

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BENITEZ VILLA, HUGO

Petitioner,

v.

J.L. JAMISON, Warden, Federal Detention Center, Philadelphia; MICHAEL T. ROSE, Acting Field Office Director, Immigration and Customs Enforcement, Enforcement and Removal Operations, Philadelphia Field Office; MARKWAYNE MULLIN, Secretary of the Department of Homeland Security; U.S. DEPARTMENT OF HOMELAND SECURITY; PAMELA BONDI, U.S. Attorney General; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW.

Respondents.

Case No.

**VERIFIED PETITION FOR
WRIT OF HABEAS CORPUS**

Petitioner respectfully petitions this Honorable Court for a writ of habeas corpus to remedy Petitioner's unlawful detention by Respondents, as follows:

INTRODUCTION

1. Petitioner Hugo Benitez Villa is in the physical custody of Respondents at the Philadelphia Federal Detention Center. He now faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office of Immigration Review (EOIR) have unlawfully revoked his parole.

2. Per the U.S. Government's instructions, and in the interest of doing things 'the right way' Petitioner entered the U.S. by scheduling an appointment at the U.S. border through the CBP One application.

3. On October 4, 2024, Petitioner and his family presented themselves to the U.S. Customs and Border Protection (CBP) agency at the San Ysidro, California, point of entry. Upon presenting themselves and expressing their intent to seek asylum in the United States, CBP was well within their right to place Petitioner in mandatory detention pursuant to 8 U.S.C. § 1225(b). According to CBP “All individuals processed at POEs are thoroughly screened and vetted, and individuals who pose a national security or public safety concern are detained. On a case-by-case basis, those with CBP One appointments may be enrolled in immigration proceedings that will determine whether they have a legal basis to remain in the United States.” *See* Department of Homeland Security, Fact Sheet: CBP One Facilitated Over 170,000 Appointments in Six Months, and Continues to be a Safe, Orderly, and Humane Tool for Border Management, August 23, 2023, <https://www.dhs.gov/archive/news/2023/08/03/fact-sheet-cbp-one-facilitated-over-170000-appointments-six-months-and-continues-be>.

4. Based on Petitioner's individualized facts and circumstances, Petitioner and his family were granted permission to lawfully enter the United States on a temporary basis and given humanitarian parole under 8 U.S.C. § 1182(d)(5) while

they pursued their applications for asylum. Thus, on October 4, 2024, Petitioner was permitted lawfully to enter and remain in the United States while his immigration proceedings progressed. He was issued an I-94, Record of Entry, as well as a Notice to Appear (NIA) in immigration court. See Exhibits 1 and 2, Notice to Appear and I-94. Additionally, as a condition of his parole he was required to check-in with Immigration and Customs Enforcement (ICE) at regular intervals.

5. Petitioner submitted a timely asylum application on July 21, 2025, attended his immigration court hearings, and complied with his ICE check-ins. He obtained employment authorization and a social security card and was otherwise a law abiding and productive member of society.

6. So far, everything had been done precisely as Congress had directed under federal immigration laws, including 8 U.S.C. §§ 1182(d)(5) and 1225. That is until March 19, 2026, when Petitioner and his family appeared for their ICE check-in; at that appointment, without notice or any change in circumstances, Petitioner was detained by ICE officers in front of his wife and children and informed that, in essence, ICE was revoking his parole and now choosing to detain him under § 1225(b), simply 'because.'

7. Petitioner, though he followed the law and instruction of the government in lockstep over the nearly three-year period since he entered, has now had his liberty stripped from him without meaningful notice, explanation or rationale.

8. Petitioner's abrupt revocation of his parole and detention violates the Administrative Procedures Act (APA) and the agency's own regulations.

9. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be released immediately.

JURISDICTION

10. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Philadelphia Federal Detention Center in Philadelphia, Pennsylvania.

11. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5)(habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

12. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.

VENUE

13. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the Eastern District of Pennsylvania, the judicial district in which Petitioner is currently detained.

14. Venue is also properly in this Court pursuant to 28 U.S.C. § 2391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Eastern District of Pennsylvania.

REQUIREMENTS OF 28 U.S.C. § 2243

15. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

16. Habeas corpus is “perhaps the most important writ known to the constitutional law affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four comers of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

17. Petitioner Hugo Benitez Villa is a citizen of Ecuador who has been in immigration detention since March 19, 2026, having had his parole unlawfully revoked without notice.

18. Respondent John Rife is the Acting Director of the Philadelphia Field Office Office’s Enforcement and Removal Operations division. As such, Respondent Rife

is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.

19. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security. He is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Secretary Mullin has ultimate custodial authority over Petitioner and is sued in her official capacity.

20. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates, is a component agency. She is sued in her official capacity.

21. Respondent Jamal L. Jamison, is employed by the Federal Bureau of Prisons as Warden of the Philadelphia Federal Detention Center, where Petitioner is detained. He has immediate physical custody of Petitioner. He is sued in his official capacity.

LEGAL FRAMEWORK

22. 8 U.S.C. § 1182 provides that parole may be granted "only on a case-by-case basis for urgent humanitarian reasons or significant public benefit." 8 U.S.C. § 1182(d)(5)(A). After parole has been granted, the Secretary may only revoke parole, when a DHS official with authority decides either that the "the purpose for which

parole was authorized" has been "accomplish[ed]" or that "neither humanitarian reasons nor public benefit warrants the continued presence of the [noncitizen]" in the United States." *Id.* Several courts have found that, as in the case of grants of parole, see *Jean v. Nelson*, 472 U.S. 846, 853 (1985), Section 1182 requires an individualized case-by-case determination before parole can lawfully be revoked. See *Y-Z-L-H v. Bostock*, 792 F. Supp. 3d 1123, 1147 (D. Or. 2025) (revocation of parole was unlawful where there was "no evidence, let alone any opinion or finding" that the purpose of petitioner's parole had been served at the time of the purported termination); *Mata Velasquez v. Kurzdorfer*, 794 F. Supp. 3d 128, 146 (W.D.N.Y. 2025) ("a decision to revoke parole 'must attend to the reasons an individual [noncitizen] received parole.'"); *Doe v. Noem*, No. 25-1384, 2025 WL 1505688, at *1 (1st Cir. May 5, 2025) (statute suggests that parole may only be terminated on case-by-case basis which 'cuts against a finding that en masse termination is immune to judicial review.'"); *Orellana v. Francis*, No. 25-CV-04212 (OEM), 2025 WL 2402780, at *5 (E.D.N.Y. Aug. 19, 2025) ("Respondents have admittedly failed, as the statute requires, to make a "case-by-case" determination as to the revocation of Petitioner's parole.).

23. The statute states, in pertinent part:

The Secretary of Homeland Security may ... in his discretion parole into the United States temporarily under such conditions as he may prescribe *only on a case-by-case basis* for urgent humanitarian reasons or significant public benefit *any alien* applying for admission to the United States, but such parole

of such alien shall not be regarded as an admission of the alien and when the purposes of such parole shall, in the opinion of the Secretary of Homeland Security, have been served the alien shall forthwith return or be returned to the custody from which *he was paroled* and thereafter *his case* shall continue to be dealt with in the same manner as that of any other applicant for admission to the United States.

8 U.S.C. § 1182(d)(5)(A) (emphasis added).

24. There is no indication that--as required by the statute and regulations--an official with authority made a determination specific to Petitioner that either "the purpose for which [his] parole was authorized" has been "accomplish[ed]" or that "neither humanitarian reasons nor public benefit warrants [his] continued presence ... in the United States." As a result, Petitioner's detention and revocation of his parole violates his rights under the statute and regulations.

25. Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does not apply to people like Petitioner, who have already entered and were residing in the United States at the time they were apprehended.

FACTS

26. Petitioner incorporates herein by reference paragraphs 1-9, *supra*.

CLAIMS FOR RELIEF

COUNT I

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

27. Petitioner restates and realleges all paragraphs as if fully set forth here.

28. Under the Administrative Procedure Act, "[t]he reviewing court shall ... hold unlawful and set aside agency action, findings, and conclusions found to be ... not in accordance with law ... [or] in excess of statutory jurisdiction, authority, or limitations, or short of statutory right." 5 U.S.C. § 706(2)(A), (C).

29. 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. Dep't. 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)). To survive an APA challenge, the agency must articulate "a satisfactory explanation" for its action, "including a rational connection between the facts found and the choice made." *Dep't of Com. v. New York*, 139 S. Ct. 2551, 2569 (2019) (citation omitted).

30. By categorically revoking Petitioner's parole without consideration of his individualized facts and circumstances, Respondents have violated the APA.

31. Respondents have made no finding that Petitioner is a danger to the community.

32. Respondents have made no finding that Petitioner is a flight risk because, in fact, he was arrested while appearing at his immigration check-in.

33. By detaining Petitioner categorically, Respondents have further abused their

discretion because there have been no changes to his facts or circumstances since the agency made its initial determination to parole him into the United States that support detention. Respondents have already considered Petitioner's facts and circumstances and determined that he was not a flight risk or danger to the community. There have been no changes to the facts that justify this revocation of his parole.

COUNT II

Violation of the Administrative Procedure Act - 5 U.S.C. § 706(2)(A) Arbitrary & Capricious

34. Petitioner restates and realleges all paragraphs as if fully set forth here.

35. Under the APA, a court must "hold unlawful and set aside agency action ... found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law," or "without observance of procedure required by law." 5 U.S.C. § 706(2). An agency action is "arbitrary and capricious if the agency has relied on factors which Congress has not intended it to consider, 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." *Motor Vehicles Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983).

36. As the Supreme Court has explained, "[a]n agency may not, for example, depart from a prior policy sub silentio or simply disregard rules that are still on the books. And of course the agency must show that there are good reasons for the new policy," even though it need not convince the court of the merits of its new policy. *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515, 129 S.Ct. 1800, 173 L.Ed.2d 738 (2009).

37. It is Respondents' burden to "provide [a] reasoned explanation for [their] action." *Id.* "A reasonable basis exists where the agency considered the relevant factors and articulated a rational connection between the facts found and the choices made." *Arrington v. Daniels*, 516 F.3d 1106, 1112 (9th Cir. 2008). The unexplained inconsistency between agency actions is a reason for holding the decision to be an arbitrary and capricious change.

COUNT III

Violation of Due Process

38. Petitioner restates and realleges all paragraphs as if fully set forth here.

39. 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 physical restraint-lies at the heart of the liberty that the Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

40. Petitioner has a fundamental interest in liberty and being free from official restraint.

41. The government's detention of Petitioner and revocation of his parole without meaningful notice or rationale violates his right to due process.

COUNT IV

Violation of the Accardi Doctrine

42. Petitioner restates and realleges all paragraphs as if fully set forth here.

43. Under elementary principles of administrative law, as well as fundamental fairness, agencies are required to follow their own policies. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954). According to well-established case law, failure to do so constitutes a violation of the Accardi doctrine.

44. Respondents have failed to follow their own rules, statutes, and regulations in the revocation of Petitioner's parole and in detaining Petitioner. By violating the Accardi doctrine, Respondents have irreparably injured Petitioner by depriving him of his liberty interests.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Order that Petitioner shall not be transferred outside the Eastern District of Pennsylvania while this habeas petition is pending;

- c. Issue an Order to Show Cause ordering Respondents to explain why this Petition should not be granted within three days;
- d. Issue a Writ of Habeas Corpus requiring that Respondents immediately release Petitioner;
- e. Declare that Petitioner's detention and revocation of his parole is unlawful;
- f. Issue an order requiring Respondents to return Petitioner's personal property, including identification and documents;¹
- g. Award Petitioner his costs and reasonable attorney fees in this action as provided for by the Equal Access to Justice Act, as amended, 5 U.S.C. § 504 and 28 U.S.C. § 2412, and on any other basis justified under law, *see Michelin v. Warden Moshannon Valley Corr. Ctr.*, --- F.4th ---, 2026 WL 263483 (3d Cir. Feb. 2, 2026); and
- h. Grant any other and further relief that this Court deems just and proper.

¹ *See, e.g.*, Order, ECF 6, *Juarez Francisco v. Jamison et al.*, No. CV 26-1321, 2026 WL 607988 (E.D. Pa. Mar. 4, 2026) (ordering “immediately upon his release [return] all personal belongings confiscated upon or during his detention, including his identification documents”); Order, ECF 20, *Abreu v. Baker et al.*, Civil No. 25-3088-BAH (D. Md) (Dec. 18, 2025) (ordering return of petitioner's personal property confiscated at the time of her detention); *Ortiz Martinez v. Wamsley*, No. 2:25-CV-01822-TMC, 2025 WL 2899116, at *5 (W.D. Wash. Oct. 10, 2025) (same).

Dated: March 24, 2026

Respectfully submitted,

/s/ Caitlin Barry

Pro Bono Counsel for Petitioner

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VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF
PURSUANT TO 28 U.S.C. § 2242

I am submitting this verification on behalf of the Petitioner as a member of Petitioner's legal team. I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: March 24, 2026

Respectfully submitted,

/s/ Caitlin Barry

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CERTIFICATE OF SERVICE

I, undersigned counsel, hereby certify that on this date, I filed this Petition for Writ of Habeas Corpus and all attachments using the CM/ECF system. I will furthermore send a courtesy copy via email to the office of the United States Attorney for the Eastern District of Pennsylvania at the following email addresses:

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DATED: March 24, 2026

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