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

12 **AKROMZHON SAIDALIEV,**

13 **Petitioner,**

14 **v.**

15 **MARKWAYNE MULLIN, Secretary of**
16 **the Department of Homeland Security,**
17 **TODD BLANCHE, Acting Attorney**
18 **General, TODD M. LYONS, Acting**
19 **Director, Immigration and Customs**
20 **Enforcement, JESUS ROCHA, Acting**
21 **Field Office Director, San Diego Field**
22 **Office, CHRISTOPHER LAROSE,**
23 **Warden at Otay Mesa Detention Center,**

24 **Respondents.**

Civil Case No.: 26-cv-2261-JLS-SBC

Amended Petition
for a
Writ of Habeas Corpus

INTRODUCTION

Akromzhon Saidaliev is a citizen of Uzbekistan who made an appointment through the CBP One app and was paroled into the United States on September 5, 2023, to apply for asylum before USCIS. But two years later, ICE told Mr. Saidaliev to come in for a check in appointment and then arrested him. ICE then took him into custody without any notice or explanation.

Respondents have revoked Mr. Saidaliev's parole in violation of the statute and regulations, which require written notification and a determination that the purposes of the parole have been served. Alternatively, the Due Process Clause of the Fifth Amendment of the Constitution requires redeprivation notice and hearing. Either way, the agency's actions violated the Administrative Procedures Act and the Due Process Clause, and this Court should order his immediate release.

STATEMENT OF FACTS

Mr. Saidaliev was born in Uzbekistan. Exhibit A, Declaration of Akromzhon Saidaliev, at ¶ 1. He faced persecution in his home country and came to the United States to seek asylum. *Id.* at ¶ 1.

Mr. Saidaliev went to Mexico and made an appointment through the CBP One app to apply for asylum. *Id.* at ¶ 2. On September 5, 2023, he went to the port of entry for his CBP One appointment and was taken into custody. *Id.* at ¶ 2. After about three months in custody, he was paroled into the United States. *Id.* at ¶ 2.

Mr. Saidaliev went to Los Angeles and was put in removal proceedings. *Id.* at ¶ 3. On September 17, 2025, he went to an ICE check in and was taken into custody. *Id.* at ¶ 3. They did not give him any paperwork or an informal interview at which he could contest his detention. *Id.* at ¶ 3.

On March 18, 2026, the immigration judge granted Mr. Saidaliev withholding of removal to Russia but denied him withholding of removal to

1 Uzbekistan. *Id.* at ¶ 4. He filed an appeal with the Board of Immigration Appeals,
 2 which is currently pending. *Id.* at ¶ 4.

3 CLAIMS FOR RELIEF

4 I. **Count One: ICE failed to comply with its own regulations and the 5 Administrative Procedures Act in revoking Mr. Saidaliev's parole.**

6 When ICE took Mr. Saidaliev into custody in September 2025, it did not
 7 say whether it was revoking his parole. Exh. A at ¶ 4. Either way, the
 8 government's actions violated the regulations and the Administrative Procedures
 9 Act.

10 Under the Administrative Procedures Act (APA), an agency action may be
 11 held unlawful and set aside if it is "arbitrary, capricious, an abuse of discretion, or
 12 otherwise not in accordance with law." 5 U.S.C. § 706(2)(A). An action is an
 13 abuse of discretion if the agency "entirely failed to consider an important aspect
 14 of the problem, offered an explanation for its decision that runs counter to the
 15 evidence before the agency, or is so implausible that it could not be ascribed to a
 16 difference in view or the product of agency expertise." *Nat'l Ass'n of Home*
 17 *Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle*
 18 *Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43
 19 (1983)). For a challenged agency action to be upheld, the agency "must explain
 20 the evidence which is available, and must offer a rational connection between the
 21 facts found and the choice made." *Motor Vehicle Mfrs*, 463 U.S. at 52 (1983)
 22 (internal quotations omitted) (quoting *Burlington Truck Lines, Inc. v. United*
States, 371 U.S. 156, 168 (1962)).

23 Here, regardless of whether the agency formally revoked Mr. Saidaliev's
 24 parole, it violated the APA. If the agency did *not* revoke his parole, then it
 25 inexplicably violated its own parole decision by detaining Mr. Saidaliev. Doing so
 26 violated the APA because the agency did not "offer a rational connection between
 27 the facts found and the choice made"—i.e., the fact that Mr. Saidaliev was still on
 28 parole, yet the agency decided to detain him. *Motor Vehicle Mfrs*, 463 U.S. at 52.

1 And nothing suggests that there *was* a “rational” reason for this choice, given that
2 Mr. Saidaliev had filed an asylum application and complied with all the
3 conditions or his parole. This was the epitome of an “arbitrary” and “capricious”
4 act under the APA. 5 U.S.C. § 706(2)(A).

5 But assuming the agency *had* revoked his parole, it also violated the APA.
6 Per ICE regulations, a person shall only be “returned to the custody from which
7 he was paroled” when “the purposes of such parole . . . have been served.” 8
8 U.S.C. § 1182(d)(5)(A); *see also* 8 C.F.R. § 212.5(e)(2)(i) (parole may only be
9 terminated “upon accomplishment of the purpose for which parole was
10 authorized”); *Y-Z-L-H*, 2025 WL 1898025, at *12 (same). Alternatively, the
11 regulations permit revocation of parole when “neither humanitarian reasons nor
12 public benefit warrants the [noncitizen’s] continued presence.” 8 C.F.R.
13 § 212.5(e)(2)(i). But under either scenario, parole shall only be “terminated upon
14 written notice to the alien.” 8 C.F.R. § 212.5(e)(2)(i). So under the statute and the
15 regulations, the agency may only revoke parole and re-detain a noncitizen when
16 the parole’s purpose is served or no humanitarian reasons warrant it *and* the
17 noncitizen receives written notice.

18 None of this occurred here. Because “the purpose[] of [Mr. Saidaliev’s]
19 parole” was to allow him to apply for asylum, that purpose has not yet “been
20 served” because his asylum claim is still pending. 8 U.S.C. § 1182(d)(5)(A). And
21 the humanitarian reasons for parole—to avoid unnecessary detention when an
22 asylum seeker poses no danger or flight risk—remains the same. Put differently,
23 “upon Petitioner’s entry into the United States, Respondents determined that
24 Petitioner was suitable for parole. Respondents have not provided a reasoned
25 explanation or any changed circumstances that would justify their current
26 departure from their prior decision.” *Y-Z-L-H v. Bostock*, 792 F. Supp. 3d 1123,
27 1146 (D. Or. 2025). Under the APA, “[i]t is Respondents’ burden to provide a
28 reasoned explanation for their action,” which they will not be able to do. *Id.*

1 What's more, Mr. Saidaliev never received any written notification of a
 2 revocation under 8 C.F.R. § 212.5(e). So if the agency revoked his parole, this
 3 decision violated both the statute and the regulation and was "not in accordance
 4 with law" under the APA. 5 U.S.C. § 706(2)(A).

5 Numerous courts have released parolees on this basis. *See, e.g., Arias v.*
 6 *LaRose*, No. 3:25-CV-02595-BTM-MMP, 2025 WL 3295385, at *3 (S.D. Cal.
 7 Nov. 25, 2025); *Noori v. LaRose*, No. 25-cv-1824-GPC-MSB, 2025 WL 2800149
 8 (S.D. Cal. Oct. 1, 2025); *Salazar v. Casey*, No. 25-cv-2784 JLS-VET, 2025 WL
 9 3063629 (S.D. Cal. Nov. 3, 2025); *Perez v. LaRose*, No. 25-cv-02620-RBM-JLB,
 10 2025 WL 3171742 (S.D. Cal. Nov. 13, 2025); *Y-Z-L-H v. Bostock*, No. 25-cv-
 11 965-SI, 2025 WL 1898025, at *13 (D. Or. July 9, 2025). Because Mr. Saidaliev is
 12 in the same position as these individuals, this Court should do the same and order
 13 his immediate release.

14 **II. Count Two: The Due Process Clause required notice and a chance to**
 15 **be heard before parole was revoked.**

16 Additionally, "the revocation of [Mr. Saidaliev's] parole without
 17 justification or consideration of his individualized circumstances violates the Due
 18 Process Clause." *Perez v. LaRose*, No. 3:25-CV-02620-RBM-JLB, 2025 WL
 19 3171742, at *4 (S.D. Cal. Nov. 13, 2025). Mr. Saidaliev was "entitled to notice of
 20 the reasons for revocation of his parole and a hearing before an immigration judge
 21 to determine whether detention is warranted" before ICE revoked his parole. *Id.* at
 22 *7.

23 "The Fifth Amendment guarantees that '[n]o person shall be ... deprived of
 24 life, liberty, or property, without due process of law.'" *Salazar*, 2025 WL
 25 3063629, at *3 (quoting U.S. Const. amend. V). "[T]he Due Process Clause
 26 applies to all 'persons' within the United States, including aliens, whether their
 27 presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*,
 28 533 U.S. 678, 693 (9th Cir. 2001).

1 “Generally, due process protections depend on the situation and must
2 account for (1) the private interest at issue, (2) the risk of erroneous deprivation of
3 that interest through the procedures used, and (3) the Government's interest.”
4 *Noori v. LaRose*, No. 25-cv-1824-GPC-MSB, 2025 WL 2800149 (S.D. Cal. Oct.
5 1, 2025); (citing *Mathews v. Eldridge*, 424 U.S. 319 (1976)). Weighing those
6 considerations here, Respondents violated the Due Process Clause by revoking
7 parole with no notice or hearing.

8 “First, Petitioner has a private interest in remaining free, which developed
9 over the [months] he resided in the United States.” *Id.* at *10. It does not matter
10 that parole is temporary or discretionary. “For example, *Morrissey v. Brewer*, 408
11 U.S. 471, 482 (1972)—though analyzing the criminal parole context—found that
12 ‘the liberty of a parolee, although indeterminate, includes many of the core values
13 of unqualified liberty and its termination inflicts a grievous loss on the parolee
14 and often others ... [thus it] must be seen within the protection of the [Fifth]
15 Amendment.’” *Id.*

16 “Second, the risk of an erroneous deprivation of such interest is high as
17 Petitioner's parole was revoked without providing [him] a reason for revocation or
18 giving [him] an opportunity to be heard.” *Salazar*, 2025 WL 3063629, at *4.
19 “Civil immigration detention is permissible only to prevent flight or protect
20 against danger to the community.” *Perez*, 2025 WL 3171742, at *5. But here,
21 “[s]ince DHS's initial determination that Petitioner should be paroled because [he]
22 posed no danger to the community and was not a flight risk, there is no evidence
23 that these findings have changed.” *Id.*

24 “Third, the Government’s interest in detaining Petitioner without notice,
25 reasoning, and a hearing is low.” *Salazar*, 2025 WL 3063629, at *5 (cleaned up).
26 “Detention for its own sake, to meet an administrative quota, or because the
27 government has not yet established constitutionally required pre-detention
28

procedures is not a legitimate government interest.” *Pinchi v. Noem*, 792 F. Supp. 3d 1025, 1036 (N.D. Cal. 2025).

Thus, because Respondents did not provide “proper notice, reasoning, and a pre-deprivation hearing” before revoking parole, Mr. Saidaliev’s redetention violated the Due Process Clause. *Salazar*, 2025 WL 3063629, at *5.

III. This Court must hold an evidentiary hearing on any disputed facts.

Resolution of a detention-based habeas petition may require an evidentiary hearing. *Owino v. Napolitano*, 575 F.3d 952, 956 (9th Cir. 2009). Mr. Saidaliev hereby requests such a hearing on any material, disputed facts.

IV. Prayer for relief

For the foregoing reasons, Petitioner respectfully requests that this Court:

1. Order Respondents to immediately release Petitioner from custody, subject to the conditions of his preexisting parole;
2. Order that prior to any re-detention of Petitioner, that Petitioner is entitled to notice of the reasons for revocation of his parole and a hearing before an immigration judge to determine whether detention is warranted. Respondents bear the burden of establishing, by clear and convincing evidence, that Petitioner poses a danger to the community or a risk of flight at that hearing; and
3. Order any other relief that the Court deems just and proper.

Respectfully submitted,

Dated: April 20, 2026

s/ Kara Hartzler

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