefit.' " *Id.* at 288 (quoting 8 U.S.C. § 1182(d)(5)(A)). Parole on these bases, however, "'shall not be regarded as an admission of the alien.'" *Id.* (quoting 8 U.S.C. § 1182(d)(5)(A)). Importantly, when in the opinion of the

Department of Homeland Security, the purposes of parole have been served, the alien shall forthwith (immediately) be returned to DHS custody and his case shall continue to be dealt with in the same manner as other applicants for admission to the United States. 8 U.S.C. § 1182(d)(5)(A). Moreover, "[p]arole shall be automatically terminated without written notice... at the expiration of the time for which parole was authorized...." 8 C.F.R. § 212.5(e)(1).

As the Southern District of New York observed in another case where a habeas petitioner challenged the revocation of humanitarian parole as a violation of his Fifth and Fourth Amendment Constitutional rights:

> petitioner contends that an arriving alien, once granted parole, cannot be re-detained without the full panoply of procedural rights ordinarily associated with revocation of criminal parole, including notice of the intention to detain and the justification for detention, service of the evidence proving the justification for detention, the right to contest the allegations and be represented by counsel, and an opportunity to appeal the revocation determination.
>
> As applied to the revocation of humanitarian parole granted pursuant to § 1182(d)(5)(A), petitioner's Fifth Amendment claim fails at the first hurdle. Because the statute "makes clear that whether and for how long temporary parole is granted are matters entirely within the discretion of the Attorney General," it "does not create any liberty interest in temporary parole that is protected by the Fifth Amendment." *Kwai Fun Wong v. United States*, 373 F.3d 952, 968 (9th Cir. 2004) (affirming dismissal of claim that the revocation of petitioner's § 1182(d)(5)(A) parole violated the Due Process Clause). Accord *Gisbert v. U.S. Atty. Gen.*, 988 F.2d 1437, 1443 (5th Cir. 1993) (since § 1182(d)(5)(A) "does not require the Attorney General to parole any alien," petitioners had "no liberty interest" in being paroled under § 1182(d)(5)(A) and consequently were not entitled to "the same due process rights to the initial revocation of their immigration parole as those granted to criminal parolees"), *amended*, 997 F.2d 1122 (5th Cir. 1993). As the Second Circuit explained in *Ofosu* [*v. McElroy,* 98 F.3d 694, 700 (2d Cir. 1996)], since immigration parole "is a matter of the Attorney General's discretion," it "may be ended without hearings or special forms." 98 F.3d at 700.

Bermudez Paiz v. Decker, No. 18CV4759GHWBCM, 2018 WL 6928794, at *17-18 (S.D.N.Y. Dec. 27, 2018) (cleaned up).

ICE had authority under 8 U.S.C. § 1182(d)(5)(A) to end Petitioner's humanitarian parole and to hold him in custody pending his removal proceedings.

CONCLUSION

For the foregoing reasons, the Court should dismiss or deny the Petition for Writ of Habeas Corpus.

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