

1 Janice Deaton (CA SBN 135188)
2 Jdeaton@immdef.org
3 IMMIGRANT DEFENDERS LAW CENTER
4 634 S. Spring Street, 10th Floor
5 Los Angeles, CA 90014
6 Telephone: 619-768-7134
7 Facsimile: 213-282-3133

8
9
10 *Pro Bono Attorneys for Petitioner*

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

Edmond Louis,
Petitioner,
vs.

CHRISTOPHER J. LAROSE, Senior
Warden of Otay Mesa Detention Center,
GREGORY J. ARCHAMBEAULT,
Field Officer Director for the San Diego
Immigration and Customs Enforcement
Office; TODD LYONS, Acting Director
of United States Immigration and
Customs Enforcement; MARKWAYNE
MULLEN, Secretary of the United
States Department of Homeland
Security, TODD BLANCHE, Acting
Attorney General of the United States,
acting in their official capacities,

Respondents.

Case No. '26CV2450 DMS BLM

**PETITION FOR WRIT OF
HABEAS CORPUS AND ORDER
TO SHOW CAUSE WITHIN
THREE DAYS; COMPLAINT
FOR DECLARATORY AND
INJUNCTIVE RELIEF**

Challenge to Unlawful
Incarceration; Request for
Declaratory and Injunctive Relief

ORAL ARGUMENT REQUESTED

1
2 **PREFACE**

3 Is Mr. Edmond Louis' ("Mr. Louis") August 20, 2025 arrest and continued
4 detention by the Department of Homeland Security ("DHS") lawful, after his
5 admission and parole into the United States *a year earlier*, on August 29, 2024?
6 Several courts in this district have ruled in favor of similarly situated petitioners on
7 this issue recently, finding detention unlawful, and ordering their immediate
8 release from custody. *See, e.g., Sayed Naser Noori v. Christopher LaRose, et al.*,
9 No. 25-CV-1824-GPC-MSB, 2025 WL 2800149, at *14 (S.D. Cal. Oct. 1, 2025)
10 (holding that revocation of petitioner's parole with no notification or
11 individualized determination violated the APA and denied petitioner his due
12 process rights); *N.A. v. Christopher J. LaRose, et. Al.*, 25-CV-2384-RSH-BLM;
13 2025 WL --- (S.D. Cal. Oct. 07, 2025). (explaining that the petitioner, who had
14 entered and been granted parole eight months prior, was not subject to mandatory
15 detention as an arriving alien (citing 8 U.S.C. § 1225(b)(1)).

16 This Court should also rule in favor of Mr. Louis and order his immediate
17 release.

18 **INTRODUCTION**

19 1. Petitioner, Edmond Louis ("Mr. Louis"), an asylum seeker from Haiti,
20 petitions this Court for a writ of habeas corpus under 28 U.S.C. § 2241 to remedy
21 Respondents' unlawful detention of him after his arrest outside of immigration
22 court after having been paroled into the United States, because his detention
23 violates the Constitution and is not authorized by any statute.

24 2. Mr. Louis is an asylum seeker who fled Haiti after suffering persecution
25 because he, his brother, and uncle were accused of carrying on an affair with the
26 wife of a gang leader. Mr. Louis' brother and uncle were killed, and Mr. Louis
27 narrowly escaped with his life. He spent the subsequent three years going back and
28

1 forth between Haiti and The Dominican Republic to try to avoid the gang leader,
2 but eventually, was found and again, narrowly escaped by fleeing to Chile. He
3 faced rampant persecution in Chile due to his race and nationality. After some
4 years, the gang leader from Haiti followed him to Chile. He traveled around Chile
5 hoping to protect himself from the leader but ultimately realized he would need to
6 flee again. In August 2024 Mr. Louis entered the United States to evade his
7 persecutor. He is currently detained at the Otay Mesa Detention Facility (OMDC),
8 which is owned and operated by Core Civic.

9 3. On August 29, 2024, Mr. Louis arrived in the United States at the
10 Brownsville, Texas Port of Entry with a scheduled *CBP One* appointment.¹
11 Respondents paroled him based on the individualized facts in his case, under 8
12 U.S.C. § 1182(d)(5). Specifically, Respondents found that Mr. Louis is not a flight
13 risk and that he is not a danger to the community. Indeed, his first immigration
14 court appearance after being paroled into the United States was not for several
15 months, on May 19, 2025.

16 4. Respondents commenced removal proceedings against Mr. Louis in
17 immigration court, entitling him to present his asylum claim with the due process
18 rights under 8 U.S.C. § 1229a. Respondents charged Mr. Louis with removability
19 under INA § 212(a)(7)(A)(i)(I), arguing that he lacked proper immigration
20 documents at the time of entry into the United States. On March 31, 2025, Mr.
21 Louis moved to have his proceedings venued in San Diego Immigration Court. The
22 motion was granted on April 2, 2025.

23 _____
24 ¹ The CBP One phone application was the primary way for asylum-seekers in
25 central and northern Mexico to schedule appointments to present themselves at a
26 U.S. port of entry. It was discontinued by President Trump on January 21, 2025,
27 and all pending appointments were cancelled. *See*
[https://www.cbp.gov/newsroom/national-media-release/cbp-removes-scheduling-
functionality-cbp-one-app](https://www.cbp.gov/newsroom/national-media-release/cbp-removes-scheduling-functionality-cbp-one-app) (Last viewed on 10/15/2025)

1 5. Mr. Louis appeared at his initial master calendar hearing on May 19, 2025
2 without incident. A second master calendar hearing was scheduled for August 20,
3 2025. *See* Exhs. A, B.

4 6. Meanwhile, Mr. Louis began to prepare his asylum case. On August 7, 2025,
5 Mr. Louis filed his I-589 application for asylum, withholding of removal, and
6 protections under the Convention Against Torture.

7 7. Mr. Louis appeared at the federal building without his lawyer. His lawyer
8 advised that they would be appearing with him, but failed to do so either in person
9 or telephonically. Prior to his second court hearing, he had presented his timely
10 filed application for relief. He has no criminal history anywhere in the world, and
11 entered the United States with inspection. Finally, Mr. Louis was not required to
12 check in with ICE, nor did he have “check-in’s” at the Intensive Supervision
13 Appearance Program (ISAP). In April 2025 Mr. Louis received a letter indicating
14 that his parole had been revoked. He brought this letter to his attorney at the time
15 who advised him not to be concerned about the letter. He therefore had no notice
16 or information that might indicate the consequences of the revocation of his parole.

17 8. On August 20, 2025, Mr. Louis had a routine court appearance in downtown
18 San Diego. Mr. Louis’ lawyer had not warned him of the risk of detention. His
19 lawyers had also advised they would meet him at the appearance, but again failed to
20 appear either in person or via WebEx. However, Mr. Louis knew he had complied
21 with all his legal obligations, and believed he should have nothing to fear. Further,
22 because Mr. Louis understood his legal obligations to attend his immigration
23 hearings as well as the consequences of failing to appear -- an order of removal
24 would be entered in absentia -- he entered the San Diego Immigration Court for a
25 routine hearing before Judge Scott Simpson.

1 9. Immediately upon exiting the courtroom, a group of Department of
2 Homeland Security (“DHS”) agents, some masked, arrested Mr. Louis. After taking
3 him downstairs to the second floor of the federal building for processing,
4 Respondents transported him to the Otay Mesa Detention Center (OMDC) where
5 she remains to this day, over seven months later.

6 10. Again, Mr. Louis was not required to check in with ICE, nor did he have
7 “check-in’s” at the Intensive Supervision Appearance Program (ISAP). His
8 attorneys failed to explain the meaning of the letter he received revoking his
9 parole, and had no means of understanding the consequences of it. Additionally,
10 since his detention, he has not received any written communication regarding the
11 reasons his parole was revoked, any written communication indicating an
12 individualized determination was made, nor has he been provided with an
13 opportunity to refute any purported reasons for revoking his parole.

14 11. Individuals within the United States have constitutional rights. “[T]he Due
15 Process Clause applies to all ‘persons’ within the United States, including aliens,
16 whether their presence here is lawful, unlawful, temporary, or permanent.”
17 *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

18 12. Despite apprehending him at San Diego Immigration Court without notice
19 or due process, placing him at risk of being transferred away from the Southern
20 District of California while he remains in Respondents’ physical and legal custody,
21 Respondents now seek to keep Mr. Louis detained without a meaningful
22 opportunity to seek a bond or custody redetermination hearing. *See* 8 U.S.C. §
23 1225. As explained below, Respondents do so based not on his personal or
24 changed circumstances or individualized facts.

25 13. Mr. Louis has complied with all terms of his parole by attending court
26 hearings, timely filing for asylum, and remaining law abiding. Despite that,
27

1 Respondents revoked his parole. Mr. Louis has never received any written
2 explanation for the reason for this revocation.

3 14. Mr. Louis experiences near total isolation in the detention center as
4 there are very few individuals within his pod who also speak Haitian Creole. In
5 addition, Mr. Louis lacks access to the type of religious institution he would like to
6 attend, as the worship options are limited. Mr. Louis has been torn away from his
7 friends and community and has suffered greatly throughout his nearly nine months
8 of detention.

9 15. The United States Constitution protects Mr. Louis-- and every other
10 person present in this country-- from arbitrary deprivations of his liberty and
11 guarantees his due process of law. The government's power over immigration is
12 broad but, as the Supreme Court has declared, it "is subject to important
13 constitutional limitations." *Zadvydas v. Davis*, 533 U.S. 678, 695 (2001). "Freedom
14 from bodily restraint has always been at the core of the liberty protected by the Due
15 Process Clause from arbitrary governmental action." *Foucha v. Louisiana*, 504 U.S.
16 71, 80 (1992). Mr. Louis therefore respectfully seeks a writ of habeas corpus
17 ordering the government to immediately release him from his ongoing, unlawful
18 detention, prohibiting his re-arrest without a hearing to contest that re-arrest before
19 a neutral decisionmaker.²

20 16. Additionally, Mr. Louis seeks declaratory and injunctive relief to
21 declare his detention unlawful at Otay Mesa Detention Center, where he has been
22 held by DHS since being unlawfully detained on August 20^{3[08]}, without first being
23 provided a due process hearing to determine whether his incarceration is justified.

24
25
26 ³ The Department filed ICE Form I-830 E indicating that the arrest occurred on August 21,
27 2025, however, Mr. Louis was arrested immediately following his court appearance, which
28 occurred on August 20, 2025.

1 **JURISDICTION**

2 17. This action arises under the Constitution of the United States and the
3 Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et. seq. The Court has
4 subject matter jurisdiction pursuant to 28 U.S.C. § 1331 (federal question), 28
5 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§ 2201–02 (Declaratory Judgment Act),
6 28 U.S.C. § 2241 (habeas corpus), Article I, § 9, cl. 2 of the U.S. Constitution (the
7 Suspension Clause), the Fourth and Fifth Amendments to the U.S. Constitution,
8 and 5 U.S.C. §§ 701-706 (Administrative Procedure Act).

9 **VENUE**

10 18. Venue is proper in this district and division pursuant to 28 U.S.C. §
11 2241(a) and 28 U.S.C. § 1391(b)(2) and (e)(1) because Mr. Louis is physically
12 detained within this district. Venue is further proper because a substantial part of
13 the events or omissions giving rise to Mr. Louis’ claims occurred in this District,
14 where he is now in Respondents’ custody. 28 U.S.C. § 1391(e).

15 **REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243**

16 19. The Court must grant the petition for writ of habeas corpus or issue an order
17 to show cause (OSC) to the Respondents “forthwith,” unless the petitioner is not
18 entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require
19 Respondents to file a return “within three days unless for good cause additional
20 time, not exceeding twenty days, is allowed.” *Id.*

21 20. Courts have long recognized the significance of the habeas statute in
22 protecting individuals from unlawful detention. The Great Writ has been referred
23 to as “perhaps the most important writ known to the constitutional law of England,
24 affording as it does a swift and imperative remedy in all cases of illegal restraint or
25 confinement.” *Fay v. Noia*, 372 U.S. 391,400 (1963).

1 21. Mr. Louis is “in custody” for the purpose of § 2241 because he is arrested
2 and is detained by Respondents.

3 **PARTIES**

4 22. Mr. Louis is a forty year old resident of San Diego, California. He has no
5 criminal history and is pursuing asylum based on a fear of persecution in Haiti and
6 Chile, which if approved, would give him lawful permanent residency, and
7 eventually, U.S. citizenship. He is presently in the physical custody of Immigration
8 and Customs Enforcement (ICE) at the Otay Mesa Detention Center, 7488 Calzada
9 de la Fuente, San Diego, CA 92154.

10 23. Respondent Christopher J. LaRose is the Senior Warden of the Otay Mesa
11 Detention Center. He is the physical custodian of Mr. Louis. In this capacity, he is
12 responsible for overseeing the operations of Otay Mesa Detention Center,
13 including the detention of Mr. Louis. Respondent LaRose is sued in his official
14 capacity.

15 24. Respondent Gregory J. Archambeault is the Field Office Director of the San
16 Diego ICE Field Office. In this capacity, he is responsible for the administration of
17 immigration laws and the execution of immigration enforcement and detention
18 policy within ICE’s San Diego Area of Responsibility, including the detention of
19 Mr. Louis. Respondent Archambeault maintains an office and regularly conducts
20 business in this district. Respondent Archambeault is sued in his official capacity.

21 25. Respondent Todd M. Lyons is the Acting Director of ICE. As the Senior
22 Official Performing the Duties of the Director of ICE, he is responsible for the
23 administration and enforcement of the immigration laws of the United States,
24 routinely transacts business in this District, and is legally responsible for pursuing
25 any effort to detain and remove Mr. Louis. Respondent Lyons is sued in his official
26 capacity.

1 26. Respondent Markwayne Mullen is the Secretary of Homeland Security and
2 has ultimate authority over DHS. In that capacity and through her agents,
3 Respondent Noem has broad authority over and responsibility for the operation and
4 enforcement of the immigration laws, routinely transacts business in this District,
5 and is legally responsible for pursuing any effort to detain and remove Mr. Louis.
6 Respondent Mullen is sued in his official capacity.

7 27. Respondent Todd Blanche is the Acting Attorney General of the United
8 States and the most senior official at the Department of Justice. In that capacity and
9 through her agents, she is responsible for overseeing the implementation and
10 enforcement of the federal immigration laws. The Attorney General delegates this
11 responsibility to the Executive Office for Immigration Review, which administers
12 the immigration courts and the BIA. Respondent Blanche is sued in his official
13 capacity.

14 **LEGAL BACKGROUND**

15 **A. The Constitution Protects Noncitizens Like Petitioner from Arbitrary**
16 **Arrest and Detention.**

17 28. This case concerns the unlawful revocation of Petitioner's release on parole
18 without notice or review. "Procedural due process imposes constraints on
19 governmental decisions which deprive individuals of 'liberty' or 'property'
20 interests within the meaning of the Due Process Clause of the Fifth or Fourteenth
21 Amendment." *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976) (requiring notice
22 and an opportunity to be heard before deprivation of a legally protected interest).

23 29. "[T]he Due Process Clause applies to all 'persons' within the United States,
24 including aliens, whether their presence here is lawful, unlawful, temporary, or
25 permanent." *Zadvydas v. Davis*, 533 U.S. at 693.

26 30. Respondents revoked Mr. Louis' parole, arrested, and detained him without
27 any notice, review or opportunity to object as he exited his court appearance.

1 31. Mr. Louis has a vital interest in his liberty, which is a legally protected
2 interest. *See Pinchi v. Noem*, No. 5:25-CV-05632-PCP, 2025 WL 2084921, at *4
3 (N.D. Cal. July 24, 2025) (citing *Diaz v. Kaiser*, No. 3:25-CV-05071, 2025 WL
4 1676854 (N.D. Cal. June 14, 2025) (explaining that a non-citizen that ICE released
5 from custody after initial apprehension “has a substantial private interest in
6 remaining out of custody” which includes an interest in “...obtaining necessary
7 medical care, [and] maintaining her relationships in the community...”). Indeed,
8 once they are present in the United States, noncitizens have a “weighty” liberty
9 interest in remaining, as they “stand[] to lose the right to stay and live and work in
10 this land of freedom,” and “may lose the right to rejoin [their] immediate family, a
11 right that ranks high among the interests of the individual.” *Landon v. Plasencia*,
12 459 U.S. 21, 34 (1982).

13 32. On July 8, 2025, ICE, “in coordination with” the Department of Justice,
14 announced a new policy of immigration detention that rejected the well-established
15 understanding of the statutory framework and reversed decades of practice where
16 non-citizens who were paroled into the United States remained free on parole
17 pending resolution of their immigration cases. The policy changed to begin
18 detaining people who had been previously paroled into the United States, many
19 who had established jobs and lives in the United States, and some who live in the
20 interior of the United States.

21 **B. Respondent’s Arbitrary and Illegal Revocation of Parole and Arrest of**
22 **Mr. Louis Violate the Administrative Procedure Act 5 U.S.C. § 706(2)**

23 33. Under the Administrative Procedure Act, a court must “hold unlawful
24 and set aside agency action” that is “arbitrary, capricious, an abuse of discretion, or
25 otherwise not in accordance with the law,” that is “contrary to constitutional right
26 [or] power,” or that is “in excess of statutory jurisdiction, authority, or limitations,
27

1 or short of statutory right.” 5 U.S.C. § 706(2)(A)-(C).

2 34. Respondents' revocation of Mr. Louis' parole and continued detention of
3 Mr. Louis is arbitrary and capricious, and violates the INA as well as the Fifth
4 Amendment. Respondents do not have statutory authority under 1225(b)(2) or any
5 other statute to detain Mr. Louis. Mr. Louis was not provided an opportunity to
6 respond or object to the revocation of his parole. Mr. Louis' detention is arbitrary,
7 capricious, an abuse of discretion, violative of the Constitution, and without
8 statutory authority in violation of 5 U.S.C. § 706(2).

9 **FACTUAL BACKGROUND**

10
11 35. Mr. Louis is a 40 year-old citizen of Haiti.

12 36. Mr. Louis permanently fled Haiti in 2017 after suffering persecution based
13 on particular social group membership. He attempted to move to Chile to protect
14 himself from the persecution, however, this ultimately only caused him to suffer
15 further persecution based on his race and nationality as well as his membership in a
16 particular social group.

17 37. On August 29, 2024, Mr. Louis arrived at the port of entry at Brownsville,
18 Texas with a scheduled CBP One appointment. Mr. Louis entered the United
19 States with inspection to seek asylum, withholding of removal, and protections
20 under the Convention Against Torture due to the persecution he suffered in Haiti
21 and Chile.

22 38. Respondents processed him for admission and served him with a Notice to
23 Appear for removal proceedings. Upon admission, he was issued Form I-94 and
24 granted parole pursuant to Immigration and Naturalization Act (INA) § 212(d)(5).
25 This allowed Mr. Louis to apply for other benefits such as a driver's license.

1 39. In March, 2025, Mr. Louis requested that his case be transferred to San
2 Diego, CA, from Connecticut as he intended and still intends to remain a resident
3 of Southern California.

4 40. On or about April 2, 2025 Mr. Louis' motion for change of venue was
5 granted and Respondents commenced removal proceedings against Petitioner
6 under 8 U.S.C. § 1229a in San Diego. Respondents alleged he was inadmissible to
7 the United States under 8 U.S.C. § 1182(a)(7)(A)(i)(I) and commanded him to
8 appear for a hearing on May 19, 2025 at San Diego Immigration Court.

9 41. On August 7, 2025 (prior to the one year filing deadline), Mr. Louis filed his
10 Form I-589 Asylum Application before the San Diego Immigration Court.

11 42. On August 20, 2025, Mr. Louis appeared at San Diego Immigration Court
12 for a second hearing in his case wherein he was subsequently arrested.

13 43. On August 20, 2025, he had his second immigration hearing. As of this date,
14 Mr. Louis had retained counsel, submitted an application for relief, and had to
15 begun compiling evidence in support of his claim. He has no criminal history in the
16 United States or any other country in the world.

17 44. On August 20, 2025, Mr. Louis had already been advised by his attorney
18 not to be concerned about the revocation of his parole, or any impending
19 consequences of it. He had complied with all of his legal obligations by entering
20 the United States with a CBP One appointment, maintaining a current address with
21 the immigration court, attending all hearings, and applying for relief timely. He did
22 not anticipate that by appearing in court and continuing to honor his legal
23 obligations, he would be arrested.

24 45. Immediately upon exiting the courtroom, a group of Department of
25 Homeland Security ("DHS") agents, many of whom were masked, arrested Mr.
26 Louis before he could leave the courthouse. After being processed at the Federal
27

1 Building, Respondents took Mr. Louis to the Otay Mesa Detention Center operated
2 by Core Civic, a private corporation.

3 46. On September 8, 2025, Mr. Louis appeared with his attorney at the Otay
4 Mesa Immigration Court. The matter was continued.

5 47. On October 23, 2025, Immigration Judge Eugene Robinson issued a
6 scheduling order with deadlines for all filings and an individual merits hearing
7 date.

8 48. Also on October 23, 2025 Mr. Louis by and through his then counsel Rayna
9 Thomas, Esq., filed evidence in support of his asylum claim.

10 49. On January 23, 2026, Attorney Rayna Thomas moved to withdraw as
11 counsel, which was subsequently granted in an order dated January 27, 2026 by
12 Immigration Judge Eugene Robinson

13 50. On March 17, 2026, Andreana Sarkis, Esq. of Immigrant Defenders Law
14 Center entered her E-28 confirming her representation of Mr. Louis in all
15 proceedings pending before the Executive Office of Immigration Review. Due to
16 the changes in Mr. Louis' representation, the original date of his scheduled
17 individual merits hearing, January 27, 2026, has been postponed to June 16, 2026,
18 the earliest possible date available on Immigration Judge Eugene Robinson's
19 calendar.

20 51. Mr. Louis remains in DHS custody at Otay Mesa Detention Center, and in
21 lieu of this petition, can anticipate at least an additional two months of detention.//

22 ///

23 ///

24 ///

25 ///

26 ///

27

28

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

**Mr. Louis' Detention is in Violation of the 5th Amendment's
Procedural Due Process Protections**

52. Mr. Louis incorporates by reference the allegations of fact set forth in the preceding paragraphs.

53. The Due Process Clause of the Fifth Amendment to the U.S. Constitution prohibits the federal government from depriving any person of "life, liberty, or property, without due process of law." U.S. Const. Amend. V. Due process protects all 'persons' within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas*, 533 U.S. at 693.

54. What due process protections apply depend on the situation and accounts 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. *Mathews v. Eldridge*, *supra*, 424 U.S. at 334-35.

55. Detention constitutes "a loss of liberty that is . . . irreparable." *Moreno Galvez v. Cuccinelli*, 492 F. Supp. 3d 1169,1181 (W.D. Wash. 2020) (*Moreno II*), *aff'd in part, vacated in part on other grounds, remanded sub nom. Moreno Galvez v. Jaddou*, 52 F.4th, 821 (9th Cir. 2022). It "is well established that the deprivation of constitutional rights unquestionably constitutes irreparable injury." *Melendres v. Arpaio*, 695 F.3d 990,1002 (9th Cir. 2012) (citation modified); *Warsoldier v. Woodford*, 418 F.3d 989,1001-02 (9th Cir. 2005). *See also Hernandez v. Sessions*, 872 F.3d 976,994-95 (9th Cir. 2017) ("Thus, it follows inexorably from our conclusion that the government's current policies [which fail to consider financial ability to pay immigration bonds] are likely unconstitutional-and thus that members of the plaintiff class will likely be deprived of their physical liberty unconstitutionally in the absence of the injunction-

1 that Plaintiffs have also carried their burden as to irreparable harm."); *Maldonado*
2 *Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal. July 28,2025), Order
3 Granting Temporary Restraining Order,Dkt.14 at 9 ("[T]he Court finds that the
4 potential for Petitioners' continued detention without an initial bond hearing would
5 cause immediate and irreparable injury, as this violates statutory rights afforded under§
6 1226(a).")

7 56.Mr. Louis has a private interest in remaining free. Mr. Louis was detained amid
8 his removal proceedings, with no written notice as to the purported reasons justifying
9 his detention, and without any opportunity to be heard prior to being arrested and
10 detained. This constitutes a violation of his right to procedural due process of law.

11 **SECOND CLAIM FOR RELIEF**

12 **Mr. Louis' Detention Violates his Fifth Amendment Right to**
13 **Substantive Due Process**

14 65. Mr. Louis incorporates by reference each and every allegation in the
15 paragraphs above as if fully set forth herein.

16 66. The Due Process Clause of the Fifth Amendment to the U.S. Constitution
17 prohibits the federal government from depriving any person of "life, liberty, or
18 property, without due process of law." U.S. Const. Amend. V. Due process
19 protects "all 'persons' within the United States, including [non-citizens], whether
20 their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas*, 533
21 U.S. at 693. "Freedom from imprisonment—from government custody, detention,
22 or other forms of physical restraint—lies at the heart of the liberty that the Clause
23 protects." *Zadvydas*, 533 U.S. at 690.

24 67. Due process requires that government action be rational and non-arbitrary. *See*
25 *U.S. v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007).

1 68. As already stated, Mr. Louis has a vital liberty interest in remaining free from
2 DHS custody. *See Pinchi v. Noem*, No. 5:25-CV-05632-PCP, 2025 WL 2084921,
3 at *4 (N.D. Cal. July 24, 2025) (citing *Diaz v. Kaiser*, No. 3:25-CV-05071, 2025
4 WL 1676854 (N.D. Cal. June 14, 2025) (explaining that a non-citizen that ICE
5 released from custody after initial apprehension “has a substantial private interest
6 in remaining out of custody” which includes an interest in “...obtaining necessary
7 medical care, [and] maintaining her relationships in the community...”).

8 69. Mr. Louis, prior to his detention, complied with all aspects of his parole.

9 70. Prior to granting parole, Respondents considered Mr. Louis’ facts and
10 circumstances and determined he was not a flight risk or a danger to the
11 community. There have been no changes to the facts that justify a revocation of his
12 parole. Thus, his continued detention absent from a permissible justification
13 renders his detention violative of his right to substantive due process of law.

14 **THIRD CLAIM FOR RELIEF**

15 **Petitioners’ Detention Violates the Administrative Procedure Act,**
16 **5 U.S.C. § 706(2)**

17 71. Mr. Louis incorporates by reference the allegations of fact set forth in the
18 preceding paragraphs.

19 72. Under the Administrative Procedure Act, a court must “hold unlawful and
20 set aside agency action” that is “arbitrary, capricious, an abuse of discretion, or
21 otherwise not in accordance with the law,” that is “contrary to constitutional right
22 [or] power,” or that is “in excess of statutory jurisdiction, authority, or limitations,
23 or short of statutory right.” 5 U.S.C. § 706(2)(A)-(C).

24 73. Mr. Louis’ detention is arbitrary, capricious, an abuse of discretion,
25 violative of the Constitution, and without statutory authority in violation of 5
26 U.S.C. § 706(2).

27 ///

1 **FOURTH CLAIM FOR RELIEF**

2 **Respondent's Arrest of Mr. Louis Violates His Fourth Amendment to**
3 **Be Free from Unreasonable Seizures**
4 **(Unlawful Arrest)**

5 74. Mr. Louis repeats and re-alleges the allegations contained in the preceding
6 paragraphs of this Petition as if fully set forth herein.

7 75. The Fourth Amendment protects the right of persons present in the United
8 States to be free from unreasonable seizures by government officials.

9 76. As a corollary to that right, the Fourth Amendment prohibits government
10 officials from conducting repeated arrests on the same grounds. In the immigration
11 context, this prohibition means that a person who immigration authorities released
12 from initial custody cannot be re-arrested "solely on the ground that he is subject to
13 removal proceedings" and without some new, intervening cause. *Saravia v.*
14 *Sessions*, 280 F. Supp. 3d 1168, 1196 (N.D. Cal. 2017), *aff'd sub nom., Saravia for*
15 *A.H. v. Sessions*, 905 F.3d 1137 (9th Cir. 2018).

16 77. Mr. Louis's re-arrest, without some new intervening change in circumstance
17 or intervening cause renders his arrest violative of the Fourth Amendment.

18 **PRAYER FOR RELIEF**

19 Mr. Louis respectfully requests that this Court:

- 20 1. Assume jurisdiction over this matter;
- 21 2. Issue an Order to Show Cause ordering Respondents to show cause why
22 this Petition should not be granted within three days.
- 23 3. Declare that Mr. Louis' detention without an individualized
24 determination violates the Due Process Clause of the Fifth
25 Amendment;
- 26 4. Issue a Writ of Habeas Corpus ordering Respondents to release
27 Mr. Louis from custody forthwith, and *ONLY* under the same

- 1 conditions of parole previously imposed prior to his unlawful arrest ;
2 5. Issue an Order prohibiting the Respondents from transferring
3 Mr. Louis from this district without the Court's approval;
4 6. Award Mr. Louis counsel reasonable attorney's fees and costs under
5 the Equal Access to Justice Act, and on any other basis justified under
6 law;
7 7. Grant such further relief as the Court deems just, equitable, and
8 Appropriate.

9 Date: April 17, 2026

10 Respectfully Submitted,
11 /s/Janice Deaton
12 IMMIGRANT DEFENDERS
13 LAW CENTER
14 634 S. Spring Street, 10th Floor
15 Los Angeles, CA 90014
16 Telephone: 619-768-7134
17 Facsimile: 213-282-3133
18 Jdeaton@immdef.org

19 *Attorneys for Mr. Louis*