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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CHRISTIAN JOSE MOLINA-MUNOZ,

Petitioner,

v.

JEREMY CASEY, Warden at Imperial
Regional Detention Center; KRISTI
NOEM, Secretary of the Department of
Homeland Security, PAMELA JO
BONDI, Attorney General, TODD M.
LYONS, Acting Director, Immigration
and Customs Enforcement, JESUS
ROCHA, Acting Field Office Director,
San Diego Field Office,

Respondents.

Case No.: 26-cv-1345-BJC-BJW

**First Amended Petition for Writ of
Habeas Corpus**

¹ The Court provisionally appointed Federal Defenders of San Diego, Inc. ECF No. 2. Mr. Molina-Munoz would like assistance of counsel, and Federal Defenders accepts representation. Mr. Molina-Munoz's financial eligibility for representation is being filed in a form CJA 23 with this Court.

INTRODUCTION

In September 2022, Mr. Molina-Munoz came to the United States border from Venezuela to apply for asylum. He was detained, met with immigration officers, and was released into the United States upon receipt of parole within a few days. He filed an asylum application within the deadline to do so with USCIS and was waiting for USCIS to schedule his first interview. Despite Mr. Molina-Munoz's compliance with his parole conditions, in November 2025, ICE arrested him. ICE did not provide him with a basis for his detention. Mr. Molina-Munoz has been detained ever since. This civil immigration habeas petition explains that his detention violates the humanitarian parole statute, the Administrative Procedures Act, the government's regulations, and the Fifth Amendment's Due Process Clause.

In light of the government's non-opposition to a bond hearing, in the interest of judicial economy, Mr. Molina-Munoz requests this Court grant him partial relief now and order a bond hearing be held now. Should he be granted bond and released, his remaining requests will likely become moot. If he is not, the parties could proceed on the request for remaining relief.

However, a bond hearing is not the entire relief to which he is entitled. When a parolee is improperly detained, the full remedy includes immediate release and an order that Respondents "not cause Petitioner to be re-detained during the pendency of his removal proceedings without prior leave of this Court." *Y-Z-L-H v. Bostock*, 792 F. Supp. 3d 1123, 1147 (D. Or. 2025); *see also Noori v. LaRose*, ___ F. Supp. 3d ___, 2025 WL 2800149, *9–*13 (S.D. Cal. Oct. 1, 2025); *Delfin-Ricardo v. Noem*, No. 26-cv-136-RSH-BJW, 2026 WL 353357, *1–*2 (S.D. Cal. Feb. 9, 2026); *Modrekiladze v. LaRose*, No. 26-cv-271-JEW-DEB, 2026 WL 242041, *2–*4 (S.D. Cal. Jan. 29, 2026); *Lozada v. LaRose*, No. 25-cv-3614-LL-KSC, 2026 WL 184205 (S.D. Cal. Jan. 23, 2026) (finding similar violations for unlawful revocations of humanitarian parole and ordering release).

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STATEMENT OF FACTS

Christian Jose Molina-Munoz is a Venezuelan national who came to the United States in September 2022 to apply for asylum. Exhibit A, Declaration of Mr. Molina-Munoz, ¶ 1. He was detained for several days and then given parole to apply for asylum within the United States. *Id.* He applied for asylum with USCIS within the time allotted, in August 2023. *Id.* ¶ 2.

In November 2025, Mr. Molina-Munoz was living in New Jersey and still waiting on USCIS to schedule his first asylum interview. *Id.* As a part of his parole, he checked in with ICE. When we went for his check-in in New Jersey on November 17, 2025, he was arrested. He explains:

The ICE officers there arrested me. They told me they were arresting me because I didn't have a court date. I explained I had submitted my asylum application with USCIS and was waiting on it. I asked why, if I had been reporting all the time and had no violations, I was being arrested. They said it was because I didn't have a court date.

Exhibit A ¶ 3.

Mr. Molina-Munoz is still pursuing his asylum. He was ordered removed, but he is filing an appeal of the immigration judge's order, which is thus not final. *Id.* ¶ 4.

LEGAL ARGUMENT

I. Revoking Mr. Molina-Munoz's parole and subjecting him to detention violates the Administrative Procedures Act and Due Process.

1. The government's actions violated the Administrative Procedures Act.

The INA "establishes the framework governing noncitizens' entry into and removal from the United States, with regulations promulgated by the enforcing agencies providing further governance." *Y-Z-L-H*, 792 F. Supp. 3d at 1132.

People like Mr. Molina-Munoz, "applicants for admission[,] may be

1 temporarily released on parole [into the United States] ‘for urgent humanitarian
2 reasons or significant public benefit,” as set forth in 8 U.S.C. § 1182(d)(5)(A).
3 *Jennings v. Rodriguez*, 583 U.S. 281, 288 (2018) (quoting 8 U.S.C.
4 § 1182(d)(5)(A)). This is called humanitarian parole, which it appears Mr.
5 Molina-Munoz received.

6 The decision to grant humanitarian parole pursuant to 8 U.S.C.
7 § 1182(d)(5)(A) is determined “on a case-by-case basis.” Then, “when the
8 purpose of the parole has been served,” § 1182(d)(5)(A) provides that “the alien
9 shall forthwith return or be returned to the custody from which he was paroled
10 and thereafter his case shall continue to be dealt with in the same manner as that
11 of any other applicant for admission to the United States.” *Jennings*, 583 U.S. at
12 288 (quoting 8 U.S.C. § 1182(d)(5)(A)).

13 To terminate previously granted parole, DHS must comply with the
14 applicable regulatory and statutory requirements. As set forth in 8 C.F.R.
15 § 212.5(e)(2)(i), which governs the “[t]ermination of parole,” as relevant here,
16 upon accomplishment of the purpose for which parole was
17 authorized or when in the opinion of one of the officials listed in
18 paragraph (a) of this section, neither humanitarian reasons nor
19 public benefit warrants the continued presence of the alien in the
20 United States, parole shall be terminated upon written notice to the
21 alien and he or she shall be restored to the status that he or she had
22 at the time of parole.

23 As a result, “[u]nder the governing regulation, humanitarian parole may be
24 terminated only if the purpose of parole is accomplished, or humanitarian reasons
25 and the public benefit no longer warrant parole.” *Loaiza Arias v. LaRose*, No.
26 3:25-cv-02595-BTM-MMP, 2025 WL 3295385, at *3 (S.D. Cal. Nov. 25, 2025)
27 (citing 8 C.F.R. § 212.5(e)).

28 What’s more, ICE is required to inform noncitizens of the reasons for
revocation. The court in *Y-Z-H-L* determined that under the Administrative

1 Procedure Act, immigration parolees are entitled to determinations related to their
2 parole revocations that are not arbitrary, capricious, or an abuse of discretion. *Y-Z-*
3 *L-H*, 792 F. Supp. 3d at 1144. An agency acts arbitrarily and capriciously by
4 failing to make a reasoned determination or where the agency fails to “articulate[]
5 a satisfactory explanation for its action including a rational connection between
6 the facts found and the choice made.” *Id.* Parole revocations in the context of the
7 INA must occur on a case-by-case basis and may occur “when the purposes of
8 such parole shall, in the opinion of the Secretary of Homeland Security, have been
9 served the alien shall forthwith return or be returned to the custody from which he
10 was paroled.” *Id.* (quoting 8 C.F.R. § 212.5(e)). 8 C.F.R. § 212.5(e) requires
11 written notice of the termination of parole except where the immigrant has
12 departed or when the specified period of parole has expired.

13 The government has failed to follow the applicable statutory and regulatory
14 provisions to terminate Petitioner’s parole for two independent reasons. *Cf. Coal.*
15 *for Humane Immigrant Rts. v. Noem*, No. 25-cv-872 (JMC), 2025 WL 2192986,
16 at *2 (D.D.C. Aug. 1, 2025) (holding that the government failed to follow the
17 applicable statutory and regulatory provisions and that paroled noncitizens cannot
18 be subject to expedited removal proceedings); *Salgado Bustos v. Raycraft*, No.
19 25-13202, 2025 WL 3022294, at *5–7 (E.D. Mich. Oct. 29, 2025) (same); *E.V. v.*
20 *Raycraft*, No. 4:25-cv-2069, 2025 WL 2938594, at *10 (N.D. Ohio Oct. 16, 2025)
21 (same).

22 First, the parole statute at 8 U.S.C. §1182(d)(5)(A) permits the termination
23 of parole only where there is a finding that the purpose of such parole has been
24 served. *Y-Z-L-H*, 792 F. Supp. 3d at 1133. Here, however, the purpose of
25 Petitioner’s parole has not been served. He fled from Venezuela seeking asylum
26 in the United States. Exhibit A ¶¶ 1–2. At that time, Mr. Molina-Munoz he was
27 granted parole pursuant to 8 U.S.C. § 1182(d)(5)(A), which provides for parole
28 into the United States “for urgent humanitarian reasons or significant public

1 benefit.” 8 U.S.C. § 1182(d)(5)(A). He was complying with his conditions of
2 humanitarian parole and is still pursuing asylum. The purpose of parole have not
3 yet been served.

4 Second, ICE is required to provide the noncitizen “a cogent description of
5 the reasons supporting the revocation decision.” *J.E.H.G. v. Chestnut*, No. 1:25-
6 CV-01673-JLT SKO, 2025 WL 3523108, *6 (E.D. Cal. Dec. 9, 2025). For
7 example, in *Y-Z-H-L*, the Petitioner received an email stating that “DHS was
8 exercising its discretion” to terminate parole. 792 F. Supp. 3d at 1146. The court
9 said that this language was vague and did not provide an actual reason. *Id.* It
10 stated that the “email was legally insufficient to meet the statutory and regulatory
11 requirements, even though it cited those provisions and invoked the word
12 ‘discretion.’” *Id.* Common sense and the words of the statute require parole
13 revocation to be analyzed on a case-by-case basis and that a decision to revoke
14 parole “must attend to the reasons an individual [noncitizen] received parole.”
15 *J.E.H.G.*, 2025 WL 3523108, at *6 (citing *Mata Velasquez v. Kurzdorfer*, No. 25-
16 CV-493-LJV, 2025 WL 1953796, at *11 (W.D.N.Y. July 16, 2025)). There is no
17 indication that the government conducted that analysis in this case.

18 Judge Curiel found an APA violation in a similar situation in *Noori*, 2025
19 WL 2800149 at *13. *Noori* concluded that “to meet statutory and regulatory
20 requirements, revocation should only occur when (1) the parole’s purpose is
21 served or (2) when humanitarian reasons and public benefit are no longer
22 warranted, and the noncitizen is provided written notice.” *Id.* The first
23 requirement was not met because the petitioner “applied for asylum and was still
24 in the middle of those proceedings when Respondents issued and executed the
25 revocation.” *Id.* And even though the petitioner was provided a “generic
26 notification” of his revocation, the second requirement was not met because
27 “humanitarian reasons still warrant the Petitioner’s presence in the country.” *Id.*
28 At a minimum, Judge Curiel held, parole revocation “requires an individualized

determination,” which the government had not provided because it failed to explain “why the Petitioner would now be considered a flight risk or danger to the community.” *Id.*

Here, as in *Noori*, the government failed to meet the statutory and regulatory requirements for parole revocation. Thus, the government here “has acted arbitrarily and capriciously in violation of the APA.” *Id.*

2. Mr. Molina-Munoz’s detention is a violation of the Due Process Clause.

The Due Process Clause of the Fifth Amendment forbids the government from depriving any person of liberty 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 the Due Process Clause protects. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (citing *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)).

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

“Even when ICE has the initial discretion to detain or release a noncitizen pending removal proceedings, after that individual is released from custody [he] has a protected liberty interest in remaining out of custody.” *Pinchi v. Noem*, 792 F. Supp. 3d 1025, 1032 (N.D. Cal. 2025). (internal citation omitted). That 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); *Y-Z-*

1 *L-H v. Bostock*, No. 3:25-CV-965-SI, 2025 WL 1898025, at *13 (D. Or. July 9,
2 2025).

3 To determine which procedures are constitutionally sufficient to satisfy the
4 Due Process Clause, the Court must apply the *Matthews* factors. *See Matthews v.*
5 *Eldridge*, 424 U.S. 319, 335 (1976). Courts must consider: (1) “the private
6 interest that will be affected by the official action”; (2) “the risk of an erroneous
7 deprivation of such interest through the procedures used, and the probable value,
8 if any, of additional or substitute procedural safeguards”; and (3) “the
9 Government's interest, including the function involved and the fiscal and
10 administrative burdens that the additional or substitute procedural requirement
11 would entail.” *Id.*

12 All three factors support a finding that the government’s revocation of Mr.
13 Molina-Munoz’s humanitarian parole without reasoning or an opportunity to be
14 heard denied him of his due process rights. First, Mr. Molina-Munoz has a
15 significant liberty interest in remaining out of custody pursuant to his parole.
16 “Freedom from imprisonment—from government custody, detention, or other
17 forms of physical restraint—lies at the heart of the liberty [the Due Process
18 Clause] protects.” *Zadvydas*, 533 U.S. at 690. He also has an interest in remaining
19 with his family in the community. *See Morrissey v. Brewer*, 408 U.S. 471, 482
20 (1972) (“Subject to the conditions of his parole, he can be gainfully employed and
21 is free to be with family and friends and to form the other enduring attachments of
22 normal life.”).

23 Second, the risk of an erroneous deprivation of such interest is high as Mr.
24 Molina-Munoz’s parole was revoked without providing him with a legitimate
25 reason for revocation or giving him an opportunity to be heard. When he was
26 paroled, the government made a finding that he did not pose a danger to the
27 community and was not a flight risk. *See Saravia v. Sessions*, 280 F. Supp. 3d
28 1168, 1760 (N.D. Cal. 2017) (“Release reflects a determination by the

1 government that the noncitizen is not a danger to the community or a flight
2 risk.”). “Once a noncitizen has been released, the law prohibits federal agents
3 from rearresting him merely because he is subject to removal proceedings.” *Id.*
4 “Rather, the federal agents must be able to present evidence of materially changed
5 circumstances—namely, evidence that the noncitizen is in fact dangerous or has
6 become a flight risk.” *Id.* “Where, as here, ‘the petitioner has not received any
7 bond or custody hearing,’ ‘the risk of an erroneous deprivation of liberty is high’
8 because neither the government nor [Petitioner] has had an opportunity to
9 determine whether there is any valid basis for [his] detention.” *Pinchi*, 2025 WL
10 2084921 at *5 (cleaned up).

11 Third, the Government’s interest in detaining Mr. Molina-Munoz without
12 proper notice and reasoning or a hearing is “low.” *Id.*; *see also Matute*, 2025 WL
13 2817795 at *6; *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 970 (N.D. Cal. Nov. 22,
14 2019) (“If the government wishes to re-arrest [Petitioner] at any point, it has the
15 power to take steps toward doing so; but its interest in doing so without a hearing
16 is low.”).

17 Thus, Mr. Molina-Munoz’s detention is unlawful. *See, e.g., Alegria Palma*
18 *v. Larose et al.*, No. 25-cv-1942 BJC (MMP), slip op. at 14 (S.D. Cal. Aug. 11,
19 2025) (granting a TRO based on a procedural due process challenge to a
20 revocation of parole without a pre-deprivation hearing); *Navarro Sanchez*, 2025
21 WL 2770629, at *5 (granting a writ of habeas corpus releasing petitioner from
22 custody to the conditions of her preexisting parole on due process grounds).

23 Generally, when an immigrant’s parole is unlawfully revoked, the remedy
24 is immediate release. *See, e.g., Arias v. Larose*, No. 3:25-CV-02595-BTM-MMP,
25 2025 WL 3295385, at *3 (S.D. Cal. Nov. 25, 2025) (“The Respondents shall
26 immediately release Arias from custody on her preexisting conditions.”); *Noori v.*
27 *LaRose*, 807 F. Supp. 3d 1146, 1154 (S.D. Cal. 2025) (“order[ing] his immediate
28 release”); *Salazar v. Casey*, No. 25-cv-2784 JLS-VET, 2025 WL 3063629 (S.D.

Cal. Nov. 3, 2025) (ordering that ICE “immediately release Petitioner from custody subject to the conditions of her preexisting parole and Form I-94”); *Perez v. LaRose*, No. 25-cv-02620-RBM-JLB, 2025 WL 3171742 (S.D. Cal. Nov. 13, 2025) (ordering respondents “to immediately release Petitioner from custody, subject to the conditions of his preexisting parole and Form I-94”); *Y-Z-L-H v. Bostock*, No. 25-cv-965-SI, 2025 WL 1898025, at *13 (D. Or. July 9, 2025) (ordering respondents “immediately to release Petitioner from custody”).

CLAIM AND PRAYER FOR RELIEF

For the reasons just given, the statute, the regulations, and the Fifth Amendment Due Process Clause prohibits the government from continuing to detain Petitioner.

Accordingly, Petitioner respectfully requests that this Court:

1. Order Respondents to provide a bond hearing before a neutral immigration judge; and/or
2. Respondents to immediately release Petitioner from custody under the same conditions of his humanitarian parole; and/or
3. Order Respondents to not cause Petitioner to be re-detained during the pendency of his removal proceedings without prior leave of this Court; and/or
4. Order all other relief that the Court deems just and proper.

Respectfully submitted,

Dated: March 17, 2026

s/ Jessie Agatstein

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