



MAR 24 2026

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

Ruslan Rabakon,

Plaintiff,

v.

LAURA HERMOSILLO, Seattle Field
Office Director, Enforcement and
Removal Operations, ICE; BRUCE
SCOTT, Warden, Northwest ICE
Processing Center; KRISTI NOEM,
Secretary of the Department of
Homeland Security; PAMELA
BONDI, Attorney General of the
United States, DEPARTMENT OF
HOMELAND SECURITY,

Respondents.

CASE NO. 2:26-cv-01010-TMC

**PETITION FOR WRIT OF
HABEAS CORPUS PURSUANT
TO 28 U.S.C. § 2241**

INTRODUCTION

1. Petitioner Ruslan Rabakon is a 48-year-old citizen of Belarus who fled political persecution, presented himself at a United States port of entry, and was paroled into this country by the very Respondents who now seek to indefinitely cage him. His parole remains valid through

1 September 28, 2026. Yet Petitioner has been locked inside the Northwest ICE Processing Center
2 since January 7, 2026, when ICE agents arrested him without warning, without a warrant, and
3 without explanation at a government-directed appointment that Petitioner attended voluntarily. He
4 had traveled to the ICE field office on his own initiative to report that the agency's own check-in
5 application had failed to send him any notifications. Respondents rewarded that compliance by
6 placing him in handcuffs.

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8 2. Petitioner was paroled into the United States on September 29, 2024, at the Calexico,
9 California port of entry. Respondents paroled him based on his individual facts and circumstances
10 under 8 U.S.C. § 1182(d)(5). His parole is valid through September 28, 2026. Respondents
11 initiated removal proceedings against him under 8 U.S.C. § 1229a. Yet, in a deceptive sleight of
12 hand, Respondents now seek to detain him under an entirely separate and inapposite law, 8 U.S.C.
13 § 1225. Respondents do so based not on Petitioner's personal circumstances or individualized facts
14 but because of Respondents' categorical determination that noncitizens paroled into the United
15 States may be re-detained without process.

16 3. Courts in this District have repeatedly rejected Respondents' draconian detention policy.
17 Most recently, in *Kumar v. Noem*, No. C26-294-SKV, 2026 WL 668335 (W.D. Wash. Mar. 10,
18 2026), this Court granted habeas relief to a paroled noncitizen who was arrested at an ICE check-
19 in based on alleged missed check-ins, facts materially similar to Petitioner's case, finding that re-
20 detention without prior notice or a hearing violated due process. *See also Perez v. Hermosillo*, No.
21 C25-2542-RSM, 2026 WL 100735 (W.D. Wash. Jan. 14, 2026) (granting habeas for eight
22 petitioners re-detained without process, including several with alleged check-in app issues, and
23 ordering that petitioners "may not be re-detained until after an immigration court hearing is held

1 (with adequate notice”); *Dieng v. Hermosillo*, No. 2:26-cv-00190-LK, 2026 WL 411857 (W.D.
2 Wash. Feb. 13, 2026) (same).

3 4. The leading case in this area, *Y-Z-L-H v. Bostock*, 792 F. Supp. 3d 1123 (D. Or. 2025),
4 held that DHS’s termination of parole by mass email without the individualized findings required
5 by 8 U.S.C. § 1182(d)(5)(A) and 8 C.F.R. § 212.5(e)(2)(i) was arbitrary and capricious under the
6 APA, and ordered the petitioner’s release. Judges in this District have followed this reasoning. *See*
7 *Kumar v. Noem*, 2026 WL 668335, at *4 (W.D. Wash. Mar. 10, 2026) (collecting cases and
8 concluding that a parolee “who has . . . lived with relative freedom in the United States for a
9 number of years, has a protected interest in not being detained”); *Dieng*, 2026 WL 411857, at *5–
10 7.

11 5. By arresting and detaining Petitioner, ICE also unlawfully revoked the parole that
12 Petitioner has enjoyed since September 2024 without any neutral evaluation of the supposed
13 justifications. That is unconstitutional. Judges in this District have ordered ICE to release
14 individuals arrested like Petitioner, who were previously granted parole or some other form of
15 release from immigration custody, and to not re-arrest them without first providing a pre-detention
16 bond hearing.

17 6. Accordingly, to vindicate Petitioner’s rights, this Court should grant the instant petition
18 for a writ of habeas corpus and order Respondents to immediately release Petitioner from custody.
19 Petitioner asks this Court to find that Respondents’ attempts to detain Petitioner are arbitrary and
20 capricious and in violation of the law, and to immediately issue an order preventing Petitioner’s
21 transfer out of this District.
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JURISDICTION

7. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

8. This Court has subject-matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

9. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, the All Writs Act, 28 U.S.C. § 1651, and the Immigration and Nationality Act, 8 U.S.C. § 1252(e)(2).

VENUE

10. Venue is proper because Petitioner is in Respondents' custody at the Northwest ICE Processing Center in Tacoma, Washington, which is within this District. Venue is further proper because a substantial part of the events or omissions giving rise to Petitioner's claims occurred in this District, where Petitioner is now in Respondents' custody. 28 U.S.C. § 1391(e).

REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243

11. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the Respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243.

12. If an OSC is issued, the Court must require Respondents to file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

1 13. Courts have long recognized the significance of the habeas statute in protecting
2 individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most
3 important writ known to the constitutional law of England, affording as it does a swift and
4 imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400
5 (1963).

6 14. Petitioner is "in custody" for the purpose of § 2241 because Petitioner is arrested and
7 detained by Respondents at the Northwest ICE Processing Center.

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9 **PARTIES**

10 15. Petitioner is a 48-year-old citizen of the Republic of Belarus, born on [REDACTED]
11 Declaration of Ruslan Rabakon in Support of Petition for Writ of Habeas Corpus ("Rabakon
12 Decl.") ¶ 1. Petitioner is present within the State of Washington and detained at the Northwest ICE
13 Processing Center (NWIPC) in Tacoma, Washington, as of the time of the filing of this Petition.
14 Rabakon Decl. ¶ 2.

15 16. Respondent Laura Hermosillo is the Seattle Field Office Director, Enforcement and
16 Removal Operations, U.S. Immigration and Customs Enforcement ("ICE"). The Seattle Field
17 Office is responsible for local custody decisions relating to noncitizens charged with being
18 removable from the United States, including the arrest, detention, and custody status of
19 noncitizens. Respondent Hermosillo is a legal custodian of Petitioner.

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21 17. Respondent Bruce Scott is the Warden of the Northwest ICE Processing Center, where
22 Petitioner is detained. He has immediate physical custody of Petitioner. He is sued in his official
23 capacity.

1 18. Respondent Kristi Noem is the Secretary of the Department of Homeland Security
2 (DHS) and has authority over the actions of all other DHS Respondents in this case, as well as all
3 operations of DHS. Respondent Noem is a legal custodian of Petitioner and is charged with
4 faithfully administering the immigration laws of the United States.

5 19. Respondent Pamela Bondi is the Attorney General of the United States, and as such
6 has authority over the Department of Justice and is charged with faithfully administering the
7 immigration laws of the United States.

8 20. Respondent United States Department of Homeland Security is the federal agency
9 responsible for immigration enforcement.
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11 21. This action is commenced against all Respondents in their official capacities.
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13 **LEGAL FRAMEWORK**

14 22. The INA prescribes three basic forms of detention for the vast majority of noncitizens
15 in removal proceedings.

16 23. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal
17 proceedings before an Immigration Judge. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention
18 are generally entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a),
19 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes
20 are subject to mandatory detention until their removal proceedings are concluded, *see* 8 U.S.C. §
21 1226(c).
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1 24. Second, the INA provides for mandatory detention of noncitizens subject to expedited
2 removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals “seeking admission” referred to
3 under § 1225(b)(2).

4 25. Last, the INA also provides for detention of noncitizens who have received a final order
5 of removal, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).

6 26. Section 1182 has a subsection titled “Temporary admission of nonimmigrants,” which
7 allows noncitizens, including those subject to mandatory detention, to be “paroled” into the United
8 States. 8 U.S.C. § 1182(d)(5)(A). This provision requires that the Secretary grant parole “only on
9 a case-by-case basis for urgent humanitarian reasons or significant public benefit.” *Id.* Once parole
10 is granted, it may only be terminated “when the purposes of such parole shall, in the opinion of the
11 Secretary of Homeland Security, have been served.” *Id.*

12 27. Under the implementing regulations, parole may be terminated upon written notice in
13 only two circumstances: (1) “upon accomplishment of the purpose for which parole was
14 authorized,” or (2) when an authorized official determines that “neither humanitarian reasons nor
15 public benefit warrants the continued presence of the [noncitizen] in the United States.” 8 C.F.R.
16 § 212.5(e)(2)(i). Both the statute and regulations require individualized, case-by-case
17 determinations. *See Y-Z-L-H v. Bostock*, 792 F. Supp. 3d 1123, 1138 (D. Or. 2025) (“Common
18 sense suggests . . . that parole given only on a case-by-case basis is to be terminated only on such
19 a basis.”).

20 28. For decades, noncitizens who were released into the United States after issuance of an
21 NTA were treated as detained under § 1226. *See* Inspection and Expedited Removal of Aliens;
22 Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed.
23

1 Reg. 10312, 10323 (Mar. 6, 1997) (“Despite being applicants for admission, aliens who are present
2 without having been admitted or paroled . . . will be eligible for bond and bond redetermination”).

3 29. On July 8, 2025, ICE announced a policy rejecting this well-established understanding,
4 declaring that all persons who entered without inspection shall be deemed subject to mandatory
5 detention under § 1225(b)(2)(A). On September 5, 2025, the BIA adopted this position in *Matter*
6 *of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). Dozens of federal courts have since rejected this
7 interpretation, including courts in this District. *See Kumar v. Noem*, 2026 WL 668335, at *3–4
8 (W.D. Wash. Mar. 10, 2026) (recognizing that the government’s belief it has a valid reason to
9 detain a noncitizen “does not eliminate its obligation to effectuate the detention in a manner that
10 comports with due process”); *Perez v. Hermosillo*, 2026 WL 100735, at *6 (W.D. Wash. Jan. 14,
11 2026) (granting habeas for eight petitioners re-detained under the mandatory-detention
12 framework); *Dieng*, 2026 WL 411857, at *5–7.

13 14 FACTUAL BACKGROUND

15 30. Petitioner is a citizen and national of the Republic of Belarus, born on 

16 31. Petitioner fled persecution by the Belarusian government on account of his political
17 beliefs and activities. Rabakon Decl. ¶ 3.

18 32. Fearing for his life, Petitioner sought protection in the United States. Rabakon Decl. ¶
19 3–4.

20 33. On September 29, 2024, Petitioner presented himself at the Calexico, California port
21 of entry to seek asylum. Respondents processed Petitioner and, based on his individual facts and
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1 circumstances, paroled him into the United States under 8 U.S.C. § 1182(d)(5). Rabakon Decl. ¶
2 4; Ex. A (I-94 Record).

3 34. Petitioner's I-94 record confirms his class of admission as "DT" (parolee status), with
4 an admit-until date of September 28, 2026: still more than six months from the date of this filing.
5 *Id.* His parole has not expired.

6 35. Respondents initiated removal proceedings against Petitioner under 8 U.S.C. § 1229a
7 and issued a Notice to Appear ("NTA"). The NTA charged Petitioner with inadmissibility under
8 8 U.S.C. § 1182(a)(7)(A)(i)(I) and initially ordered him to appear at the Orlando, Florida
9 Immigration Court. Petitioner's individual merits hearing is now scheduled for April 7, 2026. Ex.
10 B (NTA).

11 36. Although the NTA designates Petitioner as an "arriving alien," this designation is
12 inconsistent with Respondents' own treatment of Petitioner at every other stage of his proceedings.
13 Respondents paroled Petitioner into the United States under 8 U.S.C. § 1182(d)(5), issued him an
14 I-94 reflecting parolee status with an admit-until date of September 28, 2026, and placed him in
15 full removal proceedings under 8 U.S.C. § 1229a—not in expedited removal under § 1225(b)(1).
16 As this Court has previously held, "[i]t would make little sense for Respondents to revoke
17 Petitioner's release . . . issued pursuant to § 1226 if he was not in fact subject to § 1226's procedural
18 framework." *Lnu v. Bondi*, No. 2:26-CV-00187-DGE, 2026 WL 395290, at *2 (W.D. Wash. Feb.
19 12, 2026); *see also Omushev v. Hermosillo*, No. 2:26-cv-00432-DGE, slip op. at 5--6 (W.D. Wash.
20 Mar. 2, 2026) (finding Respondents' argument that petitioner was detained pursuant to § 1225
21 "inconsistent with the factual record" where the NTA, the order of recognizance, and the arrest
22 warrant all referenced § 1226); *Kumar*, 2026 WL 668335, at *3 (recognizing that while
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1 respondents argued petitioner was subject to mandatory detention under § 1225(b)(1), this “does
2 not eliminate its obligation to effectuate the detention in a manner that comports with due
3 process”). The “arriving alien” checkbox on the NTA does not override the statutory and
4 regulatory framework under which Respondents actually processed and released Petitioner.

5 37. On February 28, 2025, Petitioner timely applied for asylum with the Immigration Court.
6 Rabakon Decl. ¶ 5.

7 38. As a condition of his parole, Petitioner was enrolled by ICE in the Alternatives to
8 Detention (“ATD”) program in August 2025 and provided with a mobile check-in application.
9 Rabakon Decl. ¶ 6. The application never sent Petitioner any notifications, and because no
10 notification ever came, Petitioner had no way of knowing that check-ins were being scheduled or
11 that any check-in had been recorded as missed. Rabakon Decl. ¶¶ 7–9. ICE never contacted
12 Petitioner by any means to inform him of any missed check-in, warn him that his compliance was
13 in question, or offer him any alternative means of satisfying the check-in obligation. Rabakon
14 Decl. ¶ 9.

15 39. When Petitioner received no notifications, he did exactly what a compliant, good-faith
16 parolee would do: on or around December 26, 2025, he appeared in person at the ICE field office
17 to report the problem and confirm his compliance. Rabakon Decl. ¶ 11. Rather than addressing the
18 notification failure, the ICE officer instructed Petitioner to return on January 7, 2026, at 8:00 a.m.
19 Rabakon Decl. ¶ 12. Petitioner appeared at that government-directed appointment. Rabakon Decl.
20 ¶ 14. Rather than resolving the issue, ICE arrested and detained him without warning, without
21 showing him any warrant, and without providing any explanation. Rabakon Decl. ¶¶ 15–16. DHS
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1 then transported Petitioner to the Northwest ICE Processing Center in Tacoma, Washington.
2 Rabakon Decl. ¶ 2.

3 40. Respondents revoked Petitioner's parole without providing any individualized written
4 notice of the reasons for revocation, without an opportunity to respond, and without any finding
5 by an authorized official that the purposes of Petitioner's parole had been served. Rabakon Decl.
6 ¶¶ 16–17. To the extent Respondents contend that Petitioner missed check-ins, that contention is
7 belied by the record: the application failed to send Petitioner any notifications, leaving him with
8 no means of knowing check-ins were due (a system failure entirely within Respondents' control)
9 and Petitioner demonstrated his compliance by proactively appearing in person at the ICE office
10 on December 26, 2025, and again on January 7, 2026, at ICE's own direction. Rabakon Decl. ¶¶
11 7, 9, 11–12, 14. *See Vilela v. Robbins*, No. 1:25-cv-01393-KES-HBK (HC), 2025 WL 3101334,
12 at *4 (E.D. Cal. Nov. 6, 2025) (rejecting argument that ICE can re-detain those released for “purely
13 technical violations, like being late to a check-in,” without regard to whether the violation means
14 the person is a flight risk or danger) (collecting cases). At the time of his arrest, Petitioner's parole
15 was valid for nearly nine more months through September 28, 2026.

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17 41. Petitioner's removal proceedings remain pending. His individual merits hearing is
18 scheduled for April 7, 2026. Rabakon Decl. ¶ 5. Petitioner has now been detained for more than
19 two months, separated from his wife who depends on him for support, and cut off from his church
20 community. Rabakon Decl. ¶¶ 21–22. Without relief from this Court, he faces the prospect of
21 continued indefinite immigration custody despite having an active grant of parole valid through
22 September 28, 2026.

1 42. A bond hearing in the immigration court or appeal to the Board of Immigration Appeals
2 (BIA) is futile. DHS's policy was issued "in coordination with" DOJ. EOIR, the immigration court
3 system, is a component agency of DOJ. Further, the BIA held in *Matter of Yajure Hurtado*, 29
4 I&N Dec. 216 (BIA 2025), that persons like Petitioner are subject to mandatory detention as
5 applicants for admission.

6 **CLAIMS FOR RELIEF**

7 **COUNT I**

8 **VIOLATION OF FIFTH AMENDMENT RIGHT TO DUE PROCESS – PROCEDURAL**
9 **DUE PROCESS**

10 43. Petitioner restates and realleges all paragraphs as if fully set forth herein.

11 44. Petitioner's detention by DHS violates his rights under the Due Process Clause of the
12 Fifth Amendment to the United States Constitution.

13 45. The Due Process Clause protects against deprivation of liberty without proper process,
14 and this protection extends to deportation proceedings. U.S. Const. amend. V; *Trump v. J.G.G.*,
15 604 U.S. 670, 673 (2025) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)).

16 46. Under the three-factor test set forth in *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976),
17 Petitioner's due process rights were violated when Respondents re-detained him without pre-
18 deprivation notice or an opportunity to be heard. Courts in this District have consistently applied
19 the *Mathews* test and found such re-detention unconstitutional. See *Kumar v. Noem*, 2026 WL
20 668335, at *4–5 (W.D. Wash. Mar. 10, 2026) (granting habeas where parolee arrested at check-in
21 based on alleged missed check-ins); *Perez v. Hermosillo*, 2026 WL 100735, at *6 (W.D. Wash.
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1 Jan. 14, 2026) (granting habeas for eight petitioners, including several with check-in app issues);
2 *Dieng*, 2026 WL 411857, at *6–8.

3 47. First, Petitioner was paroled into the United States on September 29, 2024, and lived
4 in the community for more than fifteen months before being re-detained on January 7, 2026.
5 During that time, Petitioner complied with the conditions of his release, including personally
6 appearing at the ICE office on December 26, 2025, to report the notification failure, and appearing
7 again on January 7, 2026, at ICE’s own direction—the very appointment at which he was arrested.
8 Rabakon Decl. ¶¶ 11–12, 14. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Morrissey v.*
9 *Brewer*, 408 U.S. 471, 482 (1972). “[I]ndividuals who have been released from custody, even
10 where such release is conditional, have a liberty interest in their continued liberty.” *Doe v. Becerra*,
11 787 F. Supp. 3d 1083, 1093 (E.D. Cal. 2025). Courts in this District have consistently so held. *See*
12 *Kumar v. Noem*, 2026 WL 668335, at *4 (W.D. Wash. Mar. 10, 2026) (collecting cases and
13 concluding that a parolee “who has . . . lived with relative freedom in the United States for a
14 number of years, has a protected interest in not being detained”); *Perez v. Hermosillo*, 2026 WL
15 100735, at *6 (W.D. Wash. Jan. 14, 2026) (same).

16 48. Second, the risk of erroneous deprivation of Petitioner’s liberty through the procedures
17 used is high. Respondents re-detained Petitioner without an individualized determination that he
18 is a flight risk or danger to the community, without any pre-deprivation hearing, and on the basis
19 of purported missed check-ins that were caused entirely by a malfunctioning ICE application: a
20 system failure within Respondents’ own control. Petitioner received no notification that check-ins
21 were due, no warning that any check-in had been missed, no opportunity to cure any deficiency,
22 and no alternative check-in method. Rabakon Decl. ¶¶ 7, 9. His proactive appearance at the ICE
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1 office on December 26, 2025, and his return on January 7, 2026, at ICE's direction, demonstrate
2 the very opposite of a flight risk. Rabakon Decl. ¶¶ 11–14. In *Kumar v. Noem*, 2026 WL 668335,
3 at *5, this Court found a high risk of erroneous deprivation under materially identical
4 circumstances, where a parolee was arrested at a check-in based on alleged ATD violations
5 involving disputed missed check-ins, and “anomalies in the record” about the petitioner’s
6 compliance “could have been addressed” at a pre-detention hearing. The Court specifically noted
7 that ICE’s failure to act on the alleged violations for months “suggests . . . that ICE did not deem
8 these alleged technical violations sufficiently serious to warrant a return to custody.” *Id.* The same
9 reasoning applies here with even greater force, as the alleged violations were attributable to
10 Respondents’ own malfunctioning technology. *See also Perez*, 2026 WL 100735, at *6 (finding
11 high risk of erroneous deprivation where petitioners re-detained without hearings despite
12 compliant conduct).

13 49. Third, the Government’s interest in re-detaining Petitioner without a hearing is low.
14 Respondents have not presented evidence that Petitioner presents a flight risk or danger to the
15 community. To the contrary, Petitioner’s parole remains valid through September 28, 2026, his
16 individual merits hearing is imminent on April 7, 2026, Rabakon Decl. ¶ 5, and he demonstrated
17 his good faith by appearing in person at the ICE office twice, including on the very day he was
18 arrested, pursuant to ICE’s own instruction, Rabakon Decl. ¶¶ 11–12, 14. As the Court held in
19 *Perez*, “[W]here Petitioners have been living for years in United States with permission of our
20 immigration courts, following all the rules and waiting for hearings, and there are no changes in
21 their particular factual circumstances prior to their arrests, the Government fails this factor.” 2026
22 WL 100735, at *6. *See also Kumar*, 2026 WL 668335, at *5 (“[S]uch costs are outweighed by the
23 risk of erroneously depriving an individual of a significant liberty interest.”); *Salcedo Aceros v.*

1 *Kaiser*, No. 25-cv-06924-EMC, 2025 WL 2637503, at *12 (N.D. Cal. Sept. 12, 2025)
2 (“[D]etention for its own sake is not a legitimate governmental interest.”).

3 50. Because Respondents revoked Petitioner’s release in an arbitrary manner and not based
4 on a rational and individualized determination of whether he is a safety or flight risk, his detention
5 violates procedural due process.

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8 **COUNT II**

9 **VIOLATION OF SUBSTANTIVE DUE PROCESS**

10 51. Petitioner restates and realleges all paragraphs as if fully set forth herein.

11 52. The Due Process Clause of the Fifth Amendment protects all “person[s]” from
12 deprivation of liberty “without due process of law.” U.S. Const. amend. V. “Freedom from
13 imprisonment—from government custody, detention, or other forms of physical restraint—lies at
14 the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas*, 533 U.S. at 690.

15 53. Immigration detention is constitutionally permissible only when it furthers the
16 government’s legitimate goals of ensuring the noncitizen’s appearance during removal
17 proceedings and preventing danger to the community. *See id.*

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19 54. Petitioner is not a flight risk or danger to the community. Respondents have made no
20 individualized finding to the contrary. Petitioner’s detention is therefore unjustified and unlawful,
21 in violation of the Due Process Clause.

22 **COUNT III**

23 **VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT – 5 U.S.C. § 706(2)(A)**

1 55. Petitioner restates and realleges all paragraphs as if fully set forth herein.

2 56. Under the APA, a court shall “hold unlawful and set aside agency action” that is
3 “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C.
4 § 706(2)(A).

5 57. Federal regulations specify that where parole has been granted under 8 U.S.C. §
6 1182(d)(5), it may be terminated upon written notice only when “the purpose for which parole was
7 authorized” has been accomplished or when an authorized official determines that “neither
8 humanitarian reasons nor public benefit warrants the continued presence of the [noncitizen] in the
9 United States.” 8 C.F.R. § 212.5(e)(2)(i).

10 58. Petitioner was paroled so that he could pursue his claims for asylum and withholding
11 of removal. That purpose has not been served: his removal proceedings remain pending, his parole
12 has not expired, and his individual merits hearing is scheduled for April 7, 2026.

13 59. Respondents have made no finding that the purposes of Petitioner’s parole have been
14 served. Respondents have made no finding that humanitarian reasons and public benefit no longer
15 warrant Petitioner’s presence. Respondents have made no finding that Petitioner is a danger to the
16 community or a flight risk.

17 60. By categorically revoking Petitioner’s parole and detaining him without consideration
18 of his individualized facts and circumstances, Respondents have violated the INA, implementing
19 regulations, and the APA. *See Y-Z-L-H*, 792 F. Supp. 3d at 1144–46; *Rodriguez Orellana v.*
20 *Francis*, No. 25-CV-04212, 2025 WL 1755685, at *6–8 (E.D.N.Y. July 14, 2025); *Dieng*, 2026
21 WL 411857, at *5–7.

COUNT IV

VIOLATION OF REGULATIONS / ACCARDI DOCTRINE

61. Petitioner restates and realleges all paragraphs as if fully set forth herein.

62. In *United States v. Accardi*, the Supreme Court held that when the government promulgates regulations “with the force and effect of law,” agencies are bound to follow their own “existing valid regulations.” 347 U.S. 266, 268 (1954). *See also Morton v. Ruiz*, 415 U.S. 199, 235 (1974).

63. The revocation of Petitioner’s parole and resulting re-detention failed to comply with the mandatory procedural protections set forth in 8 C.F.R. § 212.5(e)(2)(i). That regulation requires written notice and either a finding that the purpose of parole has been accomplished or that neither humanitarian reasons nor public benefit warrants the noncitizen’s continued presence.

64. Additionally, 8 C.F.R. § 235.3(b)(6) requires that a noncitizen “be given a reasonable opportunity to establish to the satisfaction of the examining immigration officer that he or she was admitted or paroled into the United States” and “be allowed to present evidence or provide sufficient information to support the claim.” No such opportunity was provided here. *See Rodriguez Orellana*, 2025 WL 1755685, at *7–8.

65. This Court has already addressed the legal consequences of ICE’s failure to provide adequate procedural safeguards when revoking parole and re-detaining a noncitizen. *See Dieng*, 2026 WL 411857, at *5–7 (holding that respondents’ failure to follow 8 C.F.R. § 212.5 violated due process and the APA).

66. Because Respondents revoked Petitioner's parole and effectuated his re-detention in contravention of binding federal regulations, their actions violate the *Accardi* doctrine and the Due Process Clause. An agency's failure to adhere to regulations promulgated with the force of law renders the resulting detention unlawful. *Accardi*, 347 U.S. at 268. As this Court has recognized, "the fact that the government may believe it has a valid reason to detain a noncitizen 'does not eliminate its obligation to effectuate the detention in a manner that comports with due process.'" *Kumar*, 2026 WL 668335, at *3–4 (quoting *E.A. T.-B. v. Wamsley*, 795 F. Supp. 3d 1315, 1322 (W.D. Wash. 2025)); see also *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 107 (2020) (recognizing that habeas has traditionally been a means to secure release from unlawful detention).

PRAYER FOR RELIEF

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

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three (3) days;
- (3) Declare that Petitioner's re-detention without an individualized determination violates the Due Process Clause of the Fifth Amendment;
- (4) Declare that Respondents' revocation of Petitioner's parole without compliance with the statutory and regulatory requirements of 8 U.S.C. § 1182(d)(5)(A) and 8 C.F.R. § 212.5(e)(2)(i) was arbitrary and capricious in violation of the APA;
- (5) Issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from custody;

1 (6) Order that Petitioner shall not be re-detained without first providing pre-deprivation
2 notice and a hearing before a neutral decisionmaker at which Respondents bear the
3 burden of proving by clear and convincing evidence that Petitioner is a flight risk
4 or a danger to the community, *see Kumar v. Noem*, 2026 WL 668335, at *6 (W.D.
5 Wash. Mar. 10, 2026); *Perez v. Hermosillo*, 2026 WL 100735, at *7 (W.D. Wash.
6 Jan. 14, 2026);

7 (7) Order Respondents to not transfer Petitioner from this District without prior leave of
8 this Court;

9 (8) Grant any further relief this Court deems just and proper.

10
11 Dated: March 23, 2026

12 
Ruslan Rabakon, Petitioner.

VERIFICATION OF PETITION PURSUANT TO 28 U.S.C. § 2242

I, Ruslan Rabakon, am the Petitioner in this action. I have read the foregoing Petition for Writ of Habeas Corpus and know its contents. I declare under penalty of perjury that the statements made in the Petition are true and correct to the best of my knowledge, information, and belief.

Dated: March 23, 2026



Ruslan Rabakon

 For: RUSLAN RABAKON



U.S. Customs and Border Protection
Securing America's Borders

Note to employers, local, state or federal agency granting benefits:

Please visit the CBP I-94 Public Website and click on the tab for "Get Most Recent I-94" to perform a search for the applicant to confirm that the biographic and travel information displayed on this I-94 printout matches the "Get Most Recent I-94" returned results for this applicant.

Most Recent I-94

Admission (I-94) Record Number : 

Arrival/Issued Date : 2024 September 29

Class of Admission : DT

Admit Until Date 

Details provided on the I-94 Information form:

Last/Surname : RABAKON

First (Given) Name : RUSLAN

Birth Date : 

Document Number : 

Country of Citizenship : Belarus

► Effective April 26, 2013, DHS began automating the admission process. An alien lawfully admitted or paroled into the U.S. is no longer required to be in possession of a preprinted Form I-94. A record of admission printed from the CBP website constitutes a lawful record of admission. See 8 CFR § 1.4(d).

► If an employer, local, state or federal agency requests admission information, present your admission (I-94) number along with any additional required documents requested by that employer or agency.

► Note: For security reasons, we recommend that you close your browser after you have finished retrieving your I-94 number.

0048 ZIM 1051 0131
Expiration Date: 10/31/2024

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [REDACTED]

NIGMA Event: [REDACTED]

In the Matter of: RADAKON, RUSSIAN

File No: [REDACTED]

Respondent: RADAKON, Russian

currently residing at:

(Number, street, city, state and ZIP code)

(Area code and phone number)

- ☒ You are an arriving alien.
- ☐ You are an alien present in the United States who has not been admitted or paroled.
- ☐ You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of BELARUS and a citizen of BELARUS;
3. You applied for admission on 09/29/2024 at CALEXICO, CA, USA;
4. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act; you are an immigrant not in possession of a valid unexpired passport, or other suitable travel document, or document of identity and nationality.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

See Continuation Page Made a Part Hereof

- ☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- ☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an Immigration Judge of the United States Department of Justice at:
500 N. Orange Avenue Ste. 1100 STE 1100,
ORLANDO, FL, US 32801

(Complete Address of Immigration Court, including Room Number, if any)

on August 14, 2026 at 08:30 AM to show why you should not be removed from the United States based on the
(Date) (Time) LUCHTMAN, William J

charge(s) set forth above.

CBP OFFICER

(Signature and Title of Issuing Officer)

(Digitally signed Signature)

Date: September 29, 2024

CALEXICO, CALIFORNIA

(City and State)