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10  
11 UNITED STATES DISTRICT COURT  
12 FOR THE SOUTHERN DISTRICT OF CALIFORNIA  
13

14 MARVIN DIAZ PAZ,

15 *Petitioner,*

16 v.

17  
18 JEREMY CASEY, Facility  
19 administrator at the Imperial  
20 Regional Detention Facility,  
21 PATRICK DIVVER, Director of the  
22 U.S. Immigration and Customs  
23 Enforcement San Diego Field  
24 Office, TODD LYONS, acting  
25 Director of U.S. Immigration and  
26 Customs Enforcement,  
27 MARKWAYNE MULLIN,  
28 Secretary of the U.S.  
Department of Homeland  
Security, and PAM BONDI, U.S.  
Attorney General.

**VERIFIED EMERGENCY  
PETITION FOR A WRIT OF  
HABEAS CORPUS, ORDER TO  
SHOW CAUSE WITHIN THREE  
DAYS, AND COMPLAINT FOR  
DECLARATORY RELIEF**

**'26CV2370 BAS MSB**



1 government must provide notice that it seeks to terminate parole. 8 C.F.R.  
2 212.5(e)(2)(i).

3 8. Petitioner’s re-detention violated the Immigration and Nationality Act,  
4 the accompanying regulations, and Due Process, and he therefore seeks habeas relief  
5 via this Petition. *See Ramirez-Bibiano v. LaRose*, No. 25-CV-3429-JLS (SBC), 2025  
6 WL 3632748, at \*4–5 (S.D. Cal. Dec. 15, 2025) (ordering immediate release subject  
7 to conditions of petitioner’s preexisting parole where DHS had summarily revoked  
8 parole and re-detained without notice or a hearing); *see also Maceo-Aguilera v.*  
9 *LaRose*, 26-CV-532-LL-MSB, 2026 WL 381633 (S.D. Cal. Feb. 11, 2026).

10 **JURISDICTION AND VENUE**  
11

12 9. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28  
13 U.S.C. § 1331 (federal question), 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§  
14 2201-02 (declaratory relief), and art. I sec. 9, cl. 2 of the United States Constitution  
15 (Suspension Clause), as Petitioner is presently in custody under the authority of the  
16 United States and challenges his detention as in violation of the Constitution, laws,  
17 or treaties of the United States.

18 10. The federal district courts have jurisdiction under Section 2241 to hear  
19 habeas claims by individuals challenging the lawfulness of their detention by ICE.  
20 *See Jennings v. Rodriguez*, 583 U.S. 281, 290-92 (2018).

21 11. Venue is proper in the Southern District of California, pursuant to 28  
22 U.S.C. §§ 1391 and 2241(d) because Mr. Diaz Paz is detained at the Imperial  
23 Regional Detention Facility in Calexico, California.

24 **REQUIREMENTS OF 28 U.S.C. § 2243 (IMMEDIATE ISSUANCE OF**  
25 **WRIT OF HABEAS CORPUS OR OSC THEREON)**  
26

27 12. The Court must grant the petition for writ of habeas corpus or issue an  
28 order to show cause (“OSC”) to the respondents “forthwith,” unless the petitioner is

1 not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require  
2 respondents to file a return “within three days unless for good cause additional time,  
3 not exceeding twenty days is allowed.” *Id.*

4 13. Courts have long recognized the significance of the habeas statute in  
5 protecting individuals from unlawful detention. The Great Writ has been referred to  
6 as “perhaps the most important writ known to the constitutional law of England,  
7 affording as it does a swift and imperative remedy in all cases of illegal restraint and  
8 confinement. *Fay v. Noia*, 372 U.S. 391, 400 (1963) (overruled on other grounds by  
9 *Wainwright v. Sykes*, 433 U.S. 72 (1977)) (emphasis added). “The application for the  
10 writ usurps the attention and displaces the calendar of the judge or justice who  
11 entertains it and receives prompt action from him [or her] within the four corners of  
12 the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation  
13 omitted).

#### 14 PARTIES

15 14. Petitioner Marvin Diaz Paz is currently detained by Respondents in the  
16 Imperial Regional Detention Facility despite having been previously paroled into the  
17 United States.

18 15. Respondent Jeremy Casey in the facility administrator at the Imperial  
19 Regional Detention Facility in Calexico, California where Mr. Diaz Paz in currently  
20 detained. He is thus Mr. Diaz Paz’s immediate custodian. He is sued in his official  
21 capacity.

22 16. Respondent Patrick Divver is the Director of ICE’s San Diego Field  
23 Office, which has jurisdiction over ICE detention facilities in San Diego and Imperial  
24 County, including the Imperial Regional Detention Center, and is thus Petitioner’s  
25 immediate custodian. He is sued in his official capacity.

26 17. Respondent Todd Lyons is the Director of ICE. He is responsible for the  
27 administration of ICE and the implementation and enforcement of the immigration  
28

1 laws, including noncitizen detention. As such, Mr. Lyons is a legal custodian of  
2 Petitioner. He is sued in his official capacity.

3 18. Respondent Markwayne Mullin is the Secretary of the Department of  
4 Homeland Security (DHS), which is responsible for the administration of ICE and  
5 the implementation and enforcement of the immigration laws. As such, Mr. Mullin  
6 is the ultimate legal custodian of Mr. Diaz Paz. He is sued in his official capacity.

7 19. Respondent Todd Blanche is the Acting Attorney General of the United  
8 States and head of the Department of Justice, which encompasses the Board of  
9 Immigration Appeals and the Immigration Courts. Mr. Blanche shares responsibility  
10 for implementation and enforcement of the immigration laws with Respondent  
11 Mullin. Mr. Blanche is a legal custodian of Mr. Diaz Paz. He is sued in his official  
12 capacity.

13 **STATEMENT OF FACTS**

14 20. Mr. Diaz Paz came to the U.S. seeking asylum. He was paroled into the  
15 United States through the Paso Del Norte Port of Entry on January 5, 2025, with his  
16 parole valid until January 4, 2027. Ex. A. He came to the United States in search of  
17 safety and a chance at a future.

18 21. Petitioner was issued a Notice to Appear (NTA) on January 5, 2025,  
19 charging him with being subject to removal as an arriving alien. Ex. A.

20 22. Despite being on parole, Mr. Diaz Paz was detained by ICE in Indio, on  
21 or about January 7, 2026. There were no allegations that he had violated the terms of  
22 parole.

23 23. Mr. Diaz Paz applied for asylum in September 2025. Ex. C.

24 24. During his time in the U.S., Petitioner lived with the expectation that he  
25 would not be subject to re-detention if he did not violate the law. He was living with  
26 his sister in Houston, Texas and working as a painter. He made every effort to comply  
27 with the law and follow the rules of the United States.

28 25. Petitioner did not receive any notice of termination of his parole status

1 as required by 8 C.F.R. 215(e)(2)(i), nor was he provided the opportunity for a  
2 hearing on whether he is a danger or a flight risk as required by Due Process and  
3 *Mathews v. Eldridge*, 424 U.S. 319 (1976).

#### 4 5 LEGAL FRAMEWORK

6 26. “[T]he Due Process Clause applies to all ‘persons’ within the United  
7 States, including aliens, whether their presence here is lawful, unlawful, temporary,  
8 or permanent.” *Zadvydas v. Davis*, 533 U.S. 678 (2001). Accordingly, “[i]t is well  
9 established that the Fifth Amendment entitles aliens to due process of law in the  
10 context of removal proceedings.” *Trump v. J.G.G.*, 604 U.S. 670, 673 (2025) (internal  
11 quotation marks omitted) (citing *Reno v. Flores*, 507 U.S. 292, 306 (1993)). Due  
12 process “requires some kind of a hearing before the State deprives a person of liberty  
13 or property.” *Zinerman v. Burch*, 494 U.S. 113, 127 (1990).

14 27. Traditionally, to determine what protections due process demands in a  
15 given situation, courts consider three factors, the *Mathews* factors: (1) the private  
16 interest that will be affected by the official action; (2) the risk of erroneous  
17 deprivation of such interest through the procedures used, and the probable value of  
18 additional safeguards; and (3) the government’s interest, including the function  
19 involved and that burdens that would be imposed by additional process. *See Mathews*  
20 *v. Eldridge*, 424 U.S. at 335. In applying these factors specifically to the context of a  
21 person challenging immigration detention, courts assess: (1) the petitioner’s liberty  
22 interest in remaining out of custody; (2) the risk of erroneous deprivation of that  
23 interest in remaining out of custody; and (3) the government’s interest in detaining  
24 the petitioner without affording pre-deprivation notice, reasoning, and a hearing.  
25 *Ramirez-Bibiano*, 2025 WL 3632748 at \*4–5.

1           A.     Summary Parole Revocation and Re-Detainment of a Previously  
2                     Paroled Person is a Violation of Due Process Requiring Immediate  
3                     Habeas Relief.

4           28.    Consistent with the traditional *Mathews* three-factor test, district courts  
5           in the Ninth Circuit have formulated a bright-line Due Process rule: if a noncitizen  
6           has been paroled into the U.S., the government may not revoke their parole or re-  
7           detain them without first affording pre-deprivation notice and a hearing establishing  
8           that the person is now a danger or flight risk—failure to provide this is a violation of  
9           the person’s Fifth Amendment Due Process rights requiring immediate habeas relief.  
10          *See, e.g., Ramirez-Bibiano*, 2025 WL 3632748 (ordering immediate habeas relief;  
11          holding the government’s summary revocation of parole and re-detention without  
12          pre-deprivation notice or a hearing establishing present risk of danger or flight  
13          violates Fifth Amendment Due Process); *see also Noori v. LaRose*, No. 25-CV-1824-  
14          GPC-MSB, 2025 WL 2800149 (S.D. Cal. Oct. 1, 2025) (Curiel, J.) (granting  
15          immediate habeas release; holding the government’s summary revocation of parole  
16          and re-detention without pre-deprivation notice, reasons, and a hearing establishing  
17          present danger or flight risk violated due process under *Mathews*); *Ramirez Tesara*  
18          *v. Wamsley*, 800 F. Supp. 3d 1130 1135–39 (W.D. Wash. 2025) (granting TRO and  
19          ordering immediate release; applying *Mathews* to hold that even though petitioner’s  
20          parole had expired, because he had previously been paroled his re-detention without  
21          a pre-deprivation hearing establishing a justification for re-detention violated due  
22          process under *Mathews*); *Fernandez Lopez v. Wofford*, No. 1:25-CV-01226-KES-  
23          SKO (HC), 2025 WL 2959319, at \*6 (E.D. Cal. Oct. 17, 2025) (ordering immediate  
24          habeas release; canvassing seven cases establishing the principle that re-detention of  
25          a previously paroled noncitizen without a pre-deprivation hearing establishing a  
26          change in the person’s risk of danger or flight violates Due Process and requires  
27          immediate habeas relief).

28          29.    In *Ramirez-Bibiano*, a case from this district, a noncitizen who had been

1 previously paroled into the U.S. was summarily re-detained after ICE revoked his  
2 parole without notice, reasons, or an opportunity to be heard. *Ramirez-Bibiano*, 2025  
3 WL 3632748 at \*1, \*4–5. The Court applied *Mathews*, granted immediate habeas  
4 relief and attorneys’ fees according to proof, and ordered that any future detention be  
5 supported at a hearing with the government bearing the burden to show by clear and  
6 convincing evidence that the petitioner was a present danger or flight risk. *Id.* at \*4–  
7 5; *see also Maceo-Aguilera*, 26-CV-532-LL-MSB, 2026 WL 381633 (S.D. Cal. Feb.  
8 11, 2026); *Alegria Palma v. LaRose et al.*, No. 25-CV-1942-BJC (MMP), (S.D. Cal.  
9 Aug. 11, 2025); *Navarro Sanchez v. LaRose*, 2025 No. 25-CV-2396-JES-MMP, 2026  
10 WL 2770629 (S.D. Cal. Sept. 26, 2025).

11 30. In *Noori* (S.D. Cal.), an Afghan national paroled into the U.S. after  
12 assisting U.S. forces was arrested at a courthouse and re-detained following the  
13 government’s summary revocation of his humanitarian parole, without any pre-  
14 deprivation notice, reasons provided, or opportunity to be heard, despite a clean  
15 record and consistent compliance. *Noori*, 2025 WL 2800149 at \*1–2. The Court held  
16 that the government’s summary parole revocation and re-detention violated due  
17 process under *Mathews* given the lack of justification, notice, and an opportunity to  
18 be heard. *Id.* at \*9–12. The Court granted the habeas petition, ordered that the  
19 government shall not re-detain the petitioner during the pendency of his removal  
20 proceedings, and granted attorneys’ fees according to proof. *Id.* at \*14.

21 31. In *Ramirez Tesara*, a Venezuelan asylum-seeker who had been paroled  
22 into the U.S. was re-detained as he appeared for a monitoring appointing, without  
23 any pre-deprivation notice or hearing. 800 F. Supp. 3d at 1134. That court assessed  
24 the petitioner’s due process habeas claim under *Mathews* and concluded that because  
25 he had been previously paroled, ICE could only have re-detained the petitioner after  
26 a hearing before an immigration judge at which the government met its burden to  
27 justify detention. *Id.* at 1135–38. ICE’s summary re-detention therefore violated Due  
28 Process and required the petitioner’s immediate release. *Id.* at 1138–39.

1           32. In *Fernandez Lopez*, an asylum-seeker from Chile who had been paroled  
2 in 2021 was summarily re-detained by ICE in August 2025 after a credible-fear  
3 interview. 2025 WL 2959319 at \*1. Once again, applying *Mathews*, and for the same  
4 reasons as the courts in *Ramirez-Bibiano*, *Ramirez Tesara*, and *Noori*, that court  
5 granted a preliminary injunction as well as the habeas petition at issue, and enjoined  
6 the government from re-detaining the petitioner absent a pre-deprivation bond  
7 hearing at which the government must prove current danger or flight risk by clear  
8 and convincing evidence. *Id.* at \*5–8. That court also canvassed cases from other  
9 district courts in the Ninth Circuit to state the *Mathews*-derived rule that if the  
10 government has previously paroled a noncitizen, it may not re-detain that person  
11 without first providing pre-deprivation notice and a hearing through which the  
12 government establishes a change in the person’s risk of danger or flight. *Id.* at \*6.  
13 Failure to provide this pre-deprivation process is a violation of the person’s Fifth  
14 Amendment Due Process rights and grounds for immediate habeas relief. *Id.* at \*6–  
15 8.

16           33. Taken together, the district courts of the Ninth Circuit have developed  
17 the bright-line rule that **if a noncitizen has been paroled into the U.S., the**  
18 **government may not revoke that person’s parole or re-detain them without first**  
19 **providing pre-deprivation notice and a hearing establishing a change in danger**  
20 **or flight risk by clear and convincing evidence.** To date, the courts to have  
21 considered habeas petitions in this context have each applied the three-factor  
22 *Mathews* test to reach what has now coalesced into a uniform rule of law. The above  
23 rule incorporates and relies upon a *Mathews* analysis but streamlines the statement  
24 of law so as not to require a step-by-step in-depth inquiry of each *Mathews* factor.

25           34. This rule is grounded in the acknowledgment that the government’s  
26 initial decision to grant parole “reflects a determination by the government that the  
27 noncitizen is not a danger to the community or a flight risk.” *Fernández López*, 2025  
28 WL 2959319 at \*2. Absent “evidence that the noncitizen is in fact dangerous or has

1 become a flight risk,” “there is no evidence that these findings have changed” and  
2 there is therefore no justification for re-detention. *Ramirez-Bibiano*, 2025 WL  
3 3632748 at \*4. Without establishing a change in circumstances via notice, a hearing,  
4 and evidence, parole-revocation or re-detention of a previously paroled person  
5 violates Fifth Amendment Due Process. *See id.*

6 35. Accordingly, where the Court finds that a petitioner has been previously  
7 paroled and yet the government summarily revoked his parole or re-detained him, a  
8 step-by-step *Mathews* analysis is unnecessary; it is already incorporated into and  
9 performed by the bright-line rule established by *Ramirez-Bibiano*, *Ramirez Tesara*,  
10 *Fernández López* and the many district court cases it cites, and *Mathews*.

11 36. Here, consistent with this line of cases, because Petitioner had  
12 previously been paroled into the U.S., the government’s summary parole-revocation  
13 and re-detention of him violated his Due Process Rights and he must therefore be  
14 immediately released pursuant to a writ of habeas corpus.

15 37. The Court should also reject any jurisdictional defenses the government  
16 may assert under 8 U.S.C. §§ 1252(g) and (b)(9), because this challenge does not  
17 seek review of any removal order and instead challenges re-detention. *Ramirez-*  
18 *Bibiano*, 2025 WL 3632748 at \*2–3 (rejecting the government’s challenges under 8  
19 U.S.C. §§ 1252(g) and (b)(9) to habeas jurisdiction); *Noori*, 2025 WL 2800149 at  
20 \*6–7 (same). The Court also should waive any exhaustion requirement as futile for  
21 the same reasons it did so in *Ramirez-Bibiano*. 2025 WL 3632748 at \*3 (recognizing  
22 the Southern District of California finds exhaustion to be futile in this context such  
23 that immediate judicial review of habeas petitions challenging parole-revocation and  
24 re-detention is required). *Id.* at \*2–3.

25 **B. The *Mathews* Test Also Requires Petitioner’s Immediate Release.**

26 38. To the extent the Court finds it necessary to undertake the *Mathews* test  
27 step by step, each *Mathews* factor weighs in favor of Petitioner and the result is the  
28 same as if the Court were to apply the aforementioned *Mathews*-based brightline rule.

1                   **1. Mathews Factor 1: Mr. Diaz Paz possesses a protected**  
2                   **liberty interest in remaining out of custody.**

3           39. Mr. Diaz Paz possesses a protected liberty interest in remaining out of  
4 custody, namely, “the most significant liberty interest there is – the interest in being  
5 free from imprisonment.” *Velasco Lopez v. Decker*, 978 F.3d 842, 851 (2d Cir. 2020).  
6 “Freedom from imprisonment—from government custody, detention, or other forms  
7 of physical restraint—lies at the heart of the liberty [the Due Process Clause]  
8 protects.” *Zadvydas*, 533 U.S. at 690. While “the initial decision to detain or release  
9 an individual may be within the government’s discretion, the government’s decision  
10 to release an individual from custody creates ‘an implicit promise,’ upon which that  
11 individual may rely, that their liberty ‘will be revoked only if they fail to live up to  
12 the...conditions of release.” *Pinchi v. Noem*, 792 F.Supp.3d 1025, 1032 (N.D. Cal.  
13 2025) (alternation marks omitted).

14           40. Here, as in *Ramirez-Bibiano*, Petitioner has a significant liberty interest  
15 in remaining free of ICE custody under prior parole conditions. His initial “release  
16 from ICE custody constituted an implied promise that [his] liberty would not be  
17 revoked unless [he] failed to live up to the conditions of [his] release.” *Pinchi*, 792  
18 F. Supp. 3d at 1034 (internal quotation marks omitted). In other words, petitioner  
19 gained a protected liberty interest in remaining out of custody absent a showing that  
20 he is a flight risk or a danger to the community. *See, e.g., Fernández López*, 2025  
21 WL 2959319 at \*4-5 (finding that petitioner released from immigration detention on  
22 parole had protected liberty interest in remaining out of custody, including if the  
23 authority for petitioner’s parole was § 1182(d)(5)(A)); *Noori v. Larose*, 2025 WL  
24 2800149, \*4, 9-10 (S.D. Cal. 2025) (Curiel, J.) (finding that petitioner who was  
25 paroled from immigration detention under § 1182(d)(5)(A) had protected liberty  
26 interest in remaining out of custody).

27                   **2. Mathews Factor 2: The Risk of Erroneous Deprivation Here**  
28                   **Under the Procedure Used, Namely No Procedure at All, is**  
                      **High.**

1           41. Here, as in *Ramirez-Bibiano*, “the risk of an erroneous deprivation of  
2 such interest is high as Petitioner’s parole was revoked without providing him a  
3 reason for revocation or giving him an opportunity to be heard.” 2025 WL 3632748  
4 at \*4. The inquiry on the second factor may rightfully end there, as Mr. Diaz Paz’s  
5 parole was revoked, and he was detained without any prior notice, reasoning, or  
6 hearing. *See Ramirez Tesara*, 800 F. Supp. 3d at 1137 (granting habeas petition and  
7 TRO under similar circumstances because “re-detainment without a hearing results  
8 in a risk of erroneous deprivation of [a] protected interest.”); *Rodriguez Cabrera v.*  
9 *Mattos*, No. 2:25-CV-01551-RFB-EJY, 2025 WL 3072687, at \*12–13 (D. Nev. Nov.  
10 3, 2025) (noting the government’s arbitrary re-detention “creates an extreme risk of  
11 erroneous deprivation).

12                           **3. Mathews Factor 3: The Government’s Interest and the**  
13                           **Burdens of Additional Process.**

14           42. Under *Mathews*, the third factor examines the Government’s interests,  
15 including the function at issue and the administrative burdens of additional  
16 procedures. Here, the relevant function is DHS’s administration of immigration  
17 parole and civil detention to ensure appearance at proceedings and protect public  
18 safety. Minimal procedural safeguards-notice of the reasons for revocation and a  
19 prompt opportunity to be heard before a neutral decisionmaker-impose little burden  
20 on that function. They rely on processes the Government already uses in custody  
21 determinations and post-parole supervision, and they enhance accuracy without  
22 materially impeding enforcement. *See Mathews*, 424 U.S. at 335.

23           43. As *Ramirez-Bibiano* recognized, where a noncitizen has been lawfully  
24 paroled and there is no change in circumstances indicating danger or flight risk, the  
25 Government’s interest in immediate re-detention without notice or hearing is low,  
26 while the value of modest additional procedures is high. Applied here, the  
27 government has not identified any change in circumstances to justify summary  
28 revocation, and requiring notice and a brief hearing would not compromise its ability

1 to manage parole or ensure attendance but would meaningfully reduce the risk of  
2 error. The third *Mathews* factor therefore weighs against detention without pre-  
3 deprivation process in this case. *See Ramirez-Bibiano; Mathews*, 424 U.S. at 335.

4 **CLAIMS FOR RELIEF**

5 **COUNT ONE**

6 **VIOLATION OF PAROLE STATUTE**

7  
8  
9 44. Petitioner re-alleges and incorporates by reference each allegation  
10 contained above.

11 45. The parole statute at 8 U.S.C. §1182(d)(5)(A) permits the termination  
12 of parole only where there is a finding that the purpose of such parole has been served.  
13 *Y- Z-L-H v. Bostock*, 792 F. Supp. 3d 1123, 1133 (D. Or. 2025).

14 46. No finding has been made that the purpose of Petitioner's parole has  
15 been served to warrant the termination of parole.

16 **COUNT TWO**

17 **VIOLATION OF PAROLE REGULATION**

18 47. Petitioner re-alleges and incorporates by reference each allegation  
19 contained above.

20 48. The parole regulation, 8 C.F.R. §212.5(e), provides that upon written  
21 notice, DHS may terminate parole "upon accomplishment of the purpose for which  
22 parole was authorized or when in the opinion of one of the officials listed in  
23 paragraph (a) of this section, neither humanitarian reasons nor public benefit warrants  
24 the continued presence of the alien in the United States."

25 49. There is no evidence that any official found that humanitarian reasons  
26 do not warrant Petitioner's presence in the United States.

27 50. 8 C.F.R. §212.5(e)(2) also requires that DHS provide Petitioner with  
28 notice prior to revocation of parole. Mr. Diaz Paz was never provided notice that the

1 Department sought to terminate parole.

2 51. Petitioner is not a flight risk nor a danger to the public.

3 52. An agency's failure to follow its regulations that are meant to protect  
4 fundamental rights is a violation of due process. *Accardi v. Shaughnessy*, 347 U.S.  
5 260, 267, 74 S.Ct. 499, 98 L.Ed. 681 (1954); *Sameena Inc. v. U.S. Air Force*, 147  
6 F.3d 1148, 1153 (9th Cir. 1998).

7 53. The arrest of Petitioner terminated his release on parole and violated the  
8 regulations and due process. *Bostock*, 792 F. Supp. 3d at 1145.

9  
10 **COUNT THREE**

11 **VIOLATION OF DUE PROCESS**  
12 **REVOCAION OF PAROLE WITHOUT NOTICE**

13 54. Petitioner re-alleges and incorporates by reference each allegation  
14 contained above.

15 55. The Due Process Clause of the Fifth Amendment forbids the  
16 government from depriving any person of liberty without due process of law. U.S.  
17 Const. amend. V. "Freedom from imprisonment—from government custody,  
18 detention, or other forms of physical restraint—lies at the heart of the liberty" that  
19 the Due Process Clause protects. *Zadvydas*, 533 U.S. at 690 (citing *Foucha v.*  
20 *Louisiana*, 504 U.S. 71, 80 (1992)).

21 56. An individual released from immigration custody has a constitutionally  
22 protected liberty interest in remaining free from detention. *Morrissey v. Brewer*, 408  
23 U.S. 471, 482, 92 S. Ct. 2593, 2601, 33 L. Ed. 2d 484 (1972); *see also Sanchez v.*  
24 *LaRose*, 25-cv-2396; 2025 WL 2770629, at \* 3 (S.D. Cal.). Thus, Petitioner has a  
25 fundamental interest in liberty and being free from official restraint.

26 57. The liberty interest applies to individuals who are paroled into the  
27 United States and released to attend removal proceedings. *Garcia v. Andrews*, No.  
28 1:25-CV- 01006 JLT SAB, 2025 WL 2420068, at \*11 (E.D. Cal. Aug. 21, 2025);

1 *Valencia Zapata v. Kaiser*, No. 25-CV-07492-RFL, 2025 WL 2578207, at \*3 (N.D.  
2 Cal. Sept. 5, 2025); *Y-Z-L-H v. Bostock*, No. 3:25-CV-965-SI, 2025 WL 1898025, at  
3 \*13 (D. Or. July 9, 2025).

4 58. While DHS has discretion to revoke parole, it may not do so in a manner  
5 that is inconsistent with constitutional protections.

6 59. Due process requires notice before Petitioner is detained by immigration  
7 authorities. *Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306, 320, 70 S. Ct.  
8 652, 660, 94 L. Ed. 865 (1950); *Ramirez-Bibiano*, 2025 WL 3632748, at \*3; *Ramirez*  
9 *Tesara*, 800 F. Supp. 3d at 1135; *Fernandez Lopez v. Wofford*, 2025 WL 2959319,  
10 at \*3.

11 **COUNT FOUR**

12 **VIOLATION OF DUE PROCESS**

13 **REVOCAION OF PAROLE WITHOUT NEUTRAL DECISIONMAKER**

14 60. Petitioner re-alleges and incorporates by reference each allegation  
15 contained above.

16 61. Under the Due Process Clause of the Fifth Amendment to the United  
17 States Constitution, no person shall be “deprived of life, liberty, or property, without  
18 due process of law.” U.S. Const. amend. V. “Freedom from imprisonment— from  
19 government custody, detention, or other forms of physical restraint—lies at the heart  
20 of the liberty that Clause protects.” *Zadvydas*, 533 U.S. at 690.

21 62. An individual released from immigration custody has a liberty interest  
22 in remaining free from detention. *Morrissey*, 408 U.S. at 482.

23 63. The liberty interest applies to individuals who are paroled into the  
24 United States and released to attend removal proceedings. *Garcia v. Andrews*, No.  
25 1:25-CV- 01006 JLT SAB, 2025 WL 2420068, at \*11 (E.D. Cal. Aug. 21, 2025);  
26 *Valencia Zapata v. Kaiser*, No. 25-CV-07492-RFL, 2025 WL 2578207, at \*3 (N.D.  
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1 Cal. Sept. 5, 2025); *Bostock*, No. 3:25-CV-965-SI, 2025 WL 1898025, at \*13 (D. Or.  
2 July 9, 2025).

3 64. While DHS has discretion to revoke parole, it may not do so in a manner  
4 that is inconsistent with constitutional protections.

5 65. Due Process requires that Petitioner be afforded a bond determination  
6 before a neutral adjudicator if the government is to re-detain Petitioner. *Mathews v.*  
7 *Eldridge*, 424 U.S. 319 (1976); *Ramirez-Bibiano*, 2025 WL 3632748, at \*5; *Ramirez*  
8 *Tesara*, 800 F. Supp. 3d at 1136; *Fernandez Lopez v. Wofford*, 2025 WL 2959319,  
9 at \*7.

10 **PRAYER FOR RELIEF**

11 Petitioner prays that this Court grant the following relief:

- 12 1. Assume jurisdiction over this matter.
- 13 2. Order that Petitioner shall not be transferred outside the Southern  
14 District of California.
- 15 3. Issue a Writ of Habeas Corpus ordering Respondents to immediately  
16 release Mr. Diaz Paz under the terms and conditions of his original parole.
- 17 4. Issue an Order to Show Cause why this Petition should not be granted  
18 within three days and set a hearing on this Petition within five days of the return  
19 pursuant to 28 U.S.C. § 2243.
- 20 5. Declare that Petitioner's current detention is unlawful.
- 21 6. Order that Petitioner may not be re-detained absent proper notice of the  
22 reasons that form the basis for revocation of parole.
- 23 7. Order that Petitioner is entitled to a bond hearing before an immigration  
24 judge if DHS revokes parole with proper notice.
- 25 8. Award reasonable attorney's fees and costs pursuant to the Equal Access  
26 to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412.
- 27 9. Grant such further relief as this Court deems just and proper.

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Respectfully submitted,

Cassandra Lopez

Litigation Director  
AL OTRO LADO  
Telephone: 619.730.5891  
Email: [Cassandra.l@alotrolado.org](mailto:Cassandra.l@alotrolado.org)  
Date: April 14, 2026

1 **VERIFICATION BY ATTORNEY ACTING ON MR. DIAZ PAZ'S BEHALF**  
2 **PURSUANT TO 28 U.S.C. §2242**  
3

4 I am submitting this verification on behalf of Mr. Diaz Paz because I am his  
5 attorney. As Mr. Diaz Paz's attorney, I hereby verify that the factual statements  
6 made in the attached Petition for Writ of Habeas Corpus are true and correct to the  
7 best of my knowledge.

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9 Dated: April 14, 2026

By: /s/ Cassandra Lopez

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