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UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

<p>15 LUIS BARRERAS GRANADO, 16 <i>Petitioner,</i> 17 v. 18 19 JEREMY CASEY, Facility 20 administrator at the Imperial 21 Regional Detention Facility, 22 PATRICK DIVVER, Director of the 23 U.S. Immigration and Customs 24 Enforcement San Diego Field 25 Office, TODD LYONS, acting 26 Director of U.S. Immigration and 27 Customs Enforcement, KRISTI 28 NOEM, Secretary of the U.S. Department of Homeland Security, and PAM BONDI, U.S. Attorney General.</p>	<p><b>VERIFIED EMERGENCY PETITION FOR A WRIT OF HABEAS CORPUS, ORDER TO SHOW CAUSE WITHIN THREE DAYS, AND COMPLAINT FOR DECLARATORY RELIEF</b> <b>'26CV1377 LL DEB</b></p>
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1 **PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C.**  
2 **§2241**

3 **INTRODUCTION**

4 1. Petitioner Luis Barreras Granado files this petition for writ of habeas  
5 corpus seeking his release from the custody of the Department of Homeland Security,  
6 U.S. Immigration and Customs Enforcement (ICE). Petitioner is detained at the  
7 Imperial Regional Detention Facility (IRDF).

8 2. Petitioner was paroled into the United States at the San Ysidro Port of  
9 Entry on January 13, 2025. Ex. A. His parole is valid through January 12, 2027. *Id.*

10 3. While on parole, Petitioner lived as a law-abiding person, with the  
11 expectation that he would not be subject to re-detention if he did not violate the law.  
12 He was lawfully employed and lived with his sister, brother-in-law, and their two  
13 children in Miami, Florida.

14 4. Despite being on parole, Mr. Barreras Granado was detained by ICE on  
15 May 28, 2025, in Miami and taken into immigration custody. He was transferred to  
16 several different facilities and ultimately moved to the IRDF in Calexico, California.

17 5. Mr. Barreras Granado was born in Cuba. He was persecuted by the  
18 Cuban government for his participation in anti-government protests. Living under  
19 constant fear for his safety, he made the difficult decision to flee Cuba and seek  
20 refuge in the United States. After being paroled in the United States, he settled in  
21 Miami and applied for asylum, withholding of removal, and protection under the  
22 Convention Against Torture in the United States.

23 6. The immigration judge (IJ) granted Mr. Barreras Granado asylum on  
24 December 8, 2025. Ex. B. However, the government appealed the IJ's grant of  
25 asylum and Mr. Barreras Granado remains in custody. Ex. C. Despite his parole being  
26 valid through January 12, 2027, and being granted asylum, Mr. Barreras Granado has  
27 now been held in immigration detention for more than nine months.

28 7. Due Process requires the government to provide noncitizens with notice

1 and a hearing prior to re-detention, and that re-detention without prior notice, a  
2 showing of changed circumstance, or a meaningful opportunity to respond, violates  
3 procedural due process under the Fifth Amendment.

4 8. The regulations also provide that prior to termination of parole, the  
5 government must provide notice that it seeks to terminate parole. 8 C.F.R.  
6 212.5(e)(2)(i).

7 9. Petitioner's re-detention violated the Immigration and Nationality Act,  
8 the accompanying regulations, and Due Process rights, and he therefore seeks habeas  
9 relief via this Petition. *See Ramirez-Bibiano v. LaRose*, No. 25-CV-3429-JLS (SBC),  
10 2025 WL 3632748, at \*4–5 (S.D. Cal. Dec. 15, 2025) (ordering immediate release  
11 subject to conditions of petitioner's preexisting parole where DHS had summarily  
12 revoked parole and re-detained without notice or a hearing); *see also Maceo-Aguilera*  
13 *v. LaRose*, 26-CV-532-LL-MSB, 2026 WL 381633 (S.D. Cal. Feb. 11, 2026).

#### 14 JURISDICTION AND VENUE

15  
16 10. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28  
17 U.S.C. § 1331 (federal question), 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§  
18 2201-02 (declaratory relief), and art. I sec. 9, cl. 2 of the United States Constitution  
19 (Suspension Clause), as Petitioner is presently in custody under the authority of the  
20 United States and challenges his detention as in violation of the Constitution, laws,  
21 or treaties of the United States.

22 11. The federal district courts have jurisdiction under Section 2241 to hear  
23 habeas claims by individuals challenging the lawfulness of their detention by ICE.  
24 *See Jennings v. Rodriguez*, 583 U.S. 281, 290-92 (2018).

25 12. Venue is proper in the Southern District of California, pursuant to 28  
26 U.S.C. §§ 1391 and 2241(d) because Mr. Barreras Granado is detained at the Imperial  
27 Regional Detention Facility in Calexico, California.

28

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

3           13.     The Court must grant the petition for writ of habeas corpus or issue an  
4 order to show cause (“OSC”) to the respondents “forthwith,” unless the petitioner is  
5 not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require  
6 respondents to file a return “within three days unless for good cause additional time,  
7 not exceeding twenty days is allowed.” *Id.*

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

18                   **PARTIES**

19           15.     Petitioner Luis Barreras Granado is currently detained by Respondents  
20 in the Imperial Regional Detention Facility despite having been previously paroled  
21 into the United States.

22           16.     Respondent Jeremy Casey is the facility administrator at the Imperial  
23 Regional Detention Facility in Calexico, California where Mr. Barreras Granado is  
24 currently detained. He is thus Mr. Barreras Granado’s immediate custodian. He is  
25 sued in his official capacity.

26           17.     Respondent Patrick Divver is the Director of ICE’s San Diego Field  
27 Office, which has jurisdiction over ICE detention facilities in San Diego and Imperial  
28 County, including the Imperial Regional Detention Center, and is thus Petitioner’s

1 immediate custodian. He is sued in his official capacity.

2 18. Respondent Todd Lyons is the Director of ICE. He is responsible for the  
3 administration of ICE and the implementation and enforcement of the immigration  
4 laws, including noncitizen detention. As such, Mr. Lyons is a legal custodian of Mr.  
5 Barreras Granado. He is sued in his official capacity.

6 19. Respondent Kristi Noem is the Secretary of the Department of  
7 Homeland Security (DHS), which is responsible for the administration of ICE and  
8 the implementation and enforcement of the immigration laws. As such, Ms. Noem is  
9 the ultimate legal custodian of Mr. Barreras Granado. She is sued in her official  
10 capacity.

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

17 **STATEMENT OF FACTS**

18 21. Mr. Barreras Granado came to the U.S. seeking asylum. He participated  
19 in peaceful anti-government protests in Cuba and was targeted by the government  
20 because of his political opinion. After protesting the government, he was repeatedly  
21 threatened with arrest, and the government shut down his small business, eliminating  
22 his only source of income. He witnessed friends and neighbors who had also taken  
23 part in the demonstrations being beaten, detained, or disappearing altogether. Over  
24 time, he realized that he was being watched and followed by local authorities and  
25 received multiple citations and warnings for speaking out against the regime.

26 22. Petitioner was paroled into the United States via CBP One on January  
27 13, 2025. Ex. A. He was issued a Notice to Appear (NTA) on July 1, 2025 charging  
28 him with being subject to removal pursuant to INA § 212(a)(7)(A)(i)(I) as a

1 noncitizen who, at the time of application for admission, is not in possession of a  
2 valid unexpired immigrant visa, reentry permit, border crossing card, or other valid  
3 entry document required by the act, and a valid unexpired passport, or other suitable  
4 travel document, or document of identity and nationality as required under the  
5 regulations issued by the Attorney General under section 211(a) of the Act. Ex. D.

6 23. Despite being on parole, Mr. Barreras Granado was detained by ICE on  
7 May 28, 2025, in Miami and taken into ICE custody. There were no allegations that  
8 he had violated the terms of parole. At the time of his detention, Petitioner’s parole  
9 remained valid and in effect through January 12, 2027. Ex. A.

10 24. Mr. Barreras Granado was granted asylum by the immigration judge on  
11 December 8, 2025. Ex. B.

12 25. The Department of Homeland Security filed a Notice of Appeal with the  
13 Board of Immigration Appeals (BIA) on December 18, 2025. Ex. C. The parties’  
14 briefs are due on March 23, 2026. Ex. E.

15 26. During his time in the U.S., Petitioner lived with the expectation that he  
16 would not be subject to re-detention if he did not violate the law. He lived with his  
17 sister, brother-in-law, and their two children in Miami and he was a law-abiding  
18 member of his community. He applied for an Employment Authorization card, and  
19 he had a valid social security card, and Florida driver’s license.

20 27. Petitioner did not receive any notice of termination of his parole status  
21 as required by 8 C.F.R. 215(e)(2)(i), nor was he provided the opportunity for a  
22 hearing on whether he is a danger or a flight risk as required by Due Process and  
23 *Mathews v. Eldridge*, 424 U.S. 319 (1976).

24  
25 **LEGAL FRAMEWORK**

26 28. “[T]he Due Process Clause applies to all ‘persons’ within the United  
27 States, including aliens, whether their presence here is lawful, unlawful, temporary,  
28 or permanent.” *Zadvydas v. Davis*, 533 U.S. 678 (2001). Accordingly, “[i]t is well

1 established that the Fifth Amendment entitles aliens to due process of law in the  
2 context of removal proceedings.” *Trump v. J.G.G.*, 604 U.S. 670, 673 (2025) (internal  
3 quotation marks omitted) (citing *Reno v. Flores*, 507 U.S. 292, 306 (1993)). Due  
4 process “requires some kind of a hearing before the State deprives a person of liberty  
5 or property.” *Zinerman v. Burch*, 494 U.S. 113, 127 (1990).

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

18 **A. Summary Parole Revocation and Re-Detainment of a Previously**  
19 **Paroled Person is a Violation of Due Process Requiring Immediate**  
20 **Habeas Relief.**

21 30. Consistent with the traditional *Mathews* three-factor test, district courts  
22 in the Ninth Circuit have formulated a bright-line Due Process rule: if a noncitizen  
23 has been paroled into the U.S., the government may not revoke their parole or re-  
24 detain them without first affording pre-deprivation notice and a hearing establishing  
25 that the person is now a danger or flight risk—failure to provide this is a violation of  
26 the person’s Fifth Amendment Due Process rights requiring immediate habeas relief.  
27 *See, e.g., Ramirez-Bibiano*, 2025 WL 3632748 (ordering immediate habeas relief;  
28 holding the government’s summary revocation of parole and re-detention without

1 pre-deprivation notice or a hearing establishing present risk of danger or flight  
2 violates Fifth Amendment Due Process); *see also Noori v. LaRose*, No. 25-CV-1824-  
3 GPC-MSB, 2025 WL 2800149 (S.D. Cal. Oct. 1, 2025) (Curiel, J.) (granting  
4 immediate habeas release; holding the government’s summary revocation of parole  
5 and re-detention without pre-deprivation notice, reasons, and a hearing establishing  
6 present danger or flight risk violated due process under *Mathews*); *Ramirez Tesara*  
7 *v. Wamsley*, 800 F. Supp. 3d 1130 1135–39 (W.D. Wash. 2025) (granting TRO and  
8 ordering immediate release; applying *Mathews* to hold that even though petitioner’s  
9 parole had expired, because he had previously been paroled his re-detention without  
10 a pre-deprivation hearing establishing a justification for re-detention violated due  
11 process under *Mathews*); *Fernandez Lopez v. Wofford*, No. 1:25-CV-01226-KES-  
12 SKO (HC), 2025 WL 2959319, at \*6 (E.D. Cal. Oct. 17, 2025) (ordering immediate  
13 habeas release; canvassing seven cases establishing the principle that re-detention of  
14 a previously paroled noncitizen without a pre-deprivation hearing establishing a  
15 change in the person’s risk of danger or flight violates Due Process and requires  
16 immediate habeas relief).

17 31. In *Ramirez-Bibiano*, a case from this district, a noncitizen who had been  
18 previously paroled into the U.S. was summarily re-detained after ICE revoked his  
19 parole without notice, reasons, or an opportunity to be heard. *Ramirez-Bibiano*, 2025  
20 WL 3632748 at \*1, \*4–5. The Court applied *Mathews*, granted immediate habeas  
21 relief and attorneys’ fees according to proof, and ordered that any future detention be  
22 supported at a hearing with the government bearing the burden to show by clear and  
23 convincing evidence that the petitioner was a present danger or flight risk. *Id.* at \*4–  
24 5; *see also Maceo-Aguilera*, 26-CV-532-LL-MSB, 2026 WL 381633 (S.D. Cal. Feb.  
25 11, 2026); *Alegria Palma v. LaRose et al.*, No. 25-CV-1942-BJC (MMP), (S.D. Cal.  
26 Aug. 11, 2025); *Navarro Sanchez v. LaRose*, 2025 No. 25-CV-2396-JES-MMP, 2026  
27 WL 2770629 (S.D. Cal. Sept. 26, 2025).

28 32. In *Noori* (S.D. Cal.), an Afghan national paroled into the U.S. after

1 assisting U.S. forces was arrested at a courthouse and re-detained following the  
2 government's summary revocation of his humanitarian parole, without any pre-  
3 deprivation notice, reasons provided, or opportunity to be heard, despite a clean  
4 record and consistent compliance. *Noori*, 2025 WL 2800149 at \*1–2. The Court held  
5 that the government's summary parole revocation and re-detention violated due  
6 process under *Mathews* given the lack of justification, notice, and an opportunity to  
7 be heard. *Id.* at \*9–12. The Court granted the habeas petition, ordered that the  
8 government shall not re-detain the petitioner during the pendency of his removal  
9 proceedings, and granted attorneys' fees according to proof. *Id.* at \*14.

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

18 34. In *Fernandez Lopez*, an asylum-seeker from Chile who had been paroled  
19 in 2021 was summarily re-detained by ICE in August 2025 after a credible-fear  
20 interview. 2025 WL 2959319 at \*1. Once again, applying *Mathews*, and for the same  
21 reasons as the courts in *Ramirez-Bibiano*, *Ramirez Tesara*, and *Noori*, that court  
22 granted a preliminary injunction as well as the habeas petition at issue, and enjoined  
23 the government from re-detaining the petitioner absent a pre-deprivation bond  
24 hearing at which the government must prove current danger or flight risk by clear  
25 and convincing evidence. *Id.* at \*5–8. That court also canvassed cases from other  
26 district courts in the Ninth Circuit to state the *Mathews*-derived rule that if the  
27 government has previously paroled a noncitizen, it may not re-detain that person  
28 without first providing pre-deprivation notice and a hearing through which the

1 government establishes a change in the person’s risk of danger or flight. *Id.* at \*6.  
2 Failure to provide this pre-deprivation process is a violation of the person’s Fifth  
3 Amendment Due Process rights and grounds for immediate habeas relief. *Id.* at \*6–  
4 8.

5 35. Taken together, the district courts of the Ninth Circuit have developed  
6 the bright-line rule that **if a noncitizen has been paroled into the U.S., the**  
7 **government may not revoke that person’s parole or re-detain them without first**  
8 **providing pre-deprivation notice and a hearing establishing a change in danger**  
9 **or flight risk by clear and convincing evidence.** To date, the courts to have  
10 considered habeas petitions in this context have each applied the three-factor  
11 *Mathews* test to reach what has now coalesced into a uniform rule of law. The above  
12 rule incorporates and relies upon a *Mathews* analysis but streamlines the statement  
13 of law so as not to require a step-by-step in-depth inquiry of each *Mathews* factor.

14 36. This rule is grounded in the acknowledgment that the government’s  
15 initial decision to grant parole “reflects a determination by the government that the  
16 noncitizen is not a danger to the community or a flight risk.” *Fernández López*, 2025  
17 WL 2959319 at \*2. Absent “evidence that the noncitizen is in fact dangerous or has  
18 become a flight risk,” “there is no evidence that these findings have changed” and  
19 there is therefore no justification for re-detention. *Ramirez-Bibiano*, 2025 WL  
20 3632748 at \*4. Without establishing a change in circumstances via notice, a hearing,  
21 and evidence, parole-revocation or re-detention of a previously paroled person  
22 violates Fifth Amendment Due Process. *See id.*

23 37. Accordingly, where the Court finds that a petitioner has been previously  
24 paroled and yet the government summarily revoked his parole or re-detained him, a  
25 step-by-step *Mathews* analysis is unnecessary; it is already incorporated into and  
26 performed by the bright-line rule established by *Ramirez-Bibiano*, *Ramirez Tesara*,  
27 *Fernández López* and the many district court cases it cites, and *Mathews*.

28 38. Here, consistent with this line of cases, because Petitioner had

1 previously been paroled into the U.S., and his parole remains valid, the government’s  
2 summary parole revocation and re-detention of him violated his Due Process Rights  
3 and he must therefore be immediately released pursuant to a writ of habeas corpus.

4 39. The Court should also reject any jurisdictional defenses the government  
5 may assert under 8 U.S.C. §§ 1252(g) and (b)(9), because this challenge does not  
6 seek review of any removal order and instead challenges re-detention. *Ramirez-*  
7 *Bibiano*, 2025 WL 3632748 at \*2–3 (rejecting the government’s challenges under 8  
8 U.S.C. §§ 1252(g) and (b)(9) to habeas jurisdiction); *Noori*, 2025 WL 2800149 at  
9 \*6–7 (same). The Court also should waive any exhaustion requirement as futile for  
10 the same reasons it did so in *Ramirez-Bibiano*. 2025 WL 3632748 at \*3 (recognizing  
11 the Southern District of California finds exhaustion to be futile in this context such  
12 that immediate judicial review of habeas petitions challenging parole-revocation and  
13 re-detention is required). *Id.* at \*2–3.

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

15 40. To the extent the Court finds it necessary to undertake the *Mathews* test  
16 step by step, each *Mathews* factor weighs in favor of Petitioner and the result is the  
17 same as if the Court were to apply the Mathews-based brightline rule.

18 **1. Mathews Factor 1: Mr. Barreras Granados possesses a**  
19 **protected liberty interest in remaining out of custody.**

20 41. Mr. Barreras Granado possesses a protected liberty interest in remaining  
21 out of custody, namely, “the most significant liberty interest there is – the interest in  
22 being free from imprisonment.” *Velasco Lopez v. Decker*, 978 F.3d 842, 851 (2d Cir.  
23 2020). “Freedom from imprisonment—from government custody, detention, or other  
24 forms of physical restraint—lies at the heart of the liberty [the Due Process Clause]  
25 protects.” *Zadvydas*, 533 U.S. at 690. While “the initial decision to detain or release  
26 an individual may be within the government’s discretion, the government’s decision  
27 to release an individual from custody creates ‘an implicit promise,’ upon which that  
28 individual may rely, that their liberty ‘will be revoked only if they fail to live up to

1 the...conditions of release.” *Pinchi v. Noem*, 792 F.Supp.3d 1025, 1032 (N.D. Cal.  
2 2025) (alternation marks omitted).

3 42. Here, as in *Ramirez-Bibiano*, Petitioner has a significant liberty interest  
4 in remaining free of ICE custody under prior parole conditions. His initial “release  
5 from ICE custody constituted an implied promise that [his] liberty would not be  
6 revoked unless [he] failed to live up to the conditions of [his] release.” *Pinchi*, 792  
7 F. Supp. 3d at 1034 (internal quotation marks omitted). In other words, petitioner  
8 gained a protected liberty interest in remaining out of custody absent a showing that  
9 he is a flight risk or a danger to the community. *See, e.g., Fernández López*, 2025  
10 WL 2959319 at \*4-5 (finding that petitioner released from immigration detention on  
11 parole had protected liberty interest in remaining out of custody, including if the  
12 authority for petitioner’s parole was § 1182(d)(5)(A)); *Noori v. Larose*, 2025 WL  
13 2800149, \*4, 9-10 (S.D. Cal. 2025) (Curiel, J.) (finding that petitioner who was  
14 paroled from immigration detention under § 1182(d)(5)(A) had protected liberty  
15 interest in remaining out of custody).

16 **2. Mathews Factor 2: The Risk of Erroneous Deprivation Here**  
17 **Under the Procedure Used, Namely No Procedure at All, is**  
18 **High.**

19 43. Here, as in *Ramirez-Bibiano*, “the risk of an erroneous deprivation of  
20 such interest is high as Petitioner’s parole was revoked without providing him a  
21 reason for revocation or giving him an opportunity to be heard.” 2025 WL 3632748  
22 at \*4. The inquiry on the second factor may rightfully end there, as Mr. Barreras  
23 Granados’s parole was revoked, and he was detained without any prior notice,  
24 reasoning, or hearing. *See Ramirez Tesara*, 800 F. Supp. 3d at 1137 (granting habeas  
25 petition and TRO under similar circumstances because “re-detainment without a  
26 hearing results in a risk of erroneous deprivation of [a] protected interest.”);  
27 *Rodriguez Cabrera v. Mattos*, No. 2:25-CV-01551-RFB-EJY, 2025 WL 3072687, at  
28 \*12–13 (D. Nev. Nov. 3, 2025) (noting the government’s arbitrary re-detention  
“creates an extreme risk of erroneous deprivation).

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

3                   44. Under *Mathews*, the third factor examines the Government’s interests,  
4 including the function at issue and the administrative burdens of additional  
5 procedures. Here, the relevant function is DHS’s administration of immigration  
6 parole and civil detention to ensure appearance at proceedings and protect public  
7 safety. Minimal procedural safeguards-notice of the reasons for revocation and a  
8 prompt opportunity to be heard before a neutral decisionmaker-impose little burden  
9 on that function. They rely on processes the Government already uses in custody  
10 determinations and post-parole supervision, and they enhance accuracy without  
11 materially impeding enforcement. *See Mathews*, 424 U.S. at 335.

12                   45. As *Ramirez-Bibiano* recognized, where a noncitizen has been lawfully  
13 paroled and there is no change in circumstances indicating danger or flight risk, the  
14 Government’s interest in immediate re-detention without notice or hearing is low,  
15 while the value of modest additional procedures is high. Applied here, the  
16 government has not identified any change in circumstances to justify summary  
17 revocation, and requiring notice and a brief hearing would not compromise its ability  
18 to manage parole or ensure attendance but would meaningfully reduce the risk of  
19 error. The third *Mathews* factor therefore weighs against detention without pre-  
20 deprivation process in this case. *See Ramirez-Bibiano; Mathews*, 424 U.S. at 335.

21                   **CLAIMS FOR RELIEF**

22                   **COUNT ONE**

23                   **VIOLATION OF PAROLE STATUTE**

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

26                   47. The parole statute at 8 U.S.C. §1182(d)(5)(A) permits the termination  
27 of parole only where there is a finding that the purpose of such parole has been served.  
28

1 *Y- Z-L-H v. Bostock*, 792 F. Supp. 3d 1123, 1133 (D. Or. 2025).

2 48. No finding has been made that the purpose of Petitioner’s parole has  
3 been served to warrant the termination of parole.

4 **COUNT TWO**

5 **VIOLATION OF PAROLE REGULATION**

6 49. Petitioner re-alleges and incorporates by reference each allegation  
7 contained above.

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

13 51. There is no evidence that any official found that humanitarian reasons  
14 do not warrant Petitioner’s presence in the United States.

15 52. 8 C.F.R. §212.5(e)(2) also requires that DHS provide Petitioner with  
16 notice prior to revocation of parole. Mr. Barreras Granado was never provided notice  
17 that the Department sought to terminate parole. He was simply detained when he  
18 appeared in court as he was ordered to do so.

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

20 54. An agency’s failure to follow its regulations that are meant to protect  
21 fundamental rights is a violation of due process. *Accardi v. Shaughnessy*, 347 U.S.  
22 260, 267, 74 S.Ct. 499, 98 L.Ed. 681 (1954); *Sameena Inc. v. U.S. Air Force*, 147  
23 F.3d 1148, 1153 (9th Cir. 1998).

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

26 **COUNT THREE**

1 **VIOLATION OF DUE PROCESS**  
2 **REVOCAION OF PAROLE WITHOUT NOTICE**

3 56. Petitioner re-alleges and incorporates by reference each allegation  
4 contained above.

5 57. The Due Process Clause of the Fifth Amendment forbids the  
6 government from depriving any person of liberty without due process of law. U.S.  
7 Const. amend. V. “Freedom from imprisonment—from government custody,  
8 detention, or other forms of physical restraint—lies at the heart of the liberty” that  
9 the Due Process Clause protects. *Zadvydas*, 533 U.S. at 690 (citing *Foucha v.*  
10 *Louisiana*, 504 U.S. 71, 80 (1992)).

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

16 59. The liberty interest applies to individuals who are paroled into the  
17 United States and released to attend removal proceedings. *Garcia v. Andrews*, No.  
18 1:25-CV- 01006 JLT SAB, 2025 WL 2420068, at \*11 (E.D. Cal. Aug. 21, 2025);  
19 *Valencia Zapata v. Kaiser*, No. 25-CV-07492-RFL, 2025 WL 2578207, at \*3 (N.D.  
20 Cal. Sept. 5, 2025); *Y-Z-L-H v. Bostock*, No. 3:25-CV-965-SI, 2025 WL 1898025, at  
21 \*13 (D. Or. July 9, 2025).

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

24 61. Due process requires notice before Petitioner is re-detained by  
25 immigration authorities. *Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306,  
26 320, 70 S. Ct. 652, 660, 94 L. Ed. 865 (1950); *Ramirez-Bibiano*, 2025 WL 3632748,  
27 at \*3; *Ramirez Tesara*, 800 F. Supp. 3d at 1135; *Fernandez Lopez v. Wofford*, 2025  
28 WL 2959319, at \*3.

**COUNT FOUR**

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

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

63. Under the Due Process Clause of the Fifth Amendment to the United States Constitution, no person shall be “deprived of life, liberty, or property, without due process of law.” U.S. Const. amend. V. “Freedom from imprisonment— from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects.” *Zadvydas*, 533 U.S. at 690.

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

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

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

67. Due Process requires that Petitioner be afforded a bond determination before a neutral adjudicator if the government is to re-detain Petitioner. *Mathews*, 424 U.S. 319; *Ramirez-Bibiano*, 2025 WL 3632748, at \*5; *Ramirez Tesara*, 800 F. Supp. 3d at 1136; *Fernandez Lopez v. Wofford*, 2025 WL 2959319, at \*7.

**PRAYER FOR RELIEF**

Petitioner prays that this Court grant the following relief:

1. Assume jurisdiction over this matter.
2. Order that Petitioner shall not be transferred outside the Southern

1 District of California.

2 3. Issue a Writ of Habeas Corpus ordering Respondents to immediately  
3 release Mr. Barreras Granado under the terms and conditions of his original parole.

4 4. Issue an Order to Show Cause why this Petition should not be granted  
5 within three days and set a hearing on this Petition within five days of the return  
6 pursuant to 28 U.S.C. § 2243.

7 5. Declare that Petitioner's current detention is unlawful.

8 6. Order that Petitioner may not be re-detained absent proper notice of the  
9 reasons that form the basis for revocation of parole.

10 7. Order that Petitioner is entitled to a bond hearing before an immigration  
11 judge if DHS revokes parole with proper notice.

12 8. Award reasonable attorney's fees and costs pursuant to the Equal Access  
13 to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412.

14 9. Grant such further relief as this Court deems just and proper.

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Respectfully submitted,

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Cassandra Lopez

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Litigation Director

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AL OTRO LADO

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Date: March 4, 2026

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**VERIFICATION BY ATTORNEY ACTING ON MR. BARRERAS-GRANADO'S BEHALF PURSUANT TO 28 U.S.C. §2242**

I am submitting this verification on behalf of Mr. Barreras Granado because I am his attorney. As Barreras Granado's attorney, I hereby verify that the factual statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: March 4, 2026

By: /s/ Cassandra Lopez