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

MIGALES RAMEAU

Petitioner

v.

Christopher LAROSE, Senior Warden, Otay

Mesa Detention Center;

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.

Pamela BONDI, Attorney General, U.S.

Department of Justice.

Respondents

Case No.: '26CV1439 CAB SBC

Agency File No:

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

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

3 **INTRODUCTION**

4 2. Petitioner, Migales Rameau, is a Haitian national currently detained at the Otay Mesa
5 ICE Detention Center in San Diego, California.

6 3. He files this petition under 28 U.S.C. § 2241 seeking judicial review of Respondents'
7 decision to detain him under 8 U.S.C. § 1225(b)(2) (INA § 235(b)(2)), without constitutionally
8 adequate process and without lawful termination of parole. Petitioner's parole was never
9 lawfully terminated in accordance with the Immigration and Nationality Act, its implementing
10 regulations, or the requirements of Due Process. Because DHS failed to follow the procedures
11 required to revoke parole, Petitioner's grant of parole remains valid, and his current detention is
12 unlawful.

13 4. Because DHS never terminated Petitioner's parole in accordance with 8 C.F.R. §
14 212.5(e), Petitioner remains a parolee as a matter of law. DHS therefore lacks statutory authority
15 to detain him under 8 U.S.C. § 1225(b)(2), and his confinement is unlawful.

16 5. Petitioner seeks declaratory and injunctive relief compelling his immediate release
17 from immigration custody, where DHS has held him since February 26, 2026, without first
18 providing a constitutionally adequate hearing to determine whether his incarceration is justified.

19 6. Absent intervention by this Court, Petitioner will remain detained without any neutral
20 judicial review of the constitutionality of his custody. Without habeas relief, Respondents will
21 continue to detain him without affording the process required by the Constitution, Petitioner
22 therefore respectfully requests that this Court examine the lawfulness of his detention, declare
23 that Respondents lack authority to hold him under 8 U.S.C. § 1225(b)(2) absent lawful
24 termination of parole and adequate process, and order his immediate release.

25 7. Courts in this District have recently granted habeas relief to similarly situated parolees
26 whose humanitarian parole was purportedly terminated without compliance with 8 C.F.R. §
27 212.5(e). For example, in *Rodriguez-Fernandez v. Noem*, No. 25-cv-03399-DMS-KSC (S.D.

Cal. Jan. 14, 2026), and *Arias v. LaRose*, No. 3:25-cv-02595-BTM-MMP (S.D. Cal. Nov. 25, 2025), the courts held that DHS may not terminate parole through mass or form notices, may not revoke parole without an individualized determination and reasoned explanation, and may not detain a parolee under § 1225(b) unless parole has been lawfully terminated. Courts in this District have continued to grant habeas relief under the same principles. For example, in *Agelvis-Cuberos v. Casey*, No. 26-cv-710-BJC-DDL (S.D. Cal. Feb. 26, 2026), the court granted habeas relief and ordered the petitioner's immediate release after finding that DHS violated the INA and Due Process by detaining a parolee without written notice terminating parole or an individualized determination.

8. Like the petitioners in those cases, Petitioner here was inspected and paroled into the United States and was later detained without any individualized determination or pre-deprivation hearing. Respondents never lawfully terminated Petitioner's parole, provided no individualized justification, and nevertheless detained him under a statute that does not apply to parolees. This Petition does not challenge the Immigration Judge's denial of relief or the pending appeal before the Board of Immigration Appeals; it challenges only the constitutionality of Petitioner's re-detention following parole without due process.

CUSTODY

9. Petitioner is currently in Respondents' legal and physical custody. He is detained at the Otay Mesa ICE Detention Center in San Diego, California, where he remains under Respondents' and their agents' direct control.

JURISDICTION AND VENUE

10. 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 him.

11. This Court has jurisdiction under 28 U.S.C. § 2241 and Article I, § 9, cl. 2 of the United States Constitution, as Petitioner is presently in Respondents' custody under color of

1 federal authority, and such custody violates the Constitution, laws, or treaties of the United
2 States. This Court’s jurisdiction is not limited by a petitioner’s nationality, immigration status, or
3 manner of entry. See *Boumediene v. Bush*, 553 U.S. 723, 747 (2008). This Court may grant relief
4 pursuant to the Suspension Clause and the Due Process Clause of the Fifth Amendment.

5 12. Specifically, this Court has jurisdiction under 28 U.S.C. § 2241 to review Petitioner’s
6 detention. Federal district courts possess broad authority to issue writs of habeas corpus when a
7 person is held “in custody in violation of the Constitution or laws or treaties of the United States”
8 (28 U.S.C. § 2241(c)(3)), and this authority extends to immigration detention challenges that
9 survived the REAL ID Act’s jurisdictional restrictions.

10 13. Because Petitioner seeks the traditional habeas remedy of release from allegedly
11 unlawful detention rather than judicial or administrative review of his underlying removal
12 proceedings, this Petition presents precisely the type of threshold legality-of-detention question
13 that § 2241 was designed to address. See *INS v. St. Cyr*, 533 U.S. 289, 301 (2001); see also
14 *Lopez-Marroquin v. Barr*, 955 F.3d 759, 759 (9th Cir. 2020) (citing *Singh v. Holder*, 638 F.3d
15 1196, 1211–12 (9th Cir. 2011)). Petitioner is not subject to a final order of removal, and no court
16 has ruled on the legality of his detention.

17 14. Venue is proper in this District under 28 U.S.C. §§ 1391(b)(2) and (e)(1) because a
18 substantial part of the events or omissions giving rise to this claim have occurred here, Petitioner
19 is detained here, and his custodian resides here. Venue is also proper under 28 U.S.C. § 2243
20 because Petitioner’s immediate custodian resides in this District. See *Rumsfeld v. Padilla*, 542
21 U.S. 426, 451–52 (2004) (Kennedy, J., concurring).

22 15. Federal courts, including multiple courts within the Southern District of California,
23 have repeatedly held that 8 U.S.C. §§ 1252(b)(9) and 1252(g) do not bar habeas review where, as
24 here, a petitioner challenges the legality of immigration detention rather than the validity of
25 removal proceedings. See, e.g., *Rodriguez-Fernandez v. Noem*, No. 25-cv-03399-DMS-KSC
26 (S.D. Cal. Dec. 22, 2025); *Arias v. LaRose*, No. 3:25-cv-02595-BTM-MMP (S.D. Cal. Nov. 25,
27 2025); *Medina-Ortiz v. Noem*, No. 25-cv-02819 (S.D. Cal. Oct. 30, 2025). Because Petitioner
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1 challenges only the statutory and constitutional authority for his continued detention following
2 parole, this case falls squarely within this Court's habeas jurisdiction.

3 **PARTIES**

4 16. Petitioner, Migales Rameau, is a Haitian national detained at the Otay Mesa
5 Detention Center, in San Diego, California.

6 17. Respondent Christopher LaRose is the Senior Warden of the Otay Mesa Detention
7 Center.

8 18. Respondent Kristi Noem is the Secretary of the U.S. Department of Homeland
9 Security (DHS).

10 19. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs
11 Enforcement (ICE).

12 20. Respondent Patrick Divver is the Director of the San Diego Field Office of U.S.
13 Immigration and Customs Enforcement.

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

16 22. All Respondents are named in their official capacities.

17 **STATEMENT OF FACTS**

18 23. Petitioner is a Haitian national currently detained at the Otay Mesa ICE Detention
19 Center in San Diego, California.

20 24. Petitioner entered the United States on June 17, 2023 through the San Ysidro Port of
21 Entry after securing an inspection appointment using the CBP One mobile application. Upon
22 inspection, the Department of Homeland Security exercised its discretionary authority under INA
23 § 212(d)(5)(A) and paroled Petitioner into the United States. DHS issued Petitioner a Form I-94
24 documenting parole valid for two years, through June 16, 2025. (*Exh. 1*).

25
26 25. Petitioner has complied with all immigration requirements since his entry into the
27 United States and has pursued lawful immigration relief while residing in the country.

1 26. On December 30, 2024, Petitioner filed an Application for Temporary Protected
2 Status (Form I-821) with U.S. Citizenship and Immigration Services. (*Exh. 2*).

3 27. A search of the USCIS Case Status Online system conducted on March 6, 2026
4 confirms that Petitioner's TPS application remains pending and continues to be processed by
5 USCIS. The system states: "Case Is Still Being Processed By USCIS... As of December 30,
6 2024, your Form I-821, Application for Temporary Protected Status, Receipt Number
7  is still being processed." (*Exh. 3*).

8 28. Petitioner also filed an Application for Asylum (Form I-589) within the statutory one-
9 year filing deadline and has remained in compliance with all immigration requirements.

10 29. On February 26, 2026, Petitioner was working as a rideshare driver transporting a
11 passenger who requested to be taken to the entrance of Camp Pendleton Marine Base in
12 Oceanside, California.

13 30. The passenger instructed Petitioner that he could approach the gate and then make a
14 U-turn to exit the area. However, due to barricades placed near the entrance, Petitioner was
15 unable to turn around before reaching the security checkpoint.

16 31. When Petitioner reached the guard station, security personnel requested
17 identification. Petitioner provided his California driver's license and employment authorization
18 document. The guard also asked whether Petitioner possessed a green card, which Petitioner
19 explained he did not have.

20 32. Petitioner was instructed to pull forward into a nearby parking area, where he
21 remained for several hours until immigration officers arrived.

22 33. ICE officers subsequently took Petitioner into custody and transported him to
23 downtown San Diego before transferring him to the Otay Mesa Detention Center, where he
24 remains detained.

1 34. When Petitioner asked why he was being detained, the ICE officer informed him that
2 detention would allow Petitioner's immigration case to "move faster" and stated that detention
3 would be "in his own benefit."

4 35. Petitioner remains detained today. His parole has never been lawfully terminated
5 under the statutory or regulatory procedures required by 8 C.F.R. § 212.5(e), including written
6 notice, an individualized determination, or an opportunity to respond. As a result, his parole
7 remains in effect, and his detention is unlawful.

8 36. Petitioner has no criminal history and has remained fully compliant with immigration
9 requirements since his arrival in the United States. He poses no danger to the community and no
10 flight risk given his compliance with the immigration process and his pending applications for
11 relief.

12 37. Recent litigation in this District confirms that DHS may not revoke humanitarian
13 parole through mass or categorical actions without individualized notice and due process. Courts
14 have repeatedly held that detention of a parolee without lawful termination of parole violates
15 both the Immigration and Nationality Act and the Due Process Clause.

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

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

22 39. Federal courts have long emphasized the importance of habeas corpus as a
23 protection against unlawful restraint. The Supreme Court has described the writ as "affording a
24 swift and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372
25 U.S. 391, 400 (1963).

26 40. Congress and the courts have repeatedly reaffirmed that habeas corpus must remain
27 a prompt and expeditious remedy. As the Ninth Circuit has explained, "The statute itself directs
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1 courts to give petitions for habeas corpus ‘special, preferential consideration to insure
2 expeditious hearing and determination.’” *Yong v. INS*, 208 F.3d 1116, 1120 (9th Cir. 2000).

3 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

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

11 42. Respondents classify Petitioner as an “Arriving Alien,” as reflected on the Notice to
12 Appear issued on February 26, 2026, which identifies Petitioner as having applied for admission
13 on June 17, 2023. Under 8 C.F.R. § 1003.19(h)(2)(i)(B), Immigration Judges lack jurisdiction to
14 conduct custody redetermination hearings for individuals DHS designates as arriving aliens. In
15 this District, when DHS asserts that detention is governed by INA § 235(b) or relies on an
16 arriving alien designation, Immigration Judges routinely state on the record that they lack
17 authority to review custody. As a result, no administrative mechanism exists by which Petitioner
18 can obtain custody review under DHS’s asserted classification, rendering any attempt to exhaust
19 administrative remedies futile.

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

3 44. Requiring exhaustion would also be futile because no administrative mechanism
4 exists to review Petitioner’s detention under DHS’s asserted classification. Courts have
5 repeatedly excused exhaustion in materially identical circumstances where parolees were re-
6 detained under INA § 235(b) without lawful termination of parole and without access to custody
7 review. See *Fanfan v. Noem*, No. 25-cv-3291-DMS (BJW), 2025 WL 3563739, at n.2 (S.D. Cal.
8 Dec. 12, 2025); *Esquivel-Ipina v. LaRose*, No. 25-CV-2672-JLS (BLM), 2025 WL 2998361, at
9 3–4 (S.D. Cal. Oct. 24, 2025). Exhaustion is therefore excused.

10 LEGAL FRAMEWORK

11 45. When a noncitizen arrives at a port of entry and seeks admission, the Department of
12 Homeland Security has discretion under the Immigration and Nationality Act to determine
13 whether the individual will be detained or released into the United States while immigration
14 proceedings are pending.

15 46. The Immigration and Nationality Act provides that DHS “may ... in [the Secretary’s]
16 discretion parole” an arriving noncitizen into the United States “on a case-by-case basis for
17 urgent humanitarian reasons or significant public benefit.” 8 U.S.C. § 1182(d)(5)(A).

18 47. Once DHS grants parole under § 1182(d)(5)(A), that parole may be terminated before
19 its expiration only when “the purposes of such parole shall ... have been served,” or when
20 “neither humanitarian reasons nor public benefit warrants the continued presence of the alien.” 8
21 C.F.R. § 212.5(e)(2)(i). The regulation requires an individualized determination; DHS must
22 identify the purpose of parole and determine that it has been satisfied or that the justification for
23 parole no longer exists.

24 48. Release on parole is an express statutory exception to detention. *Jennings v.*
25 *Rodriguez*, 583 U.S. 281, 300 (2018). Congress required that parole decisions—including
26 termination—be made “only on a case-by-case basis” and tied to the individual circumstances of
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1 the parolee. 8 U.S.C. § 1182(d)(5)(A). Parole therefore may not be granted or revoked through
2 blanket or categorical actions.

3 49. Courts in this District have confirmed that parole may be terminated only in strict
4 compliance with the grounds and procedures set forth in 8 C.F.R. § 212.5(e). In *Arias v. LaRose*,
5 No. 3:25-cv-02595-BTM-MMP (S.D. Cal. Nov. 25, 2025), the court held that DHS acted
6 unlawfully when it attempted to terminate humanitarian parole through a mass form email,
7 provided no individualized explanation, and failed to establish that the purpose of parole had
8 been served or that humanitarian reasons no longer justified parole. The court emphasized that
9 categorical or boilerplate notices do not satisfy § 212.5(e)'s requirement of an individualized
10 determination. Here, as in *Arias*, DHS never issued an individualized determination or complied
11 with the regulatory procedures required to terminate Petitioner's parole before re-detaining him.

12 50. Immigration detention is civil, not punitive, and is constitutionally permissible only
13 when justified by legitimate governmental interests, such as ensuring appearance at proceedings
14 or protecting the community. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Detention must
15 always comport with the requirements of Due Process.

16 51. "Freedom from imprisonment—from government custody, detention, or other forms
17 of physical restraint—lies at the heart of the liberty that the Due Process Clause protects."
18 *Zadvydas*, 533 U.S. at 690. These protections extend to all persons within the United States,
19 regardless of immigration status. *Id.* at 693.

20 52. Individuals released on parole possess a substantial liberty interest. As the Supreme
21 Court has explained, a parolee—though subject to conditions—may live and work in the
22 community and form the enduring attachments of normal life. *Morrissey v. Brewer*, 408 U.S.
23 471, 482 (1972). Termination of that liberty interest inflicts a "grievous loss" and therefore
24 requires due process. *Id.*

25 53. The Supreme Court has further recognized that individuals granted parole rely on the
26 government's implicit assurance that parole will not be revoked arbitrarily or without cause.

1 Revocation therefore requires procedural safeguards proportionate to the importance of the
2 liberty interest at stake. *Id.* at 483–84.

3 54. “Adequate, or due, process depends upon the nature of the interest affected.”
4 *Haygood v. Younger*, 769 F.2d 1350, 1355–56 (9th Cir. 1985) (en banc). Where, as here, the
5 liberty interest in remaining free from detention is substantial, the government must provide
6 meaningful procedural protections before revoking parole.

7 55. The Constitution requires immigration agencies to “turn square corners” when acting
8 in ways that affect individuals’ rights and lawful presence. *Dep’t of Homeland Sec. v. Regents of*
9 *the Univ. of Cal.*, 591 U.S. 1, 24 (2020). When the government confers parole, it must comply
10 with both statutory and constitutional Due Process requirements before withdrawing that status
11 and re-imposing detention.

12 **CLAIM FOR RELIEF**

13 **COUNT 1**

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

15 56. Petitioner re-alleges and incorporates by reference, as if fully set forth herein, all
16 preceding paragraphs.

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

22 58. Neither Petitioner nor his immigration counsel received any notice that DHS intended
23 to terminate his parole, re-detain him, or assert that he was subject to detention under 8 U.S.C. §
24 1225(b)(2). Instead, Petitioner was taken into ICE custody on February 26, 2026 after he
25 inadvertently drove to the security checkpoint at Camp Pendleton Marine Base while working as
26 a rideshare driver transporting a passenger. Despite possessing valid, unrevoked parole and
27 having complied with all immigration requirements, Petitioner was detained without prior notice
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1 and without any opportunity to be heard. DHS provided no pre-deprivation process of any kind
2 before depriving Petitioner of his liberty.

3 59. Because Petitioner was previously released on parole, he possessed a protected liberty
4 interest in remaining free from detention that could not be revoked absent constitutionally
5 adequate process. His sudden re-detention without notice, an individualized determination, or an
6 opportunity to be heard violates the Due Process Clause. See *Mathews v. Eldridge*, 424 U.S. 319,
7 333 (1976) (requiring notice and an opportunity to be heard before deprivation of a protected
8 liberty interest); *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972) (recognizing that revocation of
9 parole inflicts a “grievous loss” and requires minimum due process protections).

10 **COUNT 2**

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

13 60. Petitioner re-alleges and incorporates by reference, as if fully set forth herein, all
14 preceding paragraphs.

15 61. The Administrative Procedure Act (“APA”) requires courts to “hold unlawful and set
16 aside agency action” that is arbitrary, capricious, an abuse of discretion, or otherwise not in
17 accordance with law. 5 U.S.C. § 706(2)(A).

18 62. Agency action is arbitrary and capricious where the agency entirely fails to consider
19 an important aspect of the problem, offers an explanation that runs counter to the evidence before
20 it, or fails to articulate a rational connection between the facts found and the decision made.
21 *Motor Vehicle Mfrs. Ass’n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983); *Dep’t of*
22 *Com. v. New York*, 139 S. Ct. 2551, 2569 (2019).

23 63. Under governing law and regulation, DHS may terminate humanitarian parole only
24 through an individualized determination that the purposes of parole have been served or that
25 neither humanitarian reasons nor public benefit warrants continued parole. 8 C.F.R. § 212.5(e).
26 Termination of parole therefore requires reasoned, case-specific decision-making and may not be
27 accomplished through blanket or categorical action.

64. Courts in this District have held that DHS acts arbitrarily and capriciously when it attempts to revoke humanitarian parole without an individualized determination or compliance with 8 C.F.R. § 212.5(e). In *Rodriguez Fernandez v. Noem*, No. 25-cv-03399-DMS-KSC (S.D. Cal. Dec. 22, 2025), the court granted habeas relief to a CBP One parolee detained on the same date and as part of the same DHS re-detention action as Petitioner, holding that DHS acted unlawfully by revoking parole and re-detaining the petitioner without individualized findings or lawful termination of parole. See also *Arias v. LaRose*, No. 3:25-cv-02595-BTM-MMP (S.D. Cal. Nov. 25, 2025).

65. As in *Rodriguez Fernandez* and *Arias*, DHS revoked Petitioner's parole and detained him without issuing any individualized determination, explanation, or findings demonstrating that the purposes of parole had been served or that humanitarian reasons or public benefit no longer justified his continued parole.

66. Respondents further acted arbitrarily and capriciously by detaining Petitioner without identifying any lawful or reasoned basis for reversing their prior determination that he could safely be released into the community on parole.

67. By detaining Petitioner without any individualized assessment, Respondents abused their discretion because there have been no changes to Petitioner's facts or circumstances since the agency made its initial, case-specific determination to parole him into the United States.

68. DHS's own conduct demonstrates that it previously determined Petitioner could be released into the community without presenting a danger or a risk of flight. After inspecting Petitioner at the port of entry, DHS exercised its discretionary parole authority under 8 U.S.C. § 1182(d)(5)(A) on a case-by-case basis—an action the statute permits only when the individual's specific facts and circumstances justify release. DHS thereafter permitted Petitioner to reside in the United States and pursue immigration relief without incident. Throughout this period, DHS raised no concerns regarding public safety or flight risk, issued no notice questioning Petitioner's compliance, and took no action to terminate his parole as required under 8 C.F.R. § 212.5(e). There have been no materially changed circumstances since DHS made those determinations,

1 and nothing in the record now justifies revoking Petitioner's parole or detaining him as a danger
2 to the community or a flight risk.

3 69. Because Respondents revoked Petitioner's parole and re-detained him without
4 reasoned explanation, individualized assessment, or compliance with governing regulations, their
5 actions were arbitrary, capricious, and not in accordance with law, in violation of the
6 Administrative Procedure Act.

7 **PRAYER FOR RELIEF**

8 WHEREFORE, Petitioner respectfully requests that this Court:

9 A). Assume jurisdiction over this matter pursuant to 28 U.S.C. § 2241;

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

14 C). Declare that Petitioner's re-detention without notice, an individualized determination, or an
15 opportunity to be heard violates the Due Process Clause of the Fifth Amendment;

16 D). Declare that Petitioner's parole was never lawfully terminated, remains in effect, and that
17 Respondents therefore lack statutory authority to detain Petitioner under 8 U.S.C. § 1225(b)(2);

18 E). Declare that Respondents' actions treating Petitioner's parole as terminated and detaining
19 him without compliance with 8 C.F.R. § 212.5(e) were arbitrary, capricious, an abuse of
20 discretion, and not in accordance with law, in violation of the Administrative Procedure Act, 5
21 U.S.C. § 706(2)(A);

22 F). Set aside Respondents' unlawful agency action pursuant to 5 U.S.C. § 706(2)(A);

23 G). Issue a writ of habeas corpus ordering Respondents to immediately release Petitioner from
24 immigration custody;

25 H). In the alternative, order a constitutionally adequate custody hearing at which the government
26 bears the burden of justifying Petitioner's continued detention by clear and convincing evidence,
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1 before a neutral decisionmaker, with consideration of alternatives to detention and Petitioner's
2 ability to pay any bond imposed;

3 I). In the alternative, if no administrative adjudicator lawfully possesses jurisdiction to provide
4 such a hearing, conduct that hearing before this Court under the same constitutional standards;

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

7 K). Award Petitioner reasonable attorney's fees and costs pursuant to the Equal Access to Justice
8 Act, 28 U.S.C. § 2412, and any other applicable authority; 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 6, 2026

VERIFICATION PURSUANT TO 28 U.S.C. 2242

I am submitting this verification because I am Petitioner's attorney in this action. I have personally spoken with Petitioner during a visitation at the Otay Mesa Detention Center regarding the facts and events described in the Petition, and the factual allegations contained in the Petition are based on Petitioner's own statements to me as well as my review of relevant immigration records and documents, including the Form I-94 documenting Petitioner's parole, the Form I-821 receipt notice for Temporary Protected Status, the USCIS Case Status Online record confirming that application remains pending, and other related immigration records. Based on my communications with Petitioner, and to the best of my knowledge, information, and belief, the factual statements in the Petition accurately reflect Petitioner's account of events. Executed on this 6th day of March, 2026, in San Diego, California.

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

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