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9
10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 ALMAS BAYAZITOV,

13 Petitioner,

14 v.

15 CHRISTOPHER LAROSE, Senior
16 Warden Otay Mesa, et al.,

17 Respondents.

CIVIL CASE NO.: 26-cv-1642-BJC

**Supplemental Briefing
in Support of
Petition for a
Writ of Habeas Corpus**

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1 INTRODUCTION

2 Almas Bayazitov is a citizen of Kazakhstan who received humanitarian
3 parole and timely filed for relief with USCIS. But despite following all conditions
4 of his parole, Mr. Bayazitov was detained on August 22, 2025. ICE took him into
5 custody without giving him any paperwork, any explanation of why he was being
6 detained, or any chance to contest detention.

7 While it is unclear whether the government has formally revoked
8 Mr. Bayazitov's parole, the government's actions are unlawful regardless. If the
9 agency did not revoke his parole, then it violated that parole by detaining him.
10 And if the agency *did* revoke his parole, then it did so in violation of the statute
11 and regulations, which require written notification and a determination that the
12 purposes of the parole have been served, as well as the Constitution, which
13 requires pre-deprivation notice and hearing. Either way, the agency's actions
14 violated the Administrative Procedures Act and the Due Process Clause. Thus,
15 this Court should reinstate his release.

16 STATEMENT OF FACTS

17 Almas Bayazitov fled Kazakhstan and came to the United States on June 9,
18 2022. Exh. A at ¶ 1. He immediately turned himself in to border patrol. *Id.* After a
19 couple of weeks' detention, ICE released him on humanitarian parole. *Id.*;
20 attachment to Exh. A.

21 After his release, ICE told him to check in at their office in Virginia. *Id.* at
22 ¶ 2. He did so. *Id.* When he moved to California, he checked in there, too. *Id.*
23 Officers told him he didn't have to check in any more. *Id.* He followed all
24 conditions of his release. *Id.* He committed no crimes. *Id.* And he timely filed for
25 relief with USCIS. *Id.*

26 On August 22, 2025, he appeared as ordered at USCIS offices for a credible
27 fear interview. *Id.* at ¶ 3. He was found to have a credible fear. *Id.* Nevertheless,
28 ICE detained him. *Id.* The arresting officers said that it was good he received a

1 positive credible fear determination but that all further proceedings would occur
2 in the detention center. *Id.* ICE provided no other explanation for arresting him.
3 *Id.* ICE did not give him any opportunity to explain why he should not be re-
4 detained. *Id.* And ICE did not give him any paperwork related to the revocation of
5 his parole. *Id.* Mr. Bayazitov’s fear-based claims remain pending. *Id.* at ¶ 6.

CLAIMS FOR RELIEF

7
8 **I. Count 1: ICE failed to comply with its own regulations in revoking Mr.**
9 **Bayazitov’s parole under 8 C.F.R. § 212.5, violating the Administrative**
10 **Procedures Act and Due Process.**

11 When ICE detained Mr. Bayazitov on August 22, 2025, it did not say that it
12 was revoking his parole, so it is unclear whether a revocation occurred. Exh. A at
13 ¶¶ 3. Either way, the government’s actions violate the Administrative Procedures
14 Act and Due Process.

15 Under the Administrative Procedures Act (APA), an agency action may be
16 held unlawful and set aside if it is “arbitrary, capricious, an abuse of discretion, or
17 otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A). An action is an
18 abuse of discretion if the agency “entirely failed to consider an important aspect
19 of the problem, offered an explanation for its decision that runs counter to the
20 evidence before the agency, or is so implausible that it could not be ascribed to a
21 difference in view or the product of agency expertise.” *Nat’l Ass’n of Home*
22 *Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle*
23 *Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43
24 (1983)). For a challenged agency action to be upheld, the agency “must explain
25 the evidence which is available, and must offer a rational connection between the
26 facts found and the choice made.” *Motor Vehicle Mfrs*, 463 U.S. at 52 (1983)
27 (internal quotations omitted) (quoting *Burlington Truck Lines, Inc. v. United*
28 *States*, 371 U.S. 156, 168 (1962)).

1 Here, regardless of whether the agency formally revoked Mr. Bayazitov's
2 parole, it violated the APA. If the agency did *not* revoke his parole, then it
3 inexplicably violated its own parole decision by detaining Mr. Bayazitov. Doing
4 so violated the APA because the agency did not “offer a rational connection
5 between the facts found and the choice made”—i.e., the fact that Mr. Bayazitov
6 was still on parole, yet the agency decided to detain him. *Motor Vehicle Mfrs*, 463
7 U.S. at 52. And nothing suggests that there *was* a “rational” reason for this choice,
8 given that Mr. Bayazitov had filed an asylum application and complied with all
9 conditions. This was the epitome of an “arbitrary” and “capricious” act under the
10 APA. 5 U.S.C. § 706(2)(A).

11 But assuming the agency *had* revoked his parole, it also violated the APA.
12 Per ICE regulations, a person shall only be “returned to the custody from which
13 he was paroled” when “the purposes of such parole . . . have been served.” 8
14 U.S.C. § 1182(d)(5)(A); *see also* 8 C.F.R. § 212.5(e)(2)(i) (parole may only be
15 terminated “upon accomplishment of the purpose for which parole was
16 authorized”); *Y-Z-L-H*, 2025 WL 1898025, at *12 (same). Alternatively, the
17 regulations permit revocation of parole when “neither humanitarian reasons nor
18 public benefit warrants the [noncitizen’s] continued presence.” 8 C.F.R.
19 § 212.5(e)(2)(i). So under the statute and the regulations, the agency may only
20 revoke parole and re-detain a noncitizen when the parole’s purpose is served or no
21 humanitarian reasons warrant it. Importantly, humanitarian parole can “remain[]
22 active despite the expiration of [an] I-94,” and revocation still requires a
23 determination that the purposes of parole have been served. *Arias v. Larose*, No.
24 25-cv-2595-BTM-MMP, 2025 WL 3295385, *4 (S.D. Cal. Nov. 25, 2025).

25 That did not occur here. Because “the purpose[] of [Mr. Bayazitov’s]
26 parole” was to allow him to apply for asylum, that purpose had not yet “been
27 served” because his asylum claim is still pending. 8 U.S.C. § 1182(d)(5)(A). And
28 the humanitarian reasons for parole—to avoid unnecessary detention when an

1 asylum seeker poses no danger or flight risk—remains the same. Put differently,
2 “upon Petitioner’s entry into the United States, Respondents determined that
3 Petitioner was suitable for parole. Respondents have not provided a reasoned
4 explanation or any changed circumstances that would justify their current
5 departure from their prior decision.” *Y-Z-L-H v. Bostock*, 792 F. Supp. 3d 1123,
6 1146 (D. Or. 2025). Under the APA, “[i]t is Respondents’ burden to provide a
7 reasoned explanation for their action,” which they will not be able to do. *Id.*

8 Several courts have released parolees on this basis. *See Arias v. Larose*, No.
9 3:25-CV-02595-BTM-MMP, 2025 WL 3295385, at *3 (S.D. Cal. Nov. 25, 2025);
10 *Noori v. LaRose*, No. 25-cv-1824-GPC-MSB, 2025 WL 2800149 (S.D. Cal. Oct. 1,
11 2025); *Salazar v. Casey*, No. 25-cv-2784 JLS-VET, 2025 WL 3063629 (S.D. Cal.
12 Nov. 3, 2025); *Perez v. LaRose*, No. 25-cv-02620-RBM-JLB, 2025 WL 3171742
13 (S.D. Cal. Nov. 13, 2025); *Y-Z-L-H v. Bostock*, No. 25-cv-965-SI, 2025 WL
14 1898025, at *13 (D. Or. July 9, 2025).

15 **II. Count 2: The Due Process Clause required notice and a chance to be**
16 **heard before parole was revoked.**

17 Additionally, “the revocation of [Mr. Bayazitov’s] parole without
18 justification or consideration of his individualized circumstances violates the Due
19 Process Clause.” *Perez v. LaRose*, No. 3:25-CV-02620-RBM-JLB, 2025 WL
20 3171742, at *4 (S.D. Cal. Nov. 13, 2025). Mr. Bayazitov was “entitled to notice of
21 the reasons for revocation of his parole and a hearing before an immigration judge
22 to 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 3063629,
26 at *3 (quoting U.S. Const. amend. V). “[T]he Due Process Clause applies to all
27 ‘persons’ within the United States, including aliens, whether their presence here is
28 lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693

1 (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.” *Noori*
5 *v. LaRose*, No. 25-cv-1824-GPC-MSB, 2025 WL 2800149 (S.D. Cal. Oct. 1, 2025);
6 (citing *Mathews v. Eldridge*, 424 U.S. 319 (1976)). Weighing those considerations
7 here, Respondents violated the Due Process Clause by revoking parole with no
8 notice or hearing.

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

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

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

1 procedures is not a legitimate government interest.” *Pinchi v. Noem*, 792 F. Supp.
2 3d 1025, 1036 (N.D. Cal. 2025).

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

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

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

10 **IV. Prayer for relief**

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

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

21
22 Respectfully submitted,

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24 Dated: March 20, 2026

s/ Katie Hurrelbrink

25 _____
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