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

16 JOSE MARIA MOLINA
17 CASTELLANOS,

18 Petitioner,

19 vs.

20 JEREMY CASEY, Warden of Imperial
21 Regional Detention Facility; TODD
22 LYONS, Acting Director Immigration
23 and Customs Enforcement; and
24 PAMELA BONDI, Attorney General of
25 the United States; in their official
26 capacities,

27 Respondents.
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Case No.: '26CV1727 JES BLM
**PETITION FOR WRIT OF
HABEAS CORPUS**

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2 **INTRODUCTION**

3 1. Petitioner Jose Maria Molina Castellanos is currently detained in the
4 physical custody of Respondents at the Imperial Regional Detention Facility
5 in Calexico, California. Petitioner was arrested by Immigration Officials and
6 has been detained for several weeks now, despite the fact that his parole was
7 still valid at that time, and remained valid until at least March 12, 2026.

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9 Please see **EXHIBIT B**.

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11 2. The Department of Homeland Security (DHS) detained the Petitioner
12 without terminating his parole in accordance with 8 C.F.R. § 212.5(e)(2)(i).
13 His detention without the proper individualized assessment necessary for
14 parole termination is a violation of the Immigration and Nationality Act
15 (INA) provision found at 8 U.S.C. § 1182(d)(5) and its associated
16 regulations. DHS's detention of Petitioner under these circumstances also
17 violates Petitioner's right to Due Process pursuant to the Fifth Amendment
18 of the U.S. Constitution.

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22 3. Accordingly, to preserve Petitioner's statutory and constitutional rights, this
23 Court should grant the instant petition for a Writ of Habeas Corpus for the
24 reasons stated *infra*. Absent an order from this Court, Petitioner will
25 continue to suffer an unconstitutional deprivation of his right to liberty, as
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1 well as extreme irreparable harm given the personal facts of his situation.
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3 Petitioner asks this Court to find that his detention is unlawful and order his
4 immediate release from detention.

5 JURISDICTION

- 6 4. This action arises under the Constitution of the United States and the
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8 Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*
- 9 5. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas
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11 corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the
12 United States Constitution (Suspension Clause).
- 13 6. This Court may grant relief under the habeas corpus statutes, 28 U.S.C.
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15 § 2241 *et. seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and
16 the All Writs Act, 28 U.S.C. § 1651.
- 17 7. Here, Petitioner challenges the legality of his detention, asserting that he is
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19 held in violation of both the Constitution and federal immigration statutes.
20 Such claims fall squarely within the habeas jurisdiction of federal district
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22 courts. None of the jurisdiction stripping provisions found at 8 U.S.C. §
23 1252(a)(2)(A), § 1252(g) and § 1252(b)(9) apply.
- 24 8. Federal district courts have consistently held that these jurisdictional bars do
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26 not preclude habeas review of the proper application of INA detention
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28 provisions. *See Vieira v. De Anda-Ybarra*, No. EP-25-CV-00432-DB, 2025

1 WL 2937880, at *2-4 (W.D. Tex. Oct. 16, 2025) (finding a case 'falls
2 squarely outside' the jurisdictional bars where Petitioner was only
3 'challenging whether certain INA provisions require his detention without a
4 bond hearing'); *Lopez-Arevelo v. Ripa*, No. EP-25-CV-337-KC, 2025 WL
5 2691828, at *4 (W.D. Tex. Sept. 22, 2025) (rejecting government's
6 jurisdictional arguments in nearly identical case); *Gomes v. Hyde*, No. 1:25-
7 CV-11571-JEK, 2025 WL 1869299, at *4 (D. Mass. July 7, 2025) (same);
8 *Castellanos v. Kaiser*, No. 25-CV-07962, 2025 WL 2689853, at *4 (N.D.
9 Cal. Sept. 18, 2025) (same). As these courts have recognized, habeas
10 jurisdiction exists to review whether the government is detaining a
11 noncitizen under the correct statutory authority and with adequate procedural
12 protections. That is precisely the question presented here.

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17 **VENUE**

18 9. Venue is proper with this Court because Petitioner is detained at the Imperial
19 Regional Detention Facility in Calexico, California, which is within the
20 jurisdiction of this District.
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22 **REQUIREMENTS OF 28 U.S.C. § 2243**

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24 10. The Court must grant the petition for Writ of Habeas Corpus or issue an
25 order to show cause (OSC) to the respondents “forthwith,” unless the
26 petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show
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1 cause is issued, the Court must require respondents to file a return “within
2 *three days* unless for good cause additional time, not exceeding twenty days,
3 is allowed.” *Id.* (emphasis added).
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5 11. Courts have long recognized the significance of the habeas statute in
6 protecting individuals from unlawful detention. The Great Writ has been
7 referred to as “perhaps the most important writ known to the constitutional
8 law of England, affording as it does a *swift* and imperative remedy in all
9 cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400
10 (1963) (emphasis added).
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13 PARTIES

14 12. Petitioner, Jose Maria Molina Castellanos, is currently detained at the
15 Imperial Regional Detention Facility in Calexico, California. He is in the
16 custody, and under the direct control, of Respondents and their agents.
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18 13. Respondent Jeremy Casey is sued in his official capacity as Warden of the
19 Imperial Regional Detention Facility. As the Warden of the facility where
20 Petitioner is currently detained, Respondent Casey is a legal custodian of
21 Petitioner.
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23 14. Respondent Todd M. Lyons is sued in his official capacity as Acting
24 Director of ICE. As the Acting Director of ICE, Respondent Lyons is a legal
25 custodian of Petitioner.
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1 15. Respondent Pamela Bondi is sued in her official capacity as the Attorney
2 General of the United States and the senior official of the U.S. Department
3 of Justice (DOJ). In that capacity, she has the authority to adjudicate
4 removal cases and to oversee the Executive Office for Immigration Review
5 (EOIR), which administers the immigration courts and the BIA. Respondent
6 Bondi is a legal custodian of Petitioner.
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9 **STATEMENT OF FACTS**

10 16. The Petitioner is a 48-year-old native and citizen of Honduras. Petitioner last
11 re-entered the United States on March 14, 2025, on advanced parole, which
12 granted him valid admission until March 12, 2026. Please see **EXHIBIT A**
13 and **EXHIBIT B**. Furthermore, the Notice of Action issued to Petitioner on
14 February 02, 2025, approving his application for Advanced Parole, states
15 that it is “Valid from 01/31/2025 to 01/30/2030.” Please see **EXHIBIT C**. In
16 spite of his parole being valid until at least March 12, 2026, Petitioner was
17 detained by DHS without notice and without being given any legally
18 cognizable reason for his detention. He is currently detained at the Imperial
19 Regional Detention Facility in Calexico, California.
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24 17. Petitioner does not pose a flight risk nor is he a danger to society.

25 18. Petitioner has one U.S. born child, and two children who are Lawful
26 Permanent Residents.
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1 19.He possesses a valid work permit and diligently pays his taxes.

2 20.Petitioner has been detained by DHS for about a month now, and will not be
3 released by DHS pursuant to the policy asserting that EOIR has no
4 jurisdiction to release him. *See Matter of Q Li*, 29 I&N Dec. 66 (BIA 2025),
5 *and see Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025).
6 Furthermore, DHS has affirmatively detained the Petitioner in spite of his
7 valid parole status at the time of his detention. Due to his current
8 predicament as stated, any attempt at remedial exhaustion through the EOIR
9 would be futile.
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13 LEGAL FRAMEWORK

14 21.Two statutes principally govern the detention of noncitizens pending
15 removal proceedings: 8 U.S.C. §§ 1225 and 1226. First, 8 U.S.C. § 1226
16 authorizes the detention of noncitizens in standard non-expedited removal
17 proceedings before an immigration judge (IJ). *See* 8 U.S.C. § 1229a.
18 Individuals in § 1226(a) detention are entitled to a bond hearing at the outset
19 of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens
20 who have been arrested, charged with, or convicted of certain crimes are
21 subject to mandatory detention, *see* 8 U.S.C. § 1226(c). Second, § 1225
22 applies to “applicants for admission,” who are, as relevant here, noncitizens
23 “present in the United States who [have] not been admitted.” 8 U.S.C. §
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1 1225(a)(1). All applicants for admission must be inspected by an
2 immigration officer. Id. § 1225(a)(3). DHS can elect to place certain
3 applicants for admission into expedited removal proceedings. See 8 U.S.C. §
4 1225(b)(1); *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 108-09
5 (2020). In other cases, if the examining immigration officer determines that
6 an applicant for admission is not “clearly and beyond a doubt entitled to be
7 admitted,” Section 1225(b)(2) provides that the applicant for admission
8 “shall be detained for” standard removal proceedings. 8 U.S.C. §
9 1225(b)(2)(A); see *Jennings v. Rodriguez*, 583 U.S. 281, 287-88 (2018). A
10 noncitizen detained under Section 1225(b)(2) may be released only if he is
11 paroled “for urgent humanitarian reasons or significant public benefit” under
12 8 U.S.C. § 1182(d)(5)(A). *Jennings*, 583 U.S. at 300 (“That express
13 exception to detention implies that there are no other circumstances under
14 which aliens detained under § 1225(b) may be released.”).

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20 22. The INA “establishes the framework governing noncitizens’ entry into and
21 removal from the United States, with regulations promulgated by the
22 enforcing agencies providing further governance.” See *Y-Z-L-H v. Bostock*,
23 792 F. Supp. 3d 1123, 1132 (D. Or. 2025). Once a noncitizen is deemed
24 inadmissible, “the immigration officer must order the noncitizen’s removal
25 unless the noncitizen indicates an intention to apply for asylum or fear of
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1 prosecution.” *Id.* (citing 8 U.S.C. § 1225(b)(1)(A)(i)). The government may
2 place the noncitizen into expedited removal proceedings, see 8 U.S.C. §
3 1225(b)(1), or the government may place the noncitizen into regular removal
4 proceedings under 8 U.S.C. § 1229(a). *See Y-Z-L-H*, 792 F. Supp. 3d at
5 1132–33 (citing 8 U.S.C. § 1225(b)(2)).
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8 23. Section 1225(b)(2)(A) provides that “in the case of an alien who is an
9 applicant for admission, if the examining immigration officer determines
10 that an alien seeking admission is not clearly and beyond a doubt entitled to
11 be admitted, the alien shall be detained for a proceeding under section 1229a
12 of this title.” 8 U.S.C. § 1225(b)(2)(A). However, “applicants for admission
13 may be temporarily released on parole [into the United States] ‘for urgent
14 humanitarian reasons or significant public benefit,’” as set forth in 8 U.S.C.
15 § 1182(d)(5)(A). *Jennings v. Rodriguez*, 583 U.S. 281, 288 (2018) (quoting
16 8 U.S.C. § 1182(d)(5)(A)). The decision to grant parole pursuant to 8 U.S.C.
17 § 1182(d)(5)(A) is determined “on a case-by-case basis.” 8 U.S.C. §
18 1182(d)(5)(A). Then, “when the purpose of the parole has been served,” §
19 1182(d)(5)(A) provides that “the alien shall forthwith return or be returned
20 to the custody from which he was paroled and thereafter his case shall
21 continue to be dealt with in the same manner as that of any other applicant
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1 for admission to the United States.” *Jennings*, 583 U.S. at 288 (quoting 8
2 U.S.C. § 1182(d)(5)(A)).
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4 24. To terminate the previously granted parole, the agency must comply with the
5 applicable regulatory and statutory requirements. As set forth in 8 C.F.R. §
6 212.5(e)(2)(i), which governs the “[t]ermination of parole,” “In cases not
7 covered by paragraph (e)(1) of this section, upon accomplishment of the
8 purpose for which parole was authorized or when in the opinion of one of
9 the officials listed in paragraph (a) of this section, neither humanitarian
10 reasons nor public benefit warrants the continued presence of the alien in the
11 United States, parole shall be terminated upon written notice to the alien and
12 he or she shall be restored to the status that he or she had at the time of
13 parole.” 8 C.F.R. § 212.5(e)(2)(i). That is, “[u]nder the governing regulation,
14 [§ 1182(d)(5)(A)] parole may be terminated only if the purpose of parole is
15 accomplished, or humanitarian reasons and the public benefit no longer
16 warrant parole.” *See Loaiza Arias v. LaRose*, No. 3:25-cv-02595-BTM-
17 MMP, 2025 WL 3295385, at *3 (S.D. Cal. Nov. 25, 2025) (citing 8 C.F.R. §
18 212.5(e)). In the present case, Respondents have failed to follow the
19 applicable statutory and regulatory provisions to terminate Petitioner’s
20 parole. *See Coal. for Humane Immigrant Rts. v. Noem*, No. 25-cv-872
21 (JMC), 2025 WL 2192986, at *2 (D.D.C. Aug. 1, 2025) (holding that the
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1 government failed to follow the applicable statutory and regulatory
2 provisions and that paroled noncitizens cannot be subject to expedited
3 removal proceedings); *see also Salgado Bustos v. Raycraft*, No. 25-13202,
4 2025 WL 3022294, at *5–7 (E.D. Mich. Oct. 29, 2025).

6 25. District Courts that have addressed the termination of § 1182(d)(5)(A)
7 parole “have found that just as a grant of parole requires an individualized
8 review, revocation of parole requires a case-by-case assessment to comply
9 with the statute.” *See Mata Velasquez v. Kurzdorfer*, 794 F. Supp. 3d 128,
10 146 (W.D.N.Y. 2025) (citations omitted) (addressing this issue, and granting
11 the petitioner’s motion for preliminary injunction and ordering that the
12 petitioner be released).

15 26. In the present case, as Respondents did not follow the applicable statutory
16 and regulatory requirements to revoke Petitioner’s parole, they did not have
17 the authority to arrest and detain Petitioner, unless there was some other
18 valid reason to arrest him. *See Mata Velasquez*, 794 F. Supp. 3d at 145, *and*
19 *see Norfolk S. Ry. Co. v. U.S. Dep’t of Lab.*, No. 21-3369, 2022 WL
20 17369438, at *6 (6th Cir. 2022) (discussing that “an agency’s action that
21 fails to observe the procedures required by its own regulations should be set
22 aside” (citation omitted)); *Wilson v. Comm’r of Soc. Sec.*, 378 F.3d 541, 545
23 (6th Cir. 2004) (“It is an elemental principle of administrative law that
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1 agencies are bound to follow their own regulations[,] . . . [and] “[a]n
2 agency’s failure to follow its own regulations tends to cause unjust
3 discrimination and deny adequate notice and consequently may result in a
4 violation of an individual’s constitutional right to due process.” (additional
5 internal quotation marks omitted) (quoting *Sameena, Inc. v. U.S. Air Force*,
6 147 F.3d 1148, 1153 (9th Cir. 1998))). Respondents did not indicate to
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8 Petitioner the reasons for his detention. Rather, it is the Respondents’
9 position that *any noncitizen*, regardless of whether they are already present
10 and residing in the United States, is “an alien seeking admission” subject to
11 mandatory detention under § 1225. *See Matter of Yajure-Hurtado*, 29 I&N
12 Dec. 216 (BIA 2025). Courts throughout the country have rejected this
13 argument. *See e.g. Diaz Perez v. Thompson et al*, No. 5:25-cv-01664- JKP,
14 2025 WL 3654333 (W.D. Tex. 12/15/2025), *Aguilar v. Bondi et al*, No.
15 5:25-CV-01453-JKP, 2025 WL 3471417 (W.D.T.X. 11/26/2025), *Puerto-*
16 *Hernandez v. Lynch*, No. 1:25-cv-1097, 2025 WL 3012033, at *9 (W.D.
17 Mich. Oct. 28, 2025); *Rodriguez Carmona v. Noem*, No. 1:25-cv-1131, 2025
18 WL 2992222, at *6 (W.D. Mich. Oct. 24, 2025).

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24 27. The Petitioner anticipates that Respondents will argue that Petitioner is
25 subject to mandatory detention under 8 U.S.C. § 1225(b)(1). Alternatively,
26 Petitioner anticipates that Respondents will argue that Petitioner is subject to
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1 mandatory detention under 8 U.S.C. § 1225(b)(2). Both positions have no
2 basis in law.

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4 28. The Petitioner cannot be subject to 8 U.S.C. § 1225(b)(1), as he has not been
5 ordered “removed from the United States without further hearing or review,”
6 given he has a Master Calendar Hearing scheduled for March 27, 2026.
7 Please see **EXHIBIT D**. This means Petitioner has already been placed in
8 regular removal proceedings, so he cannot also be subject to expedited
9 removal proceedings. *See Patel v. Tindall*, No. 3:25-CV-373-RGJ, 2025 WL
10 2823607, at *5 (W.D. Ky. Oct. 3, 2025) (“Respondents in other cases have
11 conceded that an individual cannot be in two removal proceedings
12 simultaneously); *Salcedo Aceros v. Kaiser*, 2025 WL 2637503, at *7 (N.D.
13 Cal. Sep. 12, 2025) (stating that “The Government concedes that Ms.
14 Salcedo Aceros is currently in full removal proceedings under Section 1229,
15 and that while those proceedings are live, she cannot be simultaneously
16 subjected to Section 1225(b)(1)'s expedited removal proceedings.”); *Munoz*
17 *Materano*, 2025 WL 2630826, at *11 (“Respondents therefore expressly
18 concede that, while Munoz Materano's appeal is pending, he remains in
19 Section 240 removal proceedings subject to § 1229a, not expedited removal
20 pursuant to § 1225(b)(1).”). Furthermore, the Petitioner cannot be subject to
21 1225(b)(1) status given that he was paroled into the U.S., and as such he
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1 cannot be subject to expedited removal at this time. *See Salgado Bustos v.*
2 *Raycraft*, No. 25-13202, 2025 WL 3022294 at *6 (E.D. Mich. Oct. 29, 2025)
3 (The first requirement of § 1225(b)(1)(A)(iii)(II) is that the noncitizen “has
4 not been admitted or paroled into the United States.”)
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6 29. Petitioner alternatively anticipates that the Respondents will argue that he is
7 subject to 8 U.S.C. 1225(b)(2). However, any imposition of § 1225(b)(2) on
8 the Petitioner ignores the fact that he was in valid parole status at the time of
9 his detention. As such, Petitioner’s current detention violates his right to Due
10 Process. Noncitizens are entitled to Due Process of the law under the Fifth
11 Amendment. *Demore v. Kim*, 538 U.S. 510, 523 (2003). “To determine
12 whether a civil detention violates a detainee’s due process rights, courts
13 apply the three-part test set forth in *Mathews v. Eldridge*, 424 U.S. 319
14 (1976).” *Martinez v. Noem*, No. 5:25-cv-1007-JKP, 2025 WL 2598379, at
15 *2 (W.D. Tex. Sept. 8, 2025). These factors are: (1) “the private interest that
16 will be affected by the official action”; (2) “the risk of an erroneous
17 deprivation of such interest through the procedures used, and the probable
18 value, if any, of additional or substitute procedural safeguards”; and (3) “the
19 Government’s interest, including the function involved and the fiscal and
20 administrative burdens that the additional or substitute procedural
21 requirement would entail.” *Mathews*, 424 U.S. at 335, 96 S.Ct. 893.
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1 30. The first *Mathews* factor clearly weighs in favor of Petitioner. Here,
2 Respondents granted Petitioner advanced parole into the United States,
3 indicating an individualized determination that Petitioner’s parole was
4 warranted. Please see **EXHIBIT B** and **EXHIBIT C**. Respondents have
5 now detained Petitioner, and there is no dispute that Petitioner has a
6 significant private interest in avoiding detention, as one of the “most
7 elemental of liberty interests” is to be free from detention. *Hamdi v.*
8 *Rumsfeld*, 542 U.S. 507, 529 (2004) (citation omitted). The Court may also
9 consider Petitioner’s conditions of confinement, i.e., “whether a detainee is
10 held in conditions indistinguishable from criminal incarceration.” See
11 *Günaydin v. Trump*, 784 F. Supp. 3d 1175, 1187 (D. Minn. 2025) (citing
12 *Hernandez-Lara v. Lyons*, 10 F.4th 19, 28 (1st Cir. 2021); *Velasco Lopez v.*
13 *Decker*, 978 F.3d 842, 851 (2d Cir. 2020)). Petitioner was granted
14 employment authorization, allowing him to work in the United States. As he
15 has currently been detained for several weeks, he is “experiencing [many of]
16 the deprivations of incarceration, including loss of contact with friends and
17 family, loss of income earning, . . . lack of privacy, and, most fundamentally,
18 the lack of freedom of movement.” See *Günaydin*, 784 F. Supp. 3d at 1187.

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25 31. The second *Mathews* factor also weighs in Petitioner’s favor. Clearly, there
26 is a high risk of erroneously depriving Petitioner of his freedom if Petitioner
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1 does not receive an individualized determination regarding the revocation of
2 his parole. “To mitigate the risk of erroneous deprivation, due process would
3 require, ‘at [a] minimum, the opportunity for [Petitioner] to submit evidence
4 relevant to whether [the government] should revoke [his parole] before [it]
5 make[s] a revocation decision.’” *Mata Velasquez v. Kurzdorfer*, 794 F.
6 Supp. 3d 128, 153 (W.D.N.Y. 2025).
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10 32. Under the third *Mathews* factor, the Respondents will most likely cite the
11 interest in ensuring noncitizens’ appearance at removal proceedings and
12 preventing harm to the community. *See Sampiao v. Hyde*, No. 1:25-cv-
13 11981-JEK, 2025 WL 2607924, at *12 (D. Mass. Sep. 9, 2025). However,
14 Respondents do not have a significant interest in Petitioner’s continued
15 detention because there is no indication that he is a flight risk or a danger to
16 the community at large. Petitioner has never been arrested by police and has
17 no criminal record. Indeed, continuing Petitioner’s detention would impose
18 more costs upon the Government, as it would be required to continue to pay
19 for Petitioner’s continued detention.
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23 33. “The appropriate relief for an immigration detainee held in violation of their
24 right to due process is their immediate release from custody, and to be
25 provided with relief returning them to status quo ante, i.e., the last
26 uncontested status which preceded the pending controversy.” *Cardin Alvarez*
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v. *Rivas*, No. CV 25-02943 PHX GMS (CDB), 2025 WL 2898389, at *21 (D. Ariz. Oct. 7, 2025). “With regard to the specifics of the relief that might be ordered, in recent weeks many federal district courts have ordered the immediate release of immigration habeas petitioners held in custody in violation of their due process rights.” *Id*; *See Santiago v. Noem*, No. 25-cv-361, 2025 WL 2792588, at *13 (W.D. Tex. Oct. 1, 2025); *See also J.U. v. Maldonado*, No. 25-cv-4836, 2025 WL 2772765, at *10 (E.D.N.Y. Sept. 29, 2025); *Zumba v. Bondi*, No. 25-cv-14626, 2025 WL 2753496, at *11 (D.N.J. Sept. 26, 2025); *Sampiao v. Hyde*, No. 25-cv-11981, 2025 WL 2607924, at *12 (D. Mass. Sept. 9, 2025); *Rosado v. Figueroa*, 2025 WL 2337099, at *19 (D. Ariz. Aug. 11, 2025); *M.S.L. v. Bostock*, 2025 WL 2430267, at *1(D. Or. Aug. 21, 2025); *Bermeo Sicha v. Bernal*, No. 1:25-CV-00418-SDN, 2025 WL 2494530, at *7 (D. Me. Aug. 29, 2025).

CAUSES OF ACTION

COUNT ONE

Violation of Fifth Amendment Right to Due Process

34. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

35. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. “Freedom from imprisonment— from government custody, detention, or other forms of

1 physical restraint—lies at the heart of the liberty that the Clause protects.”
2 *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S.Ct. 2491, 150 L.Ed.2d 653
3 (2001).
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5 36.Petitioner has a fundamental interest in liberty and being free from official
6 restraint.
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8 37.The government’s arbitrary subjection of Petitioner to mandatory detention
9 pursuant to 8 U.S.C. § 1225, in spite of the fact that he was in valid parole
10 status at the time of arrest and detention, and without affording him any
11 opportunity to contest his detention within the agency, violates his right to
12 Due Process pursuant to the Fifth Amendment.
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15 **COUNT TWO**
16 **Violation of 8 U.S.C. § 1182(d)(5) and 8 C.F.R. 212.5**
17 ***Unlawful detention without an individualized termination of parole***

18 38.Petitioner repeats, re-alleges, and incorporates by reference each and every
19 allegation in the preceding paragraphs as if fully set forth herein.

20 39.The arrest and detention of Petitioner without properly terminating his
21 parole status pursuant to the INA and the procedures outlined in the
22 governing regulations violates the statute and the concomitant sections of the
23 Code of Federal Regulations.
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PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter and maintain jurisdiction to the extent necessary to ensure Respondents’ compliance with any order this Court may issue;
- (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.
- (3) Declare that the detention of the Petitioner violates the INA, the CFR, and the Due Process Clause of the Fifth Amendment of the U.S. Constitution.
- (4) Issue a Writ of Habeas Corpus requiring that Respondents immediately release the Petitioner in order to restore him to the *status quo ante*.
- (5) Instruct the Respondents that they may not re-detain the Petitioner without providing adequate procedural safeguards to protect the Petitioner’s statutory and constitutional rights.
- (6) Order further relief as this Court deems just and appropriate.

Dated March 18, 2026

/s/ Sabrina Damast

By: Sabrina Damast

/s/ Perham Makabi

By: Perham Makabi