THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

SEBASTIAN ZAMBRANO RAMIREZ, Petitioner vs. PAMELA BONDI, in her official capacity as Attorney General of the United States, KRISTI NOEM, in her official capacity as Secretary of the Department of Homeland Security, TODD LYONS, in his official capacity as Acting Director of Immigration and Customs Enforcement; GARRETT RIPA, in his official capacity as Field Office Director of Immigration and Customs Enforcement's Enforcement and Removal Operations Miami Field Office; CHARLES A. PARRA, in his official as Assistant Field Office Director for the Krome North Service Processing Center, Respondents.	Case No.: 1:26-cv-20848 Agency File: [redacted]

PETITIONER'S REPLY

INTRODUCTION

Petitioner is replying to Respondents' Response within the three days allotted by this Court. *See* Doc. 5. This Court retains jurisdiction over the present habeas petition pursuant to 28 U.S.C. § 2241 and the protections guaranteed by the Suspension Clause of the U.S. Constitution. Moreover, as numerous courts have recognized, claims challenging the unlawful revocation of parole and resulting detention—like those presented here—are both cognizable and meritorious.

ARGUMENT

I. This Court has jurisdiction to review Petitioner's habeas.

Respondents argue that the Court lacks jurisdiction to review Petitioner's assertions that his parole was improperly revoked because such claims are subject to jurisdictional bars under 8

U.S.C. § 1252(g) and 1252(a)(2)(B)(ii). Respondents' Opp. at 4. Respondents argue that the decision to terminate Petitioner's parole is within the Secretary's discretion under the parole statute, 8 U.S.C. § 1182(d)(5)(A)—and therefore is subject to § 1252(a)(2)(B)(ii)'s jurisdictional bar.

The jurisdictional bar at 8 U.S.C. § 1252(g) is narrow – it applies only "to three discrete actions that the Attorney General may take: her 'decision or action' to 'commence proceedings, adjudicate cases, or execute removal orders.'" *Garcia v. Noem*, et al., No. 2:25-cv-00879-SPC-NPM, Doc. 14 at 4-5, (M.D. Fla. Oct. 10, 2025) (quoting *Reno v. American-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999) and *Jennings v. Rodriguez*, 583 U.S. 281, 294 (2018)); *see also Wallace v. Sec'y, U.S. Dep't of Homeland Sec.*, 616 F. App'x 958, 960 (11th Cir. 2015) ("1252(g) is not to be construed broadly as a 'zipper' clause applying to the full universe of deportation-related claims, but instead as applying narrowly to only the three 'discrete' governmental actions enumerated in that subsection"). Mr. Zambrano is not challenging any of those actions. Instead, he is challenging the legality of his detention. Such claim is reviewable.

The jurisdictional bar at 8 U.S.C. § 1252(a)(2)(B)(ii) likewise does not apply. That provision strips courts of jurisdiction to review "any [ ] 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." 8 U.S.C. § 1252(a)(2)(B)(ii). Here, Petitioner is not asking this Court to second-guess the exercise of DHS's discretion, but rather to assess the process by which that discretion was exercised. *See Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137 (W.D.N.Y. May 2, 2025). Put another way, Petitioner is not challenging a discretionary decision itself, but rather the legal and constitutional validity of DHS's revocation of parole and

resulting detention, which falls outside § 1252(a)(2)(B)(ii).

The United States District Court for the Southern District of Florida has held that 8 U.S.C. § 1252(a)(2)(B)(ii) does not strip federal courts of habeas jurisdiction under 28 U.S.C. § 2241 to review the legality of executive actions. *Jeanty v. Bulger*, 204 F. Supp. 2d 1366, 1374 (S.D. Fla. 2002). In *Jeanty*, a class of noncitizens filed a habeas petition challenging the Government's failure to make parole decisions on a case-by-case basis. *Id.* at 1372. In determining whether the court had jurisdiction to review their habeas claim "in view of the limits on judicial review of immigration matters imposed by Congress in 1996," the court determined that "habeas jurisdiction exists to determine whether Petitioners are held in custody 'in violation of the Constitution or the laws or treaties of the United States.'" *Id.* at 1374.

The Second Circuit has more recently reaffirmed that "§ 1252(a)(2)(B)(ii)'s bar on jurisdiction applies only to those decisions where Congress has expressly 'set out the Attorney General's discretionary authority in the statute.'" *Ozturk v. Hyde*, 136 F.4th 382, 395 (2d Cir. 2025) (quoting *Kucana v. Holder*, 558 U.S. 233, 247 (2010)). "Relying in part on *Kucana v. Holder*, the district court in *Y-Z-L-H v. Bostock* concluded that § 1252(a)(2)(B)(ii) did not bar jurisdiction because the Parole Statute was not entirely discretionary: it required that the Secretary make an individualized determination that the specific purposes of parole had been served." 3:25-CV-965 (SI), 2025 WL 1898025, at *6 (D. Or. July 9, 2025). "That requirement, it reasoned, meant that 'such a decision is not within the discretion granted by the parole statute,'" *id.* at *7, and thus did 'not preclude this District Court from reviewing whether the decision to terminate Petitioner's parole was lawful," *id.* at *8."

Nevertheless, as the Eastern District of New York found in *Rodriguez Orellana v. Francis*, 1:25-cv-04212-OEM (Aug. 19, 2025), § 1252(a)(2)(B)(ii) does not strip jurisdiction over

procedural challenges. *Rodriguez Orellana v. Francis*, 1:25-cv-04212-OEM at *6 (Aug. 19, 2025) (quoting *Mantena v. Johnson*, 809 F.3d 721, 728 (2d Cir. 2015)). Here, Petitioner contends that Respondents violated their own regulations by failing to provide due process. "Regardless of whether the substantive revocation decision is shielded from judicial review, no party has provided authority to suggest that the *procedure* surrounding the substantive decision is similarly shielded." *Mantena*, 809 F.3d at 728. "Agency actions that must comply with mandatory procedures are 'not within the discretion of the Attorney General,' so the INA's jurisdiction stripping provision does not apply.'" *Rodriguez Orellana v. Francis*, 1:25-cv-04212-OEM at *7 (citing *Mantena*, 809 F.3d at 729), *Sharkey v. Quarantillo*, 541 F.3d 75, 86 (2d Cir. 2008)); *You, Xiu Qing v. Nielsen*, 321 F. Supp. 3d 451, 460, 457 (S.D.N.Y. 2018) (finding that "§ 1252(a)(2)(B) does not eliminate review of legal errors" and noting that "courts can review 'how' Respondents exercise their discretion is, therefore, an uncontroversial proposition.")).

Accordingly, § 1252(g) and 1252(a)(2)(B)(ii) do not preclude the Court from reviewing the lawfulness of the revocation of Petitioner's parole. *See Mata Velasquez v. Kurzdorfer*, 25-CV-493-LJV, 2025 WL 1953796, at *7 (W.D.N.Y. July 16, 2025) (finding 1252(a)(2)(B)(ii) did not strip jurisdiction to review due process rights for parole revocation).

Moreover, the Government's position would leave Petitioner without any meaningful mechanism to challenge the legality of his detention. Petitioner's parole was never lawfully revoked in accordance with 8 C.F.R. § 212.5(e), as Respondents do not claim that he was provided written notice or the reasons for termination, and his parole did not automatically terminate because he has neither departed the United States nor has his parole expired. At the time of his detention, Petitioner's parole had not expired, and upon information and belief, Respondents had not lawfully revoked it. Because there is no administrative or judicial forum in which Petitioner

may contest this unlawful revocation, habeas review is constitutionally required under the Suspension Clause. *See Boumediene v. Bush*, 553 U.S. 723 (2008); *INS v. St. Cyr*, 533 U.S. 289 (2001). Petitioner seeks only release from unlawful detention—not review of a discretionary decision—and therefore falls squarely within the core protections of the habeas writ.

Petitioner's case is readily distinguishable from *Department of Homeland Security v. Thuraissigiam*, 591 U.S. 103 (2020). Unlike in *Thuraissigiam*, Petitioner seeks release from custody—the traditional function of habeas—and was lawfully paroled into the United States, where he has resided for over a year, obtained work authorization, and developed substantial ties to the community. He is not at the "threshold of initial entry," but rather is a parolee whose detention stems from an unlawful revocation process.

Under these circumstances, denying habeas jurisdiction would leave Petitioner with no forum whatsoever to challenge the legality of his detention, in direct violation of the Suspension Clause. Accordingly, this Court retains jurisdiction under 28 U.S.C. § 2241.

II. The merits of Petitioner's claims.

Respondents next argue that even assuming this Court has jurisdiction to review Petitioner's claims, "Petitioner has not demonstrated he is entitled to relief." Respondents' Opp. at 5. They contend that ICE may terminate humanitarian parole under 8 U.S.C. § 1182(d)(5)(A) without adhering to its own governing regulations, relying on a 2018 out-of-circuit district court decision. That position is unavailing.

Respondents' reliance on *Bermudez Paiz v. Decker* is misplaced. That case predates the growing body of recent authority addressing parole revocation and did not consider the government's failure to comply with its own mandatory regulations. More importantly, Petitioner does not assert a general liberty interest in parole, but rather challenges Respondents' failure to

follow binding procedural requirements, rendering the revocation legally invalid.

As set forth in the Petition, more recent authority confirms that parole termination under § 1182(d)(5)(A) must be conducted on a case-by-case basis and in compliance with the agency's own regulatory framework. Courts addressing this issue have consistently held that when the government fails to follow those mandatory procedures—including individualized determinations—it acts contrary to law. *Infante v. Raycraft*, No. 1:25-cv-01560-RJJ-MV, (W.D. Mich. Dec. 18, 2025) (collecting cases).

Moreover, courts have recognized that detention following such unlawful revocation violates the Fifth Amendment's Due Process Clause. *Id.* at *12-14. Respondents' reliance on outdated authority does not overcome this growing body of case law. Accordingly, for the reasons already set forth in the Petition, Petitioner has demonstrated that his detention is unlawful and that relief is warranted.

CONCLUSION

For the foregoing reasons and those expressed in the Petition for Habeas Corpus and Request for Order to Show Cause, this Court should find that it has jurisdiction over this case and should grant the petition.

Respectfully submitted,

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Dated: February 20, 2026

CERTIFICATE OF SERVICE

I hereby certify that on February 20, 2026, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system.

Respectfully submitted,

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