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8
9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11
12 **Ronald Lara,**
13 Petitioner,

14 v.

15 **Markwayne Mullin,** United States
16 Secretary of Homeland Security; **Todd M.**
17 **Lyons,** Acting Director of Immigration
18 and Customs Enforcement; **Patrick**
19 **Divver,** San Diego Field Office Director,
20 Immigration and Customs Enforcement;
21 **Christopher J. LaRose,** Senior Warden,
22 Otay Mesa Detention Center
23 Respondents.

Case No. '26CV2210 RSH BJW

Agency No. 

Petition for a Writ of Habeas Corpus

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1 **INTRODUCTION**

2 1. Ronald Lara petitions this Court for a writ of habeas corpus to remedy his
3 illegal detention at the Otay Mesa Detention Center (OMDC) in San Diego.

4 2. Mr. Lara is an asylum seeker from Venezuela. After making an appointment
5 via the now-defunct CBP One app, he applied for admission to the United States at a port
6 of entry in November 15, 2024, and the Department of Homeland Security granted him
7 parole under 8 U.S.C. § 1182(d)(5)(A).

8 3. In April 2025, DHS terminated Mr. Lara’s parole. DHS then detained him
9 and transferred him to OMDC. He remains there today, litigating his asylum application
10 amid removal proceedings on the expedited “detained docket” of the Otay Mesa
11 Immigration Court.

12 4. On March 31, 2026, the United States District Court for the District of
13 Massachusetts certified a class consisting of individuals who, like Mr. Lara, were paroled
14 into the United States following a CBP-One scheduled application for admission and
15 whose parole was subsequently terminated in April 2025. *See Doe v. DHS*, No. 25-cv-
16 12245-ADB, 2026 WL 880442, at *12 (D. Mass. Mar. 31, 2026). Granting summary
17 judgment for plaintiffs, the district court then vacated the termination of class-members’
18 parole statuses and ordered that the government return them to their pre-April-2025
19 parole statuses. *Id.*

20 5. Mr. Lara is a member of the *Doe* plaintiff class. Despite that, he remains
21 detained. The Court should therefore grant his petition for a writ of habeas corpus and
22 order that Respondents release him from their custody immediately and return him to his
23 prior parole status.

24 **PARTIES**

25 6. Petitioner Ronald Lara is a citizen of Venezuela. He is seeking asylum and
26 related humanitarian relief amid removal proceedings in the Otay Mesa Immigration
27 Court. He has been detained at OMDC since August 29, 2025.

1 7. Respondent Markwayne Mullin is the United States Secretary of Homeland
2 Security. He is responsible for enforcing the immigration laws of the United States,
3 including those concerning the detention of noncitizens. Mr. Mullin is a legal custodian
4 of Mr. Lara. He is sued in his official capacity.

5 8. Respondent Todd M. Lyons is the Acting Director of United States
6 Immigration and Customs Enforcement (ICE). The Department of Homeland Security
7 (DHS) is ICE's parent agency. Mr. Lyons is responsible for ICE's policies, practices, and
8 procedures, including those pertaining to the detention of noncitizens. Mr. Lyons is a
9 legal custodian of Mr. Lara. He is sued in his official capacity.

10 9. Respondent Patrick Divver is the Field Director of ICE's San Diego Field
11 Office. The San Diego Field Office is responsible for ICE's detention operations at
12 OMDC. Field Director Divver is a legal custodian of Mr. Lara. He is sued in his official
13 capacity.

14 10. Respondent Christopher J. LaRose is the senior warden of OMDC. He is
15 employed by the private corporation CoreCivic. Warden LaRose is Mr. Lara's immediate
16 physical custodian. He is sued in his official capacity.

17 **JURISDICTION & VENUE**

18 11. 28 U.S.C. §§ 1331 and 2241, and Article I, section nine, clause two of the
19 United States Constitution give the Court jurisdiction over this petition. The Court may
20 grant relief pursuant to 28 U.S.C. §§ 2201, 2241, and 1651.

21 12. Venue is proper in the Southern District of California because Mr. Lara is
22 detained here. See 28 U.S.C. §§ 1391(e), 2241.

23 **BACKGROUND**

24 13. Mr. Lara is a native and citizen of Venezuela. He fled from Venezuela to
25 seek protection in the United States after members of the national police twice detained
26 and tortured him because of his support for opposition political parties. *Lara v. Bondi*,
27 No. 26-cv-1125-RSH-BJW, ECF No. 1-3 (S.D. Cal. Feb. 23, 2026) (Mr. Lara's asylum
28 application).

1 14. After making an appointment through the now-defunct CBP One app, Mr.
2 Lara applied for admission to the United States at the San Ysidro Port of Entry on
3 November 15, 2024. Ex. A at 2; *see* Circumvention of Lawful Pathways, 88 Fed. Reg.
4 31,314, 31,317-18 (May 16, 2023). DHS then served Mr. Lara with a notice to appear,
5 thereby placing him in removal proceedings. Ex. A at 2; *see* 8 U.S.C. § 1229(a). DHS did
6 not detain Mr. Lara, but rather paroled him into the United States pursuant to 8 U.S.C. §
7 1182(d)(5)(A). *See* Ex. B at 2.

8 15. In April 2025, DHS terminated Mr. Lara's parole. On information and
9 belief, upon terminating his parole, DHS sent Mr. Lara an email containing text
10 substantially similar to the following:

11 Notice of Termination of Parole

12 It is time for you to leave the United States.

13 You are currently here because the Department of Homeland Security (DHS)
14 paroled you into the United [States] for a limited parole period. Pursuant to 8
15 U.S.C. § 1182(d)(5)(A) and 8 C.F.R. § 212.5(e), DHS is now exercising its
16 discretion to terminate your parole. Unless it expires sooner, your parole will
17 terminate 7 days from the date of this notice.

18

19 Again, DHS is terminating your parole. Do not attempt to remain in the United
20 States—the federal government will find you. Please depart the United States
21 immediately.

22 *Doe*, 2026 WL 880442, at *2. Mr. Lara is unable to produce a copy of this email because
23 his cellphone is in DHS custody, and undersigned counsel has not been successful in his
24 efforts to obtain access to it. Declaration of Christopher Medeiros, ¶ 5.

25 16. DHS arrested Mr. Lara on August 13, 2025. Ex. B at 2. It then transferred
26 him to OMD, where he remains detained today. Ex. C at 1.

27 17. On March 9, 2026, this Court granted a petition for a writ of habeas corpus
28 brought by Mr. Lara, which alleged that his prolonged, unreviewed detention violated
due process. *Lara*, No. 26-cv-1125-RSH-BJW, ECF No. 5 at 5 (S.D. Cal. Mar. 9, 2026).
The Court then ordered Respondents to provide Mr. Lara within seven days with an

1 individualized bond hearing at which DHS bore the burden of justifying his continued
2 detention by clear and convincing evidence. *Id.* at 4-5.

3 18. Mr. Lara received a bond hearing on March 13, 2026, but was denied bond
4 on flight-risk grounds. *Lara v. Bondi*, No. 26-cv-1125-RSH-BJW, 2026 WL 892021, at
5 *1 (S.D. Cal. Apr. 1, 2026). Mr. Lara then moved to enforce the Court’s order granting
6 his habeas petition on the grounds that the bond hearing he received did not comply with
7 the order, but the Court denied his motion—holding that Mr. Lara needed to first exhaust
8 his pending appeal to the Board of Immigration Appeals. *Id.* at 3. Mr. Lara has appealed
9 that order. *See Lara v. Bondi*, No. 26-2074 (9th Cir. appeal docketed Apr. 6, 2026).

10 19. On March 31, 2026, the District of Massachusetts granted class certification
11 and summary judgment in *Doe*, 2026 WL 880442, at *12. The certified plaintiff class
12 consists of:

13 All individuals who (i) scheduled their appointments for entry to the United
14 States using the CBP One app; (ii) were paroled into the United States
15 between May 16, 2023 and January 19, 2025; (iii) had their parole terminated
16 in April 2025 pursuant to an email substantially similar to the one reproduced
at paragraph 38 of the Complaint without any further explanation; and (iv)
remain in the United States.

17 *Id.* The court also vacated, under the Administrative Procedures Act, class-members’
18 parole terminations and ordered the defendants “to return class members to the parole
19 status that they held prior to the April 2025 Termination Email.” *Id.*

20 20. Mr. Lara is a *Doe* class-member. Yet, he remains detained at OMDC.

21 **FIRST CAUSE OF ACTION**

22 **Detention Without Legal Authority**

23 **28 U.S.C. § 2241(c)(3)**

24 21. 28 U.S.C. § 2241(c)(3) makes the writ of habeas corpus available to persons
25 “in custody in violation of the Constitution or laws or treaties of the United States.”

26 22. Mr. Lara is a *Doe* class-member. As a result, his parole termination has been
27 vacated and his pre-April 2025 parole status has been restored. *See* 2026 WL 880442, at
28 *12. That is, Mr. Lara is a beneficiary of parole under 8 U.S.C. § 1182(d)(5)(A).

1 23. Mr. Lara’s continued detention, then, cannot be squared with his now-
2 restored parole status, and lacks any legal authority.

3 24. The Court should therefore grant a writ of habeas corpus and order Mr. Lara
4 released from Respondents’ custody immediately.

5 **SECOND CAUSE OF ACTION**

6 **Agency Action Not in Accordance with Law**

7 **5 U.S.C. § 706(2)(A)**

8 25. The Administrative Procedures Act empowers courts to “hold unlawful and
9 set aside agency action, findings, and conclusions found to be . . . not in accordance with
10 law.” 5 U.S.C. § 706(2)(A).

11 26. The parole statute, 8 U.S.C. § 1182(d)(5)(A), permits the Secretary of
12 Homeland Security to grant parole to an applicant for admission to the United States “for
13 urgent humanitarian reasons or significant public benefit.” The statute further provides
14 that “when the purposes of such parole shall, in the opinion of the Secretary of Homeland
15 Security, have been served the alien shall forthwith return or be returned to the custody
16 from which he was paroled[.]” *Id.*

17 27. 8 C.F.R. § 212.5(e)(2)(i) similarly provides that that parole may be
18 terminated upon a determination that “neither humanitarian reasons nor public benefit
19 warrants the continued presence of the alien in the United States.”

20 28. DHS terminated Mr. Lara’s parole without the Secretary of Homeland
21 Security having made any determination that its purposes had been served or that
22 humanitarian reasons or public benefit no longer justified his presence in the United
23 States.

24 29. Thus, Mr. Lara’s parole termination did not comport with 8 U.S.C. §
25 1182(d)(5)(A) or 8 C.F.R. § 212.5(e)(2)(i). Accordingly, when Respondents terminated
26 his parole “without observing the process mandated by statute and by their own
27 regulations, they took action that was ‘not in accordance with law.’” *Doe*, 2026 WL
28 880442, at *12 (quoting 5 U.S.C. § 706(2)(A)).

