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

10 JEFFERSON FABIAN PLUAS
11 URENA,

12 Petitioner,

13 v.

14 KRISTI NOEM, Secretary of the
15 Department of Homeland Security,
16 PAMELA JO BONDI, Attorney General,
17 TODD M. LYONS, Acting Director,
18 Immigration and Customs Enforcement,
19 JESUS ROCHA, Acting Field Office
20 Director, San Diego Field Office,
21 CHRISTOPHER LAROSE, Warden at
22 Otay Mesa Detention Center,

23 Respondents.

Civil Case No.: 26-cv-1410-LL

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

INTRODUCTION

Jefferson Fabian Pluas Urena is a citizen of Ecuador who was released so that he could seek asylum in the United States. But despite complying with his weekly ICE check-in requirements and in-person appointments, local law enforcement handed Mr. Urena over to ICE after he was involved in a car accident in Florida. ICE took him into custody without any notice or explanation.

While it is unclear whether the government has formally revoked Mr. Urena's parole, the government's actions are unlawful regardless. If the agency did not revoke his parole, then it violated that parole by detaining him. And if the agency *did* revoke his parole, then it did so in violation of the statute and regulations, which require written notification and a determination that the purposes of the parole have been served. Alternatively, the Due Process Clause of the Fifth Amendment of the Constitution requires redeprivation notice and hearing. Either way, the agency's actions violated the Administrative Procedures Act and the Due Process Clause, and this Court should order his immediate release.

STATEMENT OF FACTS

Mr. Urena was born in Ecuador but fled his home country in August 2022. Exhibit A, Declaration of Jefferson Fabian Pluas Urena at ¶ 1. He came to the United States to seek asylum. *Id.* Mr. Urena entered the United States at the Arizona border and turned himself in to border patrol officers there. *Id.* at ¶ 2. He told the officers he was seeking asylum and he was paroled into the country. *Id.* at ¶ 3. Mr. Urena was also given a work permit. *Id.* He complied with his weekly cellphone check-ins using the cellphone that ICE gave him while on parole. *Id.* at ¶ 4. Mr. Urena also attended any in-person appointments. *Id.*

Mr. Urena spent the past three years living in Florida. *Id.* at ¶ 5. He was involved in a car accident there on October 17, 2025. *Id.* at ¶ 6. On October 20,

2025, local law enforcement transferred Mr. Urena to ICE custody, and he has been in immigration detention ever since. *Id.*

Mr. Urena was not told why ICE rescinded its decision to release him and did not receive any paperwork explaining it. *Id.* at ¶ 7. He also did not receive an informal interview at which he could contest his detention. *Id.* at ¶ 8.

CLAIMS FOR RELIEF

I. Count One: ICE failed to comply with its own regulations in revoking Mr. Urena's parole under 8 C.F.R. § 212.5, violating the Administrative Procedures Act and Due Process.

When ICE detained Mr. Urena on October 20, 2025, it did not say whether it was revoking his parole. Exhibit A at ¶ 7. Either way, the government's actions violate the Administrative Procedures Act and Due Process.

Under the Administrative Procedures Act (APA), an agency action may be held unlawful and set aside if it is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A). An action is an abuse of discretion if the agency "entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise." *Nat'l Ass'n of Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)). For a challenged agency action to be upheld, the agency "must explain the evidence which is available, and must offer a rational connection between the facts found and the choice made." *Motor Vehicle Mfrs*, 463 U.S. at 52 (1983) (internal quotations omitted) (quoting *Burlington Truck Lines, Inc. v. United States*, 371 U.S. 156, 168 (1962)).

Here, regardless of whether the agency formally revoked Mr. Urena's parole, it violated the APA. If the agency did *not* revoke his parole, then it inexplicably violated its own parole decision by detaining Mr. Urena in October

1 2025. Doing so violated the APA because the agency did not “offer a rational
2 connection between the facts found and the choice made”—i.e., the fact that
3 Mr. Urena was still on parole, yet the agency decided to detain him. *Motor*
4 *Vehicle Mfrs*, 463 U.S. at 52. And nothing suggests that there *was* a “rational”
5 reason for this choice, given that Mr. Urena had filed an asylum application and
6 was complying with his regular check-ins. This was the epitome of an “arbitrary”
7 and “capricious” act under the APA. 5 U.S.C. § 706(2)(A).

8 But assuming the agency *had* revoked his parole, it also violated the APA.
9 Per ICE regulations, a person shall only be “returned to the custody from which
10 he was paroled” when “the purposes of such parole . . . have been served.” 8
11 U.S.C. § 1182(d)(5)(A); *see also* 8 C.F.R. § 212.5(e)(2)(i) (parole may only be
12 terminated “upon accomplishment of the purpose for which parole was
13 authorized”); *Y-Z-L-H v. Bostock*, 792 F. Supp. 3d 1123, 1145 (D. Or. 2025)
14 (same). Alternatively, the regulations permit revocation of parole when “neither
15 humanitarian reasons nor public benefit warrants the [noncitizen’s] continued
16 presence.” 8 C.F.R. § 212.5(e)(2)(i). But under either scenario, parole shall only
17 be “terminated upon written notice to the alien.” 8 C.F.R. § 212.5(e)(2)(i). So
18 under the statute and the regulations, the agency may only revoke parole and re-
19 detain a noncitizen when the parole’s purpose is served, or no humanitarian
20 reasons warrant it *and* the noncitizen receives written notice.

21 None of this occurred here. Because “the purpose[] of [Mr. Urena’s]
22 parole” was to allow him to apply for asylum, that purpose has not yet “been
23 served” because his asylum claim is still pending. 8 U.S.C. § 1182(d)(5)(A). And
24 the humanitarian reasons for parole—to avoid unnecessary detention when an
25 asylum seeker poses no danger or flight risk—remains the same. Put differently,
26 “upon Petitioner’s entry into the United States, Respondents determined that
27 Petitioner was suitable for parole. Respondents have not provided a reasoned
28 explanation or any changed circumstances that would justify their current

1 departure from their prior decision.” *Y-Z-L-H*, 792 F. Supp. 3d at 1146. Under the
 2 APA, “[i]t is Respondents’ burden to provide a reasoned explanation for their
 3 action,” which they will not be able to do. *Id.*

4 What’s more, Mr. Urena never received any written notification of a
 5 revocation under 8 C.F.R. § 212.5(e). So if the agency revoked his parole, this
 6 decision violated both the statute and the regulation and was “not in accordance
 7 with law” under the APA. 5 U.S.C. § 706(2)(A).

8 Multiple courts have released parolees on this basis. *See Arias v. Larose*,
 9 No. 25-CV-02595-BTM-MMP, 2025 WL 3295385, at *3 (S.D. Cal. Nov. 25,
 10 2025); *Noori v. LaRose*, 807 F. Supp. 3d 1146, 1169 (S.D. Cal. 2025); *Salazar v.*
 11 *Casey*, No. 25-CV-2784 JLS-VET, 2025 WL 3063629 (S.D. Cal. Nov. 3, 2025);
 12 *Perez v. LaRose*, No. 25-CV-02620-RBM-JLB, 2025 WL 3171742 (S.D. Cal.
 13 Nov. 13, 2025); *Y-Z-L-H*, 792 F. Supp. 3d at 1147. Because Mr. Urena is in the
 14 same position as these individuals, this Court should do the same and order his
 15 immediate release.

16 **II. Count Two: The Due Process Clause required notice and a chance to**
 17 **be heard before parole was revoked.**

18 Additionally, “the revocation of [Mr. Urena’s] parole without justification
 19 or consideration of his individualized circumstances violates the Due Process
 20 Clause.” *Perez*, 2025 WL 3171742, at *4. Mr. Urena was “entitled to notice of the
 21 reasons for revocation of his parole and a hearing before an immigration judge to
 22 determine whether detention is warranted” before ICE revoked his parole. *Id.* at
 23 *7.

24 “The Fifth Amendment guarantees that ‘[n]o person shall be ... deprived of
 25 life, liberty, or property, without due process of law.’” *Salazar*, 2025 WL
 26 3063629, at *3 (quoting U.S. Const. amend. V). “[T]he Due Process Clause
 27 applies to all ‘persons’ within the United States, including aliens, whether their
 28 presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*,

1 533 U.S. 678, 693 (9th Cir. 2001).

2 “Generally, due process protections depend on the situation and must
3 account for (1) the private interest at issue, (2) the risk of erroneous deprivation of
4 that interest through the procedures used, and (3) the Government's interest.”
5 *Noori*, 807 F. Supp. 3d at 1164; (citing *Mathews v. Eldridge*, 424 U.S. 319
6 (1976)). Weighing those considerations here, Respondents violated the Due
7 Process Clause by revoking parole with no notice or hearing.

8 “First, Petitioner has a private interest in remaining free, which developed
9 over the [years] he resided in the United States.” *Id.* at *10. It does not matter that
10 parole is temporary or discretionary. “For example, *Morrissey v. Brewer*, 408
11 U.S. 471, 482 (1972)—though analyzing the criminal parole context—found that
12 ‘the liberty of a parolee, although indeterminate, includes many of the core values
13 of unqualified liberty and its termination inflicts a grievous loss on the parolee
14 and often others ... [thus it] must be seen within the protection of the [Fifth]
15 Amendment.’” *Id.*

16 “Second, the risk of an erroneous deprivation of such interest is high as
17 Petitioner's parole was revoked without providing [him] a reason for revocation or
18 giving [him] an opportunity to be heard.” *Salazar*, 2025 WL 3063629, at *4.
19 “Civil immigration detention is permissible only to prevent flight or protect
20 against danger to the community.” *Perez*, 2025 WL 3171742, at *5. But here,
21 “[s]ince DHS's initial determination that Petitioner should be paroled because [he]
22 posed no danger to the community and was not a flight risk, there is no evidence
23 that these findings have changed.” *Id.*

24 “Third, the Government's interest in detaining Petitioner without notice,
25 reasoning, and a hearing is low.” *Salazar*, 2025 WL 3063629, at *5 (cleaned up).
26 “Detention for its own sake, to meet an administrative quota, or because the
27 government has not yet established constitutionally required pre-detention
28 procedures is not a legitimate government interest.” *Pinchi v. Noem*, 792 F. Supp.

3d 1025, 1036 (N.D. Cal. 2025).

Thus, because Respondents did not provide “proper notice, reasoning, and a pre-deprivation hearing” before revoking parole, Mr. Urena’s redetention violated the Due Process Clause. *Salazar*, 2025 WL 3063629, at *5.

III. This Court must hold an evidentiary hearing on any disputed facts.

Resolution of a detention-based habeas petition may require an evidentiary hearing. *Owino v. Napolitano*, 575 F.3d 952, 956 (9th Cir. 2009). Mr. Urena hereby requests such a hearing on any material, disputed facts.

IV. Prayer for relief

For the foregoing reasons, Petitioner respectfully requests that this Court:

1. Order Respondents to immediately release Petitioner from custody, subject to the conditions of his preexisting parole;
2. Order that prior to any re-detention of Petitioner, that Petitioner is entitled to notice of the reasons for revocation of his parole and a hearing before an immigration judge to determine whether detention is warranted. Respondents bear the burden of establishing, by clear and convincing evidence, that Petitioner poses a danger to the community or a risk of flight at that hearing; and
3. Order at a minimum that Petitioner receive a bond hearing where Respondents should bear the burden of establishing, by clear and convincing evidence, that Petitioner poses a danger to the community or a risk of flight;
4. Order any other relief that the Court deems just and proper.

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Respectfully submitted,

Dated: March 20, 2026

s/ Camille Fenton

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

12 **JEFFERSON FABIAN PLUAS**
13 **URENA,**

14 **Petitioner,**

15 **v.**

16 **KRISTI NOEM, Secretary of the**
17 **Department of Homeland Security,**
18 **PAMELA JO BONDI, Attorney General,**
19 **TODD M. LYONS, Acting Director,**
20 **Immigration and Customs Enforcement,**
21 **JESUS ROCHA, Acting Field Office**
22 **Director, San Diego Field Office,**
23 **CHRISTOPHER LAROSE, Warden at**
24 **Otay Mesa Detention Center,**

25 **Respondents.**

Civil Case No.: 26-cv-1410-LL

Declaration of
Jefferson Fabian Pluas Urena
in Support of Petition
for a Writ of Habeas Corpus

26 I, Jefferson Fabian Pluas Urena, declare:

- 27 1. I was born in Ecuador. I fled Ecuador in August 2022, and came to the
28 United States to seek asylum.
2. I entered the United States in Arizona and turned myself in to border patrol
officers there. This was roughly three years ago.
3. I told the officers I was seeking asylum and I was paroled into the country
while my asylum case progressed. I was also given a work permit.
4. I was given a cellphone by ICE when I was placed on parole, and I used the
cellphone for my regular ICE check-ins. I took a new picture of myself

1 every Wednesday and uploaded it to an application that was downloaded on
2 the cellphone. I had an in-person appointment sometime in 2023, where I
3 was asked to turn the cellphone in. I complied with all my cellphone check-
4 ins.

5 5. I have spent the past three years living in Florida.

6 6. I was involved in a car accident in Florida on October 17, 2025. After the
7 accident, the local police handed me over to ICE. I have been in
8 immigration custody since October 20, 2025.

9 7. I was never told why my parole was being rescinded. I did not receive any
10 paperwork explaining why I was being kept in immigration custody.

11 8. I never received an interview where I could contest my immigration
12 detention and loss of parole.

13 9. I spent twenty-two days in custody in Alligator Alcatraz in Florida. Then I
14 was transferred across the country and spent time in custody in Texas,
15 Nevada, and Arizona. I was finally placed in detention at the Otay Mesa
16 Detention Center ("OMDC") sometime in November 2025 and have been
17 here ever since.

18 10. I was not brought before an immigration judge until after my arrival at
19 OMDC. I have been detained while fighting my immigration case for over
20 five months.

21 11. I am not trying to delay my case. I would like it to go as fast as possible.

22 12. If I lose my case, I plan to appeal.

23 13. I am having a very difficult time in detention at OMDC. I have become
24 seriously depressed.

25 14. I have never committed any crime.

26 15. I do not have money to hire a lawyer.

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1 I, Camille Fenton, declare under penalty of perjury that I reviewed this declaration
2 with Jefferson Fabian Pluas Urena using a Spanish interpreter, and he confirmed
3 that it was true and correct.

4 Date: March 19, 2026

Signed: /s/ Camille Fenton