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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

HEYDI FRANCELIA VARGAS MONTIEL,

Petitioner,

v.

Kristi NOEM, Secretary, U.S. Department of

Homeland Security;

Todd LYONS, Acting Director, U.S.

Immigration and Customs Enforcement;

Patrick DIVVER, Field Office Director, San

Diego Field Office, U.S. Immigration and

Customs Enforcement.

Christopher LAROSE, Senior Warden, Otay

Mesa Detention Center;

Pamela BONDI, Attorney General, U.S.

Department of Justice.

Respondents

Case No.: '26CV1347 TWR VET

**PETITION FOR WRIT OF
HABEAS CORPUS AND ORDER
TO SHOW CAUSE WITHIN
THREE DAYS; COMPLAINT
FOR DECLARATORY AND
INJUNCTIVE RELIEF**

1 1. Petitioner, Heydi Francela Vargas Montiel, petitions this Court for a writ of habeas
2 corpus under 28 U.S.C. § 2241 to remedy Respondents' unlawful detention and states as follows:

3 **INTRODUCTION**

4 2. Petitioner is a national of Nicaragua currently detained at the Otay Mesa Detention
5 Center in San Diego, California.

6 3. Petitioner files this petition under 28 U.S.C. § 2241 seeking judicial review of
7 Respondents' decision to detain her under 8 U.S.C. § 1225(b) (INA § 235(b)), despite lacking
8 statutory authority to do so. Petitioner was lawfully paroled into the United States on April 5,
9 2023, pursuant to the humanitarian parole process for nationals of Nicaragua. She was issued a
10 Form I-94 reflecting a two-year grant of parole. At no time has the Department of Homeland
11 Security ("DHS") issued written notice terminating her parole pursuant to 8 C.F.R. § 212.5(e).

12 4. Because DHS has never terminated Petitioner's parole in accordance with 8 C.F.R. §
13 212.5(e), her parole remains legally operative. Under binding regulations, parole may be
14 terminated only upon written notice following an individualized determination that the purpose
15 of parole has been served or that humanitarian or public benefit reasons no longer justify
16 continued presence. DHS has made no such determination and has provided no such notice.
17 Petitioner therefore remains a parolee as a matter of law, and DHS lacks statutory authority to
18 detain her under 8 U.S.C. § 1225(b).

19 5. On February 14, 2026, Petitioner was arrested following a routine traffic stop in
20 Marathon, Florida. She has no criminal history. She was subsequently transferred across the
21 country to the Otay Mesa Detention Center in this District. At the time of her arrest, Petitioner
22 had a timely filed affirmative Form I-589 application for asylum pending and had been granted
23 employment authorization valid for five years based on that pending application. DHS detained
24 her without providing written notice of parole termination, without issuing an individualized
25 revocation decision, and without affording her any opportunity to be heard.

26 6. Absent intervention by this Court, no neutral adjudicator will review the legality of
27 Petitioner's detention. Immigration Judges lack jurisdiction to review custody determinations

1 where DHS classifies a parolee as subject to § 235(b). Without habeas relief, Respondents will
2 continue to detain Petitioner despite the absence of any lawful termination of parole and despite
3 her long-standing compliance with all immigration obligations. Petitioner therefore respectfully
4 requests that this Court examine the legality of her detention, declare that Respondents lack
5 statutory authority to detain her under § 1225(b), and order her immediate release.

6 7. Courts in this District have repeatedly granted habeas relief to parolees whose parole
7 was purportedly terminated without compliance with 8 C.F.R. § 212.5(e). In *Rodriguez*
8 *Fernandez v. Noem*, No. 25-cv-03399-DMS-KSC (S.D. Cal. Dec. 22, 2025), the court held that a
9 parolee detained without written notice or an individualized determination retained a protected
10 liberty interest in remaining free from detention and ordered release within 48 hours. In *Ayala*
11 *Perez v. Noem*, No. 3:25-cv-03777-CAB-JLB (S.D. Cal. Jan. 14, 2026), the court held that
12 detention violated 8 C.F.R. § 212.5(e)(5) and the Due Process Clause where DHS failed to
13 provide written notice revoking parole and ordered immediate release under the same conditions
14 that existed prior to re-detention. Likewise, in *Navarro Sanchez v. LaRose*, No. 25-cv-2396-JES-
15 MMP (S.D. Cal. Sept. 26, 2025), the court held that DHS violated both the Due Process Clause
16 and the Administrative Procedure Act by revoking parole without an individualized showing of
17 changed circumstances or legally sufficient notice, and ordered immediate release. Here, as in
18 those cases, Respondents have never lawfully terminated Petitioner's parole pursuant to 8 C.F.R.
19 § 212.5(e), have issued no written notice of termination, have made no individualized
20 determination supported by changed circumstances, and nevertheless have detained her under a
21 statutory provision that does not apply to valid parolees. Petitioner therefore seeks the same
22 relief granted in *Rodriguez Fernandez*, *Ayala Perez*, and *Navarro Sanchez*: immediate release
23 from custody.

24 CUSTODY

25 8. Petitioner is currently in Respondents' legal and physical custody. She is detained at
26 the Otay Mesa Detention Center in San Diego, California, where she remains under
27 Respondents' and their agents' direct control.

JURISDICTION AND VENUE

9. This action arises under the United States Constitution and the Immigration and Nationality Act, 8 U.S.C. § 1101 et seq., INA § 101 et seq., to challenge Petitioner’s detention under the INA and any inherent or plenary powers the government may claim to continue holding her.

10. This Court has jurisdiction under 28 U.S.C. § 2241; Art. I, § 9, cl. 2 of the United States Constitution; and 28 U.S.C. § 1331, as Petitioner is presently in Respondents’ custody under the United States’ color of authority, and such custody violates the Constitution, laws, or treaties of the United States. This Court’s jurisdiction is not limited by a petitioner’s nationality, status as an immigrant, or any other classification. See *Boumediene v. Bush*, 553 U.S. 723, 747 (2008). This Court may grant relief under U.S. CONST. art. I, § 9, cl. 2; U.S. CONST. amends. V and VIII; 28 U.S.C. §§ 1361 (mandamus), 1651 (All Writs Act), and 2241 (habeas corpus).

11. Specifically, this Court has jurisdiction under 28 U.S.C. § 2241 to review Petitioner’s detention. Federal district courts possess broad authority to issue writs of habeas corpus when a person is held “in custody in violation of the Constitution or laws or treaties of the United States” (28 U.S.C. § 2241(c)(3)), and this authority extends to immigration detention challenges that survived the REAL ID Act’s jurisdictional restrictions.

12. Because Petitioner seeks the traditional habeas remedy of release from allegedly unlawful detention rather than additional administrative review of her underlying claims, her petition presents precisely the type of threshold legality-of-detention question that § 2241 was designed to address. See *INS v. St. Cyr*, 533 U.S. 289, 301 (2001); see also *Lopez-Marroquin v. Barr*, 955 F.3d 759, 759 (9th Cir. 2020) (citing *Singh*, 638 F.3d at 1211–12). No court has ruled on the legality of Petitioner’s detention.

13. Venue is proper in this District under 28 U.S.C. §§ 1391(b)(2) and (e)(1) because a substantial part of the events or omissions giving rise to this claim have occurred here, Petitioner is detained here, and her custodian resides here. Venue is also proper under 28 U.S.C. § 2243

1 because Petitioner's immediate custodian resides in this District. See *Rumsfeld v. Padilla*, 542
2 U.S. 426, 451–52 (2004) (Kennedy, J., concurring).

3 14. Courts in the Southern District of California have repeatedly held that 8 U.S.C. §§
4 1252(b)(9) and 1252(g) do not bar habeas review where, as here, a petitioner challenges the
5 legality of detention rather than removal proceedings. See *Arias v. LaRose*, No. 3:25-cv-02595-
6 BTM-MMP (S.D. Cal. Nov. 25, 2025) (rejecting the government's § 1252 arguments and
7 exercising § 2241 jurisdiction over a parole-revocation detention challenge). Petitioner
8 challenges only the statutory and constitutional authority for her continued detention, placing this
9 case squarely within the Court's habeas jurisdiction.

10 PARTIES

11 15. Petitioner, Heydi Francela Vargas Montiel, is a national of Nicaragua detained at the
12 Otay Mesa Detention Center in San Diego, California.

13 16. Respondent Kristi Noem is the Secretary of the U.S. Department of Homeland
14 Security (DHS).

15 17. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs
16 Enforcement (ICE).

17 18. Respondent Patrick Divver is the Director of the San Diego Field Office of U.S.
18 Immigration and Customs Enforcement.

19 19. Respondent Christopher LaRose is the Senior Warden of the Otay Mesa Detention
20 Center.

21 20. Respondent Pamela Bondi is the Attorney General of the United States and the head
22 of the U.S. Department of Justice (DOJ).

23 21. All Respondents are named in their official capacities.

24 STATEMENT OF FACTS

25 22. Petitioner is currently detained at the Otay Mesa Detention Center in San Diego,
26 California.

23. Petitioner was lawfully paroled into the United States on April 5, 2023, pursuant to the humanitarian parole process for nationals of Nicaragua. Upon parole, she was issued a Form I-94 reflecting a two-year grant of parole. (*Exhibit 1*).

24. Following her parole into the United States, Petitioner complied with all conditions imposed by DHS. She timely filed an affirmative Form I-589 application for asylum, which remains pending. Based on that pending application, DHS granted her employment authorization valid for five years.

25. For nearly three years following her lawful parole, Petitioner resided in the United States at liberty with the knowledge and authorization of DHS. During that time, she established family and community ties and served as the primary caregiver for her three minor children, ages 13, 8, and 4. At no point during this period did DHS issue any written notice terminating her parole or advising her that her lawful status had been revoked.

26. Petitioner has no criminal history. She complied with all immigration obligations and remained continuously present and accessible to DHS.

27. On February 14, 2026, Petitioner was arrested following a routine traffic stop in Marathon, Florida. She was not arrested for any criminal offense. Instead, she was transferred into ICE custody and subsequently transported across the country to the Otay Mesa Detention Center in San Diego, California.

28. At the time of her arrest and transfer to ICE custody, DHS had never issued written notice terminating her parole pursuant to 8 C.F.R. § 212.5(e). DHS had never made an individualized determination that the purpose of parole had been served, nor identified any material changed circumstances related to flight risk or danger to the community that would justify re-detention.

29. DHS nevertheless detained Petitioner without complying with the mandatory regulatory procedures governing termination of parole and without affording her notice or an opportunity to respond.

1 30. Because Petitioner's parole has never been lawfully terminated under 8 C.F.R. §
2 212.5(e), it remains legally operative, and her continued detention is unlawful.

3 31. Recent litigation in this District confirms that DHS may not detain parolees without
4 complying with the regulatory requirements governing termination of parole. Courts in this
5 District have repeatedly granted habeas relief in materially similar circumstances involving
6 unlawful parole termination without compliance with 8 C.F.R. § 212.5(e), including in
7 *Rodriguez Fernandez v. Noem*, *Ayala Perez v. Noem*, and *Navarro Sanchez v. LaRose*, where
8 detention was found unlawful due to DHS's failure to provide written notice and an
9 individualized determination under 8 C.F.R. § 212.5(e).

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

11 32. Under 28 U.S.C. § 2243, the Court "must" grant the petition for a writ of habeas
12 corpus or issue an order to show cause ("OSC") "forthwith," unless the petitioner is not entitled
13 to relief. If an OSC is issued, the statute requires that Respondents file a return "within three
14 days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*
15 (emphasis added).

16 33. Federal courts have long emphasized the importance of habeas corpus as a
17 protection against unlawful restraint. The Supreme Court has described the Great Writ as
18 "perhaps the most important writ known to the constitutional law of England, affording as it
19 does a swift and imperative remedy in all cases of illegal restraint or confinement." *Fay v.*
20 *Noia*, 372 U.S. 391, 400 (1963).

21 34. Congress and the courts have repeatedly reaffirmed that habeas corpus must remain
22 a prompt and expeditious remedy. As the Ninth Circuit has explained, "The statute itself directs
23 courts to give petitions for habeas corpus 'special, preferential consideration to insure
24 expeditious hearing and determination.'" *Yong v. INS*, 208 F.3d 1116, 1120 (9th Cir. 2000)
25 (citation omitted). The court cautioned that delays in habeas proceedings risk creating the
26 impression "that courts are more concerned with efficient trial management than with the
27 vindication of constitutional rights." *Id.*

EXHAUSTION OF ADMINISTRATIVE REMEDIES

35. In habeas corpus proceedings, exhaustion of administrative remedies is prudential, not jurisdictional. *Hernandez v. Sessions*, 872 F.3d 976, 988 (9th Cir. 2017). A court may waive prudential exhaustion where “administrative remedies are inadequate or not efficacious, pursuit of administrative remedies would be a futile gesture, irreparable injury will result, or the administrative proceedings would be void.” *Id.* (quoting *Laing v. Ashcroft*, 370 F.3d 994, 1000 (9th Cir. 2004)). Here, exhaustion should be excused because administrative remedies are (1) futile and (2) Petitioner's continued detention results in irreparable harm.

36. Exhaustion would be futile because DHS has asserted that Petitioner is subject to detention under 8 U.S.C. § 1225(b), and Immigration Judges lack jurisdiction to conduct custody redetermination hearings for individuals DHS classifies as subject to § 235(b) or designates as Arriving Aliens. See 8 C.F.R. § 1003.19(h)(2)(i)(B). In this District, Immigration Judges routinely state on the record that they lack authority to review custody where DHS invokes § 235(b). If Petitioner were to request a bond hearing, DHS would rely on its asserted statutory classification to block review, and the Immigration Judge would be required to decline jurisdiction. Because no administrative mechanism exists to obtain custody review under DHS's asserted detention authority, any attempt to exhaust administrative remedies would be futile.

37. Moreover, no statutory exhaustion requirement applies to Petitioner's claim that her detention violates the Constitution and the INA. Constitutional claims and pure questions of law—such as whether Petitioner's parole was lawfully terminated and whether DHS has statutory authority to detain her—fall outside the agency's adjudicatory competence. See *Am.-Arab Anti-Discrimination Comm. v. Reno*, 70 F.3d 1045, 1058 (9th Cir. 1995) (exhaustion excused where the agency “does not have jurisdiction to review” constitutional claims); *In re Indefinite Detention Cases*, 82 F. Supp. 2d 1098, 1099 (C.D. Cal. 2000) (same). There is no administrative forum that can decide whether DHS lawfully terminated Petitioner's parole or whether DHS may invoke § 1225(b)(2) to detain her.

1 38. Petitioner suffers irreparable harm for each additional day she remains unlawfully
2 detained. Her detention has caused significant emotional distress, physical decline, and
3 deterioration of mental health. Continued incarceration under an unrevoked grant of parole
4 magnifies these ongoing harms. Courts routinely excuse exhaustion where prolonged or unlawful
5 detention inflicts irreparable injury. Petitioner's ongoing harm further warrants waiver of
6 prudential exhaustion.

7 LEGAL FRAMEWORK

8 39. The Immigration and Nationality Act authorizes the Secretary of Homeland Security
9 to grant parole to certain noncitizens on a case-by-case basis for urgent humanitarian reasons or
10 significant public benefit, allowing them to be physically present in the United States while their
11 immigration matters proceed. 8 U.S.C. § 1182(d)(5)(A).

12 40. Parole under § 1182(d)(5)(A) is discretionary and must be granted on a case-by-case
13 basis. The statute expressly limits parole authority and prohibits categorical or blanket
14 determinations, underscoring that both the grant and termination of parole must be
15 individualized.

16 41. Once DHS grants parole under § 1182(d)(5)(A), that parole may be terminated only
17 when "the purposes of such parole shall ... have been served," or when "neither humanitarian
18 reasons nor public benefit warrants the continued presence of the alien." 8 C.F.R. § 212.5(e)(2)
19 (i). The regulation requires an individualized determination and written notice; DHS must
20 identify the purpose of parole and show that it has been accomplished or that the reasons
21 supporting parole no longer exist.

22 42. Release on parole is an express statutory exception to detention. *Jennings v.*
23 *Rodriguez*, 583 U.S. 281, 300 (2018). The statute requires that parole decisions—including
24 termination—be made "only on a case-by-case basis" and tied to the individual circumstances of
25 the person. 8 U.S.C. § 1182(d)(5)(A). The individualized nature of parole is a central statutory
26 requirement, and parole may not be terminated through blanket or categorical actions.

1 43. Recent decisions in this District confirm that parole may be terminated only in strict
2 compliance with the grounds and procedures established in 8 C.F.R. § 212.5(e). In *Arias v.*
3 *LaRose*, No. 3:25-cv-02595-BTM-MMP (S.D. Cal. Nov. 25, 2025), the court held that DHS
4 acted unlawfully when it attempted to terminate humanitarian parole through a “mass form
5 email,” provided no individualized explanation, and failed to demonstrate that the purpose of
6 parole had been served or that humanitarian reasons no longer justified parole. The court
7 emphasized that parole termination requires a case-by-case, individualized determination tied to
8 the parolee’s specific circumstances, and that categorical or boilerplate notices do not satisfy §
9 212.5(e). Here, as in *Arias*, DHS never issued an individualized determination or complied with
10 the regulatory procedures for terminating parole before detaining Petitioner.

11 44. Under the Administrative Procedure Act, agency action must not be “arbitrary” or
12 “capricious.” 5 U.S.C. § 706(2)(A). DHS must provide a rational explanation for its action, based
13 on consideration of relevant factors. *Dep’t of Com. v. New York*, 139 S. Ct. 2551, 2569 (2019).
14 Terminating parole without individualized findings violates both the statute and the APA.

15 45. Immigration detention is civil, not punitive. It is constitutionally permissible only
16 when justified by legitimate governmental interests—namely, ensuring appearance at
17 proceedings and protecting the community. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
18 Detention must always comport with due process.

19 46. “Freedom from imprisonment—from government custody, detention, or other forms
20 of physical restraint—lies at the heart of the liberty that the Due Process Clause protects.”
21 *Zadvydas*, 533 U.S. at 690. Due Process protections apply to “all persons” in the United States,
22 regardless of their immigration status. *Id.* at 693.

23 47. Parolees have a substantial liberty interest. As the Supreme Court explained, a parolee
24 —though subject to certain conditions—“can be gainfully employed and is free to be with family
25 and friends and to form the other enduring attachments of normal life.” *Morrissey v. Brewer*, 408
26 U.S. 471, 482 (1972). The termination of that liberty interest “inflicts a grievous loss” and
27 therefore requires Due Process. *Id.*

1 48. The Supreme Court further held that individuals granted parole rely on the implicit
2 governmental assurance that their parole will not be revoked arbitrarily or without cause.
3 Termination requires procedural safeguards proportionate to the importance of the liberty interest
4 at stake. *Id.* at 483–84.

5 49. “Adequate, or due, process depends upon the nature of the interest affected.”
6 *Haygood v. Younger*, 769 F.2d 1350, 1355–56 (9th Cir. 1985) (en banc). Because the liberty
7 interest in remaining on parole is substantial, the government must provide meaningful
8 procedural protections before revocation.

9 50. The Constitution requires immigration agencies to “turn square corners” when acting
10 in ways that affect individuals’ rights and lawful presence. *Dep’t of Homeland Sec. v. Regents of*
11 *the Univ. of Cal.*, 591 U.S. 1, 24 (2020). Where the government confers a lawful status—such as
12 parole—it must comply with both statutory and constitutional Due Process requirements before
13 revoking it.

14 **CLAIM FOR RELIEF**

15 **COUNT 1**

16 **Violation of Due Process U.S. Constitution Amendment V**

17 51. Petitioner re-alleges and incorporates by reference, as if fully set forth herein, all
18 preceding paragraphs.

19 52. The Due Process Clause of the Fifth Amendment prohibits the federal government
20 from depriving any person of “life, liberty, or property, without due process of law.” U.S.
21 CONST. amend. V. This protection applies to all persons within the United States, including
22 noncitizens, “whether their presence here is lawful, unlawful, temporary, or permanent.”
23 *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

24 53. Petitioner received no notice that DHS intended to detain her, terminate her parole, or
25 assert that she was subject to detention under 8 U.S.C. § 1225(b). Petitioner was taken into ICE
26 custody following a routine traffic stop in Florida—without prior written notice of parole
27 termination and without any opportunity to be heard—despite having lived at liberty under DHS

1 authorization for nearly three years. Nothing in the record indicates that Petitioner poses any
2 danger to the community or any risk of flight.

3 54. Because Petitioner is a parolee with a recognized liberty interest—one that cannot be
4 revoked absent individualized process—her sudden seizure and incarceration without notice or
5 any opportunity to be heard violates the Due Process Clause. See *Mathews v. Eldridge*, 424 U.S.
6 319, 333 (1976) (requiring notice and an opportunity to be heard prior to deprivation of a
7 protected liberty interest); *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972) (parole revocation
8 inflicts a “grievous loss” and requires minimum due process protections).

9 **COUNT 2**

10 **Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A) (Agency Action Not**
11 **in Accordance with Law and in Excess of Statutory Authority)**

12 55. Petitioner re-alleges and incorporates by reference, as if fully set forth herein, the
13 allegations in the paragraphs above.

14 56. Under the APA, a court shall “hold unlawful and set aside agency action” that is an
15 abuse of discretion. 5 U.S.C. § 706(2)(A).

16 57. An action is an abuse of discretion if the agency “entirely failed to consider an
17 important aspect of the problem, offered an explanation for its decision that runs counter to the
18 evidence before the agency, or is so implausible that it could not be ascribed to a difference in
19 view or the product of agency expertise.” *Nat’l Ass’n of Home Builders v. Defs. of Wildlife*, 551
20 U.S. 644, 658 (2007) (quoting *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto.*
21 *Ins. Co.*, 463 U.S. 29, 43 (1983)).

22 58. To survive an APA challenge, the agency must articulate “a satisfactory explanation”
23 for its action, “including a rational connection between the facts found and the choice made.”
24 *Dep’t of Com. v. New York*, 139 S. Ct. 2551, 2569 (2019).

25 59. Recent decisions in this District confirm that DHS must provide a coherent,
26 individualized explanation before terminating parole, regardless of the specific parole program
27 through which it was granted. In *Rodriguez Fernandez v. Noem*, No. 25-cv-03399-DMS-KSC

(S.D. Cal. Dec. 22, 2025), the court held that DHS violated due process where it detained a CBP One parolee without providing written notice or an individualized determination terminating parole, and ordered release within 48 hours. Likewise, in *Ayala Perez v. Noem*, No. 3:25-cv-03777-CAB-JLB (S.D. Cal. Jan. 14, 2026), the court held that detention violated 8 C.F.R. § 212.5(e)(5) where DHS failed to provide written notice revoking parole and ordered immediate release under the same conditions that existed prior to re-detention. See also *Arias v. LaRose*, No. 3:25-cv-02595-BTM-MMP (S.D. Cal. Nov. 25, 2025) (holding DHS acted arbitrarily and capriciously when it attempted to revoke humanitarian parole through a mass email without individualized explanation, factual justification, or compliance with § 212.5(e)).

60. By revoking Petitioner's parole without providing any explanation or individualized assessment, and by detaining her without considering her specific facts and circumstances, Respondents have violated the Administrative Procedure Act.

61. Respondents further acted arbitrarily and capriciously by detaining Petitioner without providing any lawful or reasoned explanation for the asserted basis of detention, and without identifying why detention—rather than continued parole—was justified.

62. Respondents have made no finding that Petitioner, an individual with no criminal history anywhere in the world, is a danger to the community.

63. Respondents have also made no finding that Petitioner is a flight risk. She resided in the United States for nearly three years following her parole, timely filed an affirmative asylum application, and was granted employment authorization by DHS. Her conduct demonstrates compliance with the immigration process, not any attempt to flee or evade lawful supervision.

64. By detaining Petitioner without any individualized assessment, Respondents have further abused their discretion because there have been no changes to her facts or circumstances since the agency made its initial determination to parole her into the United States that would justify detention.

65. DHS previously exercised its discretionary parole authority under 8 U.S.C. § 1182(d)(5)(A) on a case-by-case basis when it paroled Petitioner into the United States. At that time,

1 DHS necessarily determined that Petitioner did not present a danger to the community and was
2 not a flight risk. There have been no materially changed circumstances since DHS granted parole
3 that would justify revoking parole or detaining Petitioner.

4 **PRAYER FOR RELIEF**

5 WHEREFORE, Petitioner respectfully requests that this Court:

6 A) Assume jurisdiction over this matter;

7 B) Issue the writ of habeas corpus or, in the alternative, an order to show cause directing
8 Respondents to show cause, within three days of the filing of this Petition, why the relief
9 requested should not be granted, and set a hearing within five days of Respondents' return,
10 consistent with 28 U.S.C. § 2243;

11 C) Declare that Petitioner's continued detention without an individualized determination violates
12 the Due Process Clause of the Fifth Amendment;

13 D) Declare that Petitioner's parole was never lawfully terminated, remains in effect, and that her
14 continued detention is unlawful;

15 E) Declare that Respondents' actions treating Petitioner's parole as terminated and detaining her
16 under 8 U.S.C. § 1225(b)(2) without lawfully terminating parole were arbitrary, capricious, an
17 abuse of discretion, and not in accordance with law, in violation of the Administrative Procedure
18 Act, 5 U.S.C. § 706(2);

19 F) Set aside Respondents' unlawful action under the Administrative Procedure Act, pursuant to 5
20 U.S.C. § 706(2)(A);

21 G) Issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from
22 custody;

23 H) In the alternative, order a constitutionally adequate custody hearing at which DHS bears the
24 burden of justifying Petitioner's continued detention by clear and convincing evidence, and the
25 neutral adjudicator must consider alternatives to detention and Petitioner's ability to pay any
26 bond imposed;

1 I) In the alternative, if no administrative adjudicator lawfully possesses jurisdiction to provide a
2 constitutionally adequate custody hearing, conduct such a hearing before this Court, at which
3 DHS must justify Petitioner's continued detention by clear and convincing evidence, and the
4 Court must consider alternatives to detention and Petitioner's ability to pay;

5 J) Enjoin Respondents from transferring Petitioner outside this District without prior approval of
6 this Court;

7 K) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, 28 U.S.C. §
8 2412, and any other basis authorized by law; and

9 L) Grant such other and further relief as the Court deems just and proper.

10 Respectfully submitted,

11 /s/ Alejandro J. Monsalve, Esq. CA SBN 324958

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17 Counsel for Petitioner

18 Dated: March 3, 2026

VERIFICATION PURSUANT TO 28 U.S.C. 2242

I submit this verification as counsel for Petitioner in this action. The factual allegations contained in the Petition are based on information provided to me by Petitioner during personal interviews at the Otay Mesa Detention Center, as well as my review of available immigration records, including her Form I-94 reflecting parole issued on April 5, 2023.

Based on my review of those records and communications, and to the best of my knowledge, information, and belief, the factual statements in the Petition accurately reflect Petitioner's circumstances and the procedural history of her detention.

/s/ Alejandro J. Monsalve, Esq. CA SBN 324958

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Counsel for Petitioner

Dated: March 3, 2026