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

11 **ROSSANA CHIQUINQUIRA**  
12 **FUENMAYOR ANGULO,**

13 Petitioner

14 v.

15  
16 **CHRISTOPHER LAROSE, et al.,**

17 Respondents

Case No.: 26-cv-02191-JO-BLM

**PETITIONER'S TRAVERSE**

18  
19 Petitioner respectfully submits this Traverse pursuant to the Court's Order directing  
20 Respondents to file a Return addressing the Petition for Writ of Habeas Corpus.

21 **I. Procedural Posture and Scope of the Traverse**

22 Petitioner submits this Traverse in response to Respondents' Return to the Petition for  
23 Writ of Habeas Corpus. The Petition presents a narrow threshold issue: whether Respondents  
24 may lawfully detain a parolee where humanitarian parole has not been terminated in accordance  
25 with 8 C.F.R. § 212.5(e) and the requirements of due process.  
26  
27  
28

1 The Return does not meaningfully dispute that issue. Respondents do not contend that  
2 Petitioner’s parole was terminated pursuant to 8 C.F.R. § 212.5(e), do not identify any written  
3 notice of termination, and do not assert that any individualized determination was made to  
4 revoke parole. To the contrary, Respondents acknowledge that they lack information regarding  
5 whether parole was ever terminated, concede that courts in this District have rejected their  
6 position under materially indistinguishable facts, and expressly state that they do not oppose the  
7 Petition.

8 Respondents’ inability to identify whether parole was ever terminated—and their  
9 decision not to oppose the Petition—confirms that no lawful basis for detention exists. Instead of  
10 justifying custody, Respondents suggest a bond hearing as a potential remedy, which  
11 presupposes lawful detention and does not address the threshold defect identified in the Petition.

12 Accordingly, the issue before the Court is straightforward: whether Respondents may  
13 continue to detain Petitioner in the absence of lawful termination of parole and compliance with  
14 governing regulatory and constitutional requirements. Petitioner addresses these points below  
15 and otherwise incorporates and preserves the arguments set forth in the Petition.

16 **II. Petitioner’s Parole Was Never Lawfully Terminated Under 8 C.F.R. § 212.5(e)**

17 Petitioner was granted humanitarian parole pursuant to INA § 212(d)(5)(A), as evidenced  
18 by the issuance of a valid Form I-94. That grant of parole remained legally operative at the time  
19 of Petitioner’s re-detention.

20 Under 8 C.F.R. § 212.5(e), parole may be terminated only upon an individualized  
21 determination that the purpose of parole has been accomplished or that neither humanitarian  
22 reasons nor public benefit warrants the noncitizen’s continued presence in the United States. The  
23 regulation further requires that such termination occur upon written notice to the parolee.

24 Respondents do not contend that these requirements were satisfied. The Return does not  
25 identify any written notice terminating Petitioner’s parole, does not assert that any individualized  
26 determination was made pursuant to 8 C.F.R. § 212.5(e), and does not describe any action taken  
27 by the Department of Homeland Security to lawfully revoke parole. To the contrary,

1 Respondents acknowledge that they lack information regarding whether parole was ever  
2 terminated.

3 Absent compliance with the regulatory framework governing termination of parole,  
4 Petitioner's grant of parole remains in effect. Because Respondents do not contend that parole  
5 was lawfully terminated in accordance with 8 C.F.R. § 212.5(e), they have failed to establish any  
6 lawful basis to re-detain Petitioner. Where parole remains in effect, Respondents lack authority  
7 to detain Petitioner, and continued custody is unlawful.

8 **III. Re-Detention Without Notice or Process Violates Due Process**

9 Petitioner's re-detention without prior notice or any procedural safeguards violates due  
10 process. When the Government releases a noncitizen on humanitarian parole, it affirmatively  
11 determines that the individual may remain at liberty in the United States. That determination  
12 creates a protected liberty interest that cannot be revoked without compliance with governing  
13 regulations and basic procedural protections.

14 As recognized by courts throughout this District, once an individual is released on parole,  
15 the Government may not simply re-detain that individual without first providing the process  
16 required by 8 C.F.R. § 212.5(e), including an individualized determination and written notice of  
17 termination. Where those procedures are not followed, re-detention is unlawful.

18 Here, Respondents do not contend that Petitioner received any written notice terminating  
19 his parole. Nor do they assert that any individualized determination was made prior to re-  
20 detention. To the contrary, Respondents acknowledge that they lack information regarding  
21 whether parole was ever terminated. Petitioner was therefore re-detained without notice, without  
22 any procedural safeguards, and without compliance with the governing regulatory framework.

23 Courts in this District have repeatedly held that such conduct violates due process. The  
24 Government's decision to release an individual from custody creates a liberty interest that cannot  
25 be extinguished without adequate procedural protections. Re-detention without notice, without  
26 an individualized determination, and without any opportunity to be heard constitutes an unlawful  
27 deprivation of that liberty interest.

1 Because Petitioner’s parole was not lawfully terminated and no process was provided  
2 prior to re-detention, his continued detention is not merely procedurally deficient—it is an  
3 unlawful deprivation of liberty in violation of the Due Process Clause.

4 **IV. A Bond Hearing Is Not a Lawful Substitute for Unlawful Re-Detention**

5 Respondents suggest that a bond hearing may be an appropriate remedy. That position  
6 fails to address the threshold defect identified in the Petition: Petitioner’s parole was never  
7 lawfully terminated in accordance with 8 C.F.R. § 212.5(e), and Petitioner was re-detained  
8 without notice or any procedural safeguards.

9 Courts in this District have consistently rejected the argument that a bond hearing can  
10 cure unlawful re-detention where the Government failed to comply with the regulatory and  
11 constitutional requirements governing termination of parole. Where parole has not been lawfully  
12 terminated, the Government lacks authority to re-detain the parolee in the first instance. A bond  
13 hearing presupposes lawful custody; it does not supply it.

14 In materially indistinguishable cases, courts have held that the Government’s failure to  
15 provide written notice of termination, an individualized determination, and the required  
16 procedural protections renders re-detention unlawful and requires release. The suggestion that a  
17 post hoc bond hearing may be provided does not cure the underlying violation or retroactively  
18 legitimize detention that was unlawful from its inception.

19 Here, Respondents do not contend that Petitioner’s parole was terminated in compliance  
20 with 8 C.F.R. § 212.5(e), do not identify any written notice, and do not assert that any procedural  
21 safeguards were provided prior to re-detention. Because the Government failed to comply with  
22 the mandatory framework governing termination of parole, Petitioner’s detention is unlawful ab  
23 initio and unsupported by any statutory or regulatory authority.

24 Accordingly, a bond hearing is not a lawful substitute for compliance with the regulatory  
25 and constitutional requirements governing revocation of parole. Where detention itself is  
26 unauthorized, the appropriate remedy is immediate release—not the provision of additional  
27 procedures to justify continued custody.

1 **V. Because Respondents Have Failed to Justify Custody, the Writ Must Issue**

2 **A. Respondents Bear the Burden Under 28 U.S.C. § 2243**

3 In a habeas proceeding, Respondents bear the burden of demonstrating lawful authority  
4 for Petitioner's continued detention. The Court ordered Respondents to show cause why the writ  
5 should not issue. That burden requires Respondents to identify both the factual and legal basis  
6 for custody.

7 Respondents have not met that burden. The Return does not contend that Petitioner's  
8 parole was terminated in accordance with 8 C.F.R. § 212.5(e), does not identify any written  
9 notice of termination, and does not assert that any individualized determination was made prior  
10 to re-detention. Respondents further acknowledge that they lack information regarding whether  
11 parole was ever terminated and expressly decline to oppose the Petition.

12 Absent a showing that parole was lawfully terminated and that the regulatory and  
13 procedural requirements governing revocation were satisfied, Respondents have not established  
14 any lawful basis for Petitioner's detention. Where the Government fails to carry its burden to  
15 justify custody, habeas relief is required.

16 Accordingly, Respondents have failed to carry their burden under 28 U.S.C. § 2243, and  
17 the writ must issue.

18 **B. Respondents Do Not Oppose the Petition**

19 Respondents expressly state that they do not oppose the Petition and defer to the Court on  
20 the appropriate relief. The Return further acknowledges that courts in this District have rejected  
21 Respondents' position under materially indistinguishable facts.

22 This lack of opposition confirms that there is no genuine dispute regarding the dispositive  
23 issue presented in the Petition. Respondents do not contend that parole was lawfully terminated,  
24 do not dispute that no written notice was provided, and do not assert that any procedural  
25 safeguards were afforded prior to re-detention. Nor do they identify any lawful basis for  
26 Petitioner's continued detention.

1 Where Respondents neither justify custody nor oppose relief, and where the record  
2 demonstrates that detention was imposed without compliance with governing regulations and  
3 due process, habeas relief is warranted and the writ must issue.

4 **VI. Consistent Authority Requires Immediate Release**

5 Courts across the Southern, Central, and Eastern Districts of California have consistently  
6 held that where the Government re-detains a parolee without complying with 8 C.F.R. § 212.5(e)  
7 and without providing the required procedural safeguards, detention is unlawful and the  
8 appropriate remedy is immediate release.

9 This Court has already recognized the same due process principle in a closely analogous  
10 release-revocation context. In *Phan v. LaRose*, No. 3:26-cv-01386-JES-MSB (S.D. Cal. Mar. 12,  
11 2026), the Court held that the Government violated due process by re-detaining a noncitizen after  
12 a prior release without providing constitutionally adequate notice and an opportunity to be heard,  
13 and ordered immediate release from custody.

14 Courts in this District have applied that same principle specifically in the context of  
15 humanitarian parole. In the Southern District of California, courts have repeatedly granted  
16 habeas relief under materially indistinguishable circumstances involving the re-detention of  
17 parolees without compliance with 8 C.F.R. § 212.5(e). In *Hernandez v. LaRose*, No. 3:26-cv-  
18 00903-DMS-VET (S.D. Cal. Mar. 18, 2026), the court ordered release where petitioners were re-  
19 detained without prior notice or written termination of parole, holding that such re-detention  
20 violated due process.

21 Similarly, in *Ayala Perez v. Noem*, No. 3:25-cv-03777-CAB-JLB (S.D. Cal. Jan. 14,  
22 2026), the court held that detention of a parolee without written notice terminating parole  
23 violated 8 C.F.R. § 212.5(e) and due process, and ordered immediate release.

24 In *Alves Santana v. Casey*, No. 3:26-cv-00964-RBM-MSB (S.D. Cal. Feb. 24, 2026), the  
25 court held that a parolee possesses a protected liberty interest in remaining out of custody and  
26 that re-detention without notice or an opportunity to be heard violates due process, ordering  
27 immediate release.

1 In *Agelvis-Cuberos v. Casey*, No. 3:26-cv-00710-BJC-DDL (S.D. Cal. Feb. 26, 2026), the  
2 court likewise held that the Government’s failure to provide written notice, an individualized  
3 determination, and an opportunity to be heard prior to re-detention violated both 8 C.F.R. §  
4 212.5(e) and due process, and ordered immediate release.

5 In addition, courts in this District have ordered immediate release even outside the parole  
6 context where detention lacks a lawful basis or was imposed without the required procedural  
7 safeguards. In *Herrera-Mendez v. LaRose*, No. 3:26-cv-02110-JO-MMP (S.D. Cal. Apr. 10,  
8 2026), the court granted habeas relief and ordered the petitioner’s immediate release from  
9 custody after concluding that detention could not be sustained under the governing statutory  
10 framework. That decision reinforces that where detention is not lawfully authorized, the  
11 appropriate remedy is release—not a post hoc bond hearing.

12 Courts in the Central District of California have reached the same conclusion. In *Espejo*  
13 *Castillo v. Facility Administrator, Desert View Annex*, No. EDCV 26-1129-MWF (MARx) (C.D.  
14 Cal. Mar. 23, 2026), the court held that the Government’s failure to provide notice, an  
15 individualized determination, and procedural safeguards rendered re-detention unlawful and that  
16 the proper remedy was immediate release to restore the petitioner to the status quo.

17 Courts in the Eastern District of California have likewise confirmed that failure to  
18 provide the required process before re-detention violates due process and warrants immediate  
19 release. In *Nath v. Chestnut*, No. 1:26-cv-01800-DC-CKD (E.D. Cal. Mar. 16, 2026), the court  
20 granted both a temporary restraining order and habeas relief and ordered immediate release  
21 where the Government failed to provide a constitutionally compliant pre-deprivation process.

22 These decisions reflect a consistent and controlling principle: once the Government  
23 releases a noncitizen on parole, it may not revoke that liberty without complying with the  
24 regulatory requirements of 8 C.F.R. § 212.5(e) and the procedural protections required by due  
25 process. Where those requirements are not satisfied, re-detention is unlawful, and the proper  
26 remedy is immediate release—not a post hoc bond hearing.

1 Because Respondents do not contend that Petitioner’s parole was lawfully terminated, do  
2 not assert that any procedural safeguards were provided, and expressly state that they do not  
3 oppose the Petition, this case is materially indistinguishable from those in which courts across  
4 these districts have ordered immediate release. Accordingly, consistent authority requires that the  
5 writ be granted and that Petitioner be released from custody.

6 **VII. Conclusion**

7 For the reasons set forth above, Respondents have not established lawful authority for  
8 Petitioner’s continued detention. Respondents do not contend that Petitioner’s parole was  
9 terminated in accordance with 8 C.F.R. § 212.5(e), do not identify any written notice of  
10 termination, and do not assert that any procedural safeguards were provided prior to re-detention.  
11 To the contrary, Respondents acknowledge that they lack information regarding whether parole  
12 was ever terminated and expressly state that they do not oppose the Petition.

13 Because Petitioner’s parole was never lawfully terminated and his re-detention occurred  
14 without notice or process, his continued detention violates both the governing regulatory  
15 framework and the Due Process Clause. Accordingly, the writ must issue.

16 Petitioner respectfully requests that the Court grant the Petition for Writ of Habeas  
17 Corpus and order his immediate release from custody. In light of Respondents’ express  
18 concession and the absence of any material factual dispute, Petitioner further requests that the  
19 Court resolve the Petition on the papers and vacate the scheduled hearing.

20 Respectfully submitted,

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27 Dated: April 16, 2026