

Fernanda Ezquerro
430 Nutmeg Street, Suite 100
San Diego, CA 92103
Phone: 619-485-8150
Facsimile: 619-485-8160

Attorney for Jeovanny Ucros Bovea

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

JEOVANNY UCROS BOVEA,

Petitioner,

v.

MARKWAYNE MULLIN, Secretary of
the Department of Homeland Security,
TODD BLANCHE, Acting Attorney
General, TODD M. LYONS, Acting
Director, Immigration and Customs
Enforcement, JESUS ROCHA, Acting
Field Office Director, San Diego Field
Office, CHRISTOPHER LAROSE,
Warden at Otay Mesa Detention Center,

Respondents.

Civil Case No.: 26-cv-2302-RBM-DEB

**Amended Petition
for a
Writ of Habeas Corpus**

INTRODUCTION

Jeovanny Ucros Bovea is a citizen of Colombia. Mr. Ucros Bovea fled Colombia fearing for his life due to his political opinions. He was paroled into the United States on August 4, 2024. On January 18, 2026, he was arrested on a warrant for failure to pay a traffic citation in the state of Utah. Mr. Ucros Bovea was driven by police officers to the sheriff's station where he was told he would be released if he paid the fine. However, when Mr. Ucros Bovea attempted to pay his fine, he was told he could no longer pay the fine because ICE would be picking him up. Mr. Ucros Bovea has been in ICE custody since then.

Respondents have revoked Mr. Ucros Bovea'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. Ucros Bovea was born in Colombia and is 31 years old. Exhibit A, Declaration of Ucros Bovea, at ¶ 1. He fled Colombia because he feared for his life. He owned a small business where he often placed banners reflecting his support of the Colombian government. He also made his support public on social media. The opposition or "leftist" movement target Mr. Ucros Bovea due to his support of changes made by government in charge. *Id.* at ¶ 1.

In Mexico, Mr. Ucros Bovea made an appointment through the CBP One app so that he could apply for asylum. *Id.* at ¶ 2. On August 4, 2024, he went to the port of entry for his appointment and was detained for about nine hours. *Id.* at

¶ 2. Immigration officials then paroled him into the United States to allow him to apply for asylum and gave him an NTA. *Id.* at ¶ 2.

Mr. Ucros Bovea was scheduled to attend his first immigration court in November of 2027. *Id.* at ¶ 2. However, on January 18, 2026, he was driving his car when an officer pulled him over and arrested him for an outstanding warrant for failure to pay a citation. Mr. Ucros Bovea was then transferred from custody to the sheriff's department to ICE. *Id.* at ¶ 3.

While in ICE custody Mr. Ucros Bovea was taken to several different detention facilities. First, he was taken to the West Valley offices in Utah. A week later he was taken to Evanston, Wyoming where he was detained for about a week. Then, he was taken back to Utah for a day and then flown to a detention facility in Arizona. About eight to nine days later, he was transferred to Core Civic in San Diego. *Id.* at ¶ 4. They did not give him any paperwork or an informal interview at which he could contest his detention. *Id.* at ¶ 4. He has been detained for over five months. *Id.* at ¶ 5.

CLAIMS FOR RELIEF

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

When ICE took Mr. Ucros Bovea into custody on or about January 18, 2026, it did not say whether it was revoking his parole. Exh. A at ¶ 5. Either way, the government's actions violated the regulations and the Administrative Procedures Act.

Under the Administrative Procedures Act (APA), an agency action may be held unlawful and set aside if it is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A). An action is an abuse of discretion if the agency "entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the

evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” *Nat’l Ass’n of Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)). For a challenged agency action to be upheld, the agency “must explain the evidence which is available, and must offer a rational connection between the facts found and the choice made.” *Motor Vehicle Mfrs.*, 463 U.S. at 52 (1983) (internal quotations omitted) (quoting *Burlington Truck Lines, Inc. v. United States*, 371 U.S. 156, 168 (1962)).

Here, regardless of whether the agency formally revoked Mr. Ucros Bovea’s parole, it violated the APA. If the agency did *not* revoke his parole, then it inexplicably violated its own parole decision by detaining Mr. Ucros Bovea. Doing so violated the APA because the agency did not “offer a rational connection between the facts found and the choice made”—i.e., the fact that Mr. Ucros Bovea was still on parole, yet the agency decided to detain him. *Motor Vehicle Mfrs.*, 463 U.S. at 52. And nothing suggests that there *was* a “rational” reason for this choice. This was the epitome of an “arbitrary” and “capricious” act under the APA. 5 U.S.C. § 706(2)(A).

But assuming the agency *had* revoked his parole, it also violated the APA. Per ICE regulations, a person shall only be “returned to the custody from which he was paroled” when “the purposes of such parole . . . have been served.” 8 U.S.C. § 1182(d)(5)(A); *see also* 8 C.F.R. § 212.5(e)(2)(i) (parole may only be terminated “upon accomplishment of the purpose for which parole was authorized”); *Y-Z-L-H*, 2025 WL 1898025, at *12 (same). Alternatively, the regulations permit revocation of parole when “neither humanitarian reasons nor public benefit warrants the [noncitizen’s] continued presence.” 8 C.F.R. § 212.5(e)(2)(i). But under either scenario, parole shall only be “terminated upon written notice to the alien.” 8 C.F.R. § 212.5(e)(2)(i). So under the statute and the

1 regulations, the agency may only revoke parole and re-detain a noncitizen when
2 the parole's purpose is served or no humanitarian reasons warrant it *and* the
3 noncitizen receives written notice.

4 None of this occurred here. Because "the purpose of [Mr. Ucros Bovea's]
5 parole" was to allow him to apply for asylum, that purpose has not yet "been
6 served" because his asylum claim is still pending. 8 U.S.C. § 1182(d)(5)(A). And
7 the humanitarian reasons for parole—to avoid unnecessary detention when an
8 asylum seeker poses no danger or flight risk—remains the same. Put differently,
9 "upon Petitioner's entry into the United States, Respondents determined that
10 Petitioner was suitable for parole. Respondents have not provided a reasoned
11 explanation or any changed circumstances that would justify their current
12 departure from their prior decision." *Y-Z-L-H v. Bostock*, 792 F. Supp. 3d 1123,
13 1146 (D. Or. 2025). Under the APA, "[i]t is Respondents' burden to provide a
14 reasoned explanation for their action," which they will not be able to do. *Id.*

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

19 Numerous courts have released parolees on this basis. *See, e.g., Arias v.*
20 *Larose*, No. 3:25-CV-02595-BTM-MMP, 2025 WL 3295385, at *3 (S.D. Cal.
21 Nov. 25, 2025); *Noori v. LaRose*, No. 25-cv-1824-GPC-MSB, 2025 WL 2800149
22 (S.D. Cal. Oct. 1, 2025); *Salazar v. Casey*, No. 25-cv-2784 JLS-VET, 2025 WL
23 3063629 (S.D. Cal. Nov. 3, 2025); *Perez v. LaRose*, No. 25-cv-02620-RBM-JLB,
24 2025 WL 3171742 (S.D. Cal. Nov. 13, 2025); *Y-Z-L-H v. Bostock*, No. 25-cv-
25 965-SI, 2025 WL 1898025, at *13 (D. Or. July 9, 2025). Because Mr. Ucros
26 Bovea is in the same position as these individuals, this Court should do the same
27 and order his immediate release.
28

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

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

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

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

“First, Petitioner has a private interest in remaining free, which developed over the [months] he resided in the United States.” *Id.* at *10. It does not matter that parole is temporary or discretionary. “For example, *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972)—though analyzing the criminal parole context—found that ‘the liberty of a parolee, although indeterminate, includes many of the core values of unqualified liberty and its termination inflicts a grievous loss on the parolee

1 and often others ... [thus it] must be seen within the protection of the [Fifth]
2 Amendment.” *Id.*

3 “Second, the risk of an erroneous deprivation of such interest is high as
4 Petitioner’s parole was revoked without providing [him] a reason for revocation or
5 giving [him] an opportunity to be heard.” *Salazar*, 2025 WL 3063629, at *4.

6 “Civil immigration detention is permissible only to prevent flight or protect
7 against danger to the community.” *Perez*, 2025 WL 3171742, at *5. But here,
8 “[s]ince DHS’s initial determination that Petitioner should be paroled because [he]
9 posed no danger to the community and was not a flight risk, there is no evidence
10 that these findings have changed.” *Id.*

11 “Third, the Government’s interest in detaining Petitioner without notice,
12 reasoning, and a hearing is low.” *Salazar*, 2025 WL 3063629, at *5 (cleaned up).

13 “Detention for its own sake, to meet an administrative quota, or because the
14 government has not yet established constitutionally required pre-detention
15 procedures is not a legitimate government interest.” *Pinchi v. Noem*, 792 F. Supp.
16 3d 1025, 1036 (N.D. Cal. 2025).

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

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

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

24 **IV. Prayer for relief**

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

- 26 1. Order Respondents to immediately release Petitioner from custody,
27 subject to the conditions of his preexisting parole;
28

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: June 10, 2026

s/ Fernanda Ezquerro

Fernanda Ezquerro

Attorney for Mr. Ucros Bovea

Email: fernanda@ezquerrolawgroup.com

EXHIBIT A

Fernanda Ezquerro
430 Nutmeg Street, Suite 100
San Diego, CA 92103
Phone: 619-485-8150
Facsimile: 619-485-8160

Attorney for Jeovanny Ucros Bovea

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

Jeovanny Ucros Bovea,
Petitioner,

v.

CHRISTOPHER LAROSE, Warden at
Otay Mesa Detention Center,
Respondents.

CIVIL CASE NO.: 26-cv-2302-RBM-
DEB

**First Declaration
of
Jeovanny Ucros Bovea**

I, Jeovanny Ucros Bovea, declare:

1. I was born in Colombia  On August 4, 2024, I came to the United States seeking asylum. I fled Colombia because I was targeted and persecuted for my political beliefs. I supported Colombia's government and the "leftist" or opposing party, who did not support the government began to target me. I was outspoken about my support, often posting on social media and placing banners outside by business. I fled Colombia fearing for my life.
2. Before entering the United States, while I was in Mexico, I made an appointment using the CBP One app to apply for asylum. On August 4, 2024,

1 I went to the San Ysidro Port of Entry. CBP detained me for about nine hours
2 before they paroled me in and gave me a Notice to Appear before an
3 Immigration Judge on November 30, 2027.
4

5 3. On January 18, 2026, I was arrested on an outstanding warrant for failure to
6 pay a ticket. At the sheriff's station in Utah I was told I could pay the ticket
7 and be released. When I attempted to pay the ticket, I was transferred to ICE
8 custody.
9

10 4. I was then taken to the West Vally ICE offices in Utah for two days. From
11 there I was taken to Evanston, Wyoming where I was held for a week. I was
12 taken back to Utah for about a day and then flown to Arizona where I was in
13 another ICE detention facility for eight to nine days. Eventually, I was
14 transferred to Core Civic in San Diego.
15

16 5. I have been in ICE custody for approximately six months; no documentation
17 has been given to me. No one from ICE has interviewed me or explained
18 anything to me. I have not been given a bond hearing.
19

20 6. I do not have any savings. I am making \$5 per week working in the detention
21 center. I do not have anything else of value, like a house or a car. I do not
22 think I can afford an attorney.
23

24 //

25 //

26 //

1 I, Fernanda Ezquerro, declare under penalty of perjury that I read every line
2 of this declaration to Jeovanny Ucros Bovea, and he confirmed that it was true and
3 correct.
4

5
6 Date: June 9, 2026

Signed: /s/ *Fernanda Ezquerro*