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15 UNITED STATES DISTRICT COURT
16 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
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19 LUIS BARRERAS GRANADO,

20 *Petitioner,*

21 v.

22 JEREMY CASEY, Facility
23 administrator at the Imperial
24 Regional Detention Facility,
25 PATRICK DIVVER, Director of the
26 U.S. Immigration and Customs
27 Enforcement San Diego Field
28 Office, TODD LYONS, acting
Director of U.S. Immigration and
Customs Enforcement, KRISTI
NOEM, Secretary of the U.S.
Department of Homeland
Security, and PAM BONDI, U.S.
Attorney General.

Case No.: 26-CV-1377-LL-DEB

TRAVERSE

1 **1. Mr. Barreras Granado possesses a protected liberty interest in remaining**
2 **out of custody.**

3 In its Return to Mr. Barreras Granado's Petition for Habeas Corpus, the
4 government submits a Notice of Non-Opposition to a bond hearing for Mr.
5 Barreras-Granados. Dkt. 3.

7 However, because Mr. Barreras Granado was previously paroled into the
8 United States and was granted asylum by the immigration judge on December 8,
9 2025, there is no need for a bond hearing in this case. The Court should order
10 immediate release under the same terms and conditions that had been previously
11 imposed as part of Mr. Barreras Granado's parole.
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14 Mr. Barreras Granado has a constitutionally protected liberty interest in
15 remaining free from detention. *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972); *see*
16 *also Sanchez v. LaRose*, No. 25-CV-2396-JES-MMP, 2025 WL 2770629, at * 3
17 (S.D. Cal. Dec. Sept. 25, 2025); *Ramirez-Bibiano v. LaRose*, No. 25-CV-3429-JLS
18 (SBC), 2025 WL 3632748, at *4–5 (S.D. Cal. Dec. 15, 2025). The liberty interest
19 applies to individuals who are paroled into the United States and released to attend
20 removal proceedings. *Garcia v. Andrews*, No. 1:25-CV-01006 JLT SAB, 2025 WL
21 2420068, at *11 (E.D. Cal. Aug. 21, 2025); *Valencia Zapata v. Kaiser*, No. 25-CV-
22 07492-RFL, 2025 WL 2578207, at *3 (N.D. Cal. Sept. 5, 2025); *Y-Z-L-H v.*
23 *Bostock*, No. 3:25-CV-965-SI, 2025 WL 1898025, at *13 (D. Or. July 9, 2025).
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1 “[T]o be released on conditional parole, there must be a finding by ICE that
2 the immigrant does not pose a risk of flight or danger to the community.” *See*
3 *Ortega-Cervantes v. Gonzalez*, 501 F.3d 1111, 1115 (9th Cir. 2007). This means
4 that when he was paroled into the United States on January 13, 2025, ICE
5 determined that Mr. Barreras Granado was neither a danger or a flight risk and
6 should be released on conditional parole. The government has offered no evidence
7 that Mr. Barreras Granado acted in a way that violated the conditions of parole. Nor
8 has the government offered any evidence that Mr. Barreras Granado is a danger or a
9 flight risk.
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13 **2. Petitioner was not afforded notice and a hearing before the government**
14 **revoked parole.**

15 While the government has discretion to revoke parole, it may not do so in a
16 manner that violates Mr. Barreras Granado’s constitutional rights. Due process
17 requires notice and a hearing before a neutral decision maker before Petitioner is re-
18 detained by immigration authorities. *See Ramirez Tesara v. Wamsley*, 800 F. Supp.
19 3d 1130 1135–39 (W.D. Wash. 2025); *Garcia v. Andrews*, No. 1:25-CV-01006-
20 JLT, 2025 WL 2420068, at *11 (E.D. Cal. Aug. 21, 2025); *Valencia Zapata v.*
21 *Kaiser*, No. 25-CV-07492-RFL, 2025 WL 2578207, at *3 (N.D. Cal. Sept. 5,
22 2025); *Bostock*, No. 3:25-CV-965-SI, 2025 WL 1898025, at *13 (D. Or. July 9,
23 2025); *see also, Mathews v. Eldrige*, 424, U.S. 319 (1976). At no time did ICE
24 provide Mr. Barreras Granado with notice and the opportunity to be heard regarding
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1 its decision to revoke parole. Nor did ICE articulate to Mr. Barreras Granado the
2 basis for its revocation of parole.
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4 For the foregoing reasons, this Court should grant Mr. Barreras Granado's
5 habeas petition and order immediate release on parole under the same terms and
6 conditions as had been previously imposed. If the government wishes to re-detain
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8 Petitioner, the government must provide Petitioner with notice of the reasons for
9 the revocation of his parole and a hearing before a neutral decision maker.
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13 Respectfully submitted,

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