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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
2003 W. ADAMS AVE,
EL CENTRO, CA 92243

In the Matter of:

HATEM MOHAMED S. E. A. ABDOU

Case No.: 26-cv-02474-JLS-BJW

Petitioner,

V.

PETITIONER'S SUPPLEMENTAL
BRIEFING RE PETITIONER'S
ADVANCE PAROLE STATUS

Gregory J. Archambeault., Acting Field
Office Director for Immigration and Customs
Enforcement and Removal Operations in
San Diego;

TODD M. LYONS, Acting Director of the U.S.
Immigration and Customs Enforcement;
JEREMY CASEY, Warden of Imperial
Regional Detention Center;

MARKWAYNE MULLIN, Secretary of U.S.
Department of Homeland Security;

PAM BONDI, United States Attorney General;

US DEPARTMENT OF HOMELAND
SECURITY;

US IMMIGRATION AND CUSTOM
ENFORCEMENT

Respondents.

PETITIONER'S SUPPLEMENTAL BRIEFING RE PETITIONER'S ADVANCE
PAROLE STATUS

I.

INTRODUCTION

Pursuant to this Court's order dated May 15, 2026, Petitioner submits this supplemental briefing on the issue of his advance parole status, whether a liberty interest was created, and whether Respondents provided Petitioner with due process before revoking such parole.

Respondents granted Petitioner advance parole on September 18, 2024. Respondents properly admitted Petitioner as a parolee into the U.S. on November 14, 2025. Petitioner's advance parole was valid until January 12, 2026. (Exhibit A). By granting Petitioner's advance parole, Petitioner has a liberty interest in remaining out of immigration custody. *Gergawi v. Larose*. No. 3:25-cv-3352-JES-MMP, 2025 WL 371932, at *2-4. Respondents revoked such parole without prior written notice, or an opportunity to be heard. For these reasons, the Court should GRANT the petition and ORDER Petitioner's immediate release, as his detention is unlawful.

II.

ARGUMENT

**A. PETITIONER'S ADVANCE PAROLE GRANTED TO HIM BY RESPONDENTS
CREATED A LIBERTY INTEREST THAT IS VALID DESPITE THE
EXPIRATION OF HIS PAROLE AGREEMENT**

Non-citizens who have a pending application with the United States Citizenship and Immigration Services ("USCIS") may apply for advance parole. 8 U.S.C § 1225 (i); 8 C.F.R. § 212.5(f), 8 C.F.R. § 245.2(a)(4)(ii); 245.1(a). Advance parole permits a noncitizen to depart and return to the United States without jeopardizing their immigration status, allowing them to enter the country but prevents them from obtaining the status of a lawfully admitted alien. A person who is paroled into the U.S. has a liberty interest to remain out of custody. *Pinchi v. Noem*,

1 792 F. Supp 3d 1025, 1032 (N.D. Cal 2025)(citations omitted). It is well established that a liberty
2 “interest does not expire with the expiration of Petitioner’s parole agreement.” *Ramirez Tesara*
3 *v. Wamsley*, 800 F. Supp. 3d 1130, 1136 (W.D. Wash. 2025). Once established, Petitioner’s
4 interest in liberty is a constitutional right which may only be revoked through methods that
5 comport with due process, such as a hearing in front of a neutral party to determine whether
6 Petitioner’s re-detainment is warranted.” *Id.* (Citing *Padilla v. U.S. Immigr. & Customs Enf’t*,
7 704 F. Supp. 3d 1163, 1172 (W.D. Wash. 2023). Therefore, the expiration of Petitioner’s parole
8 does not impact the liberty interest in his release. *Omer G.G. v. Kaiser*, No 1:25-CV-01471-KES-
9 SAB(HC), 2025 WL 3254999, at *5 (E.D. Cal. Nov. 22, 2025)(finding the expiration of
10 Petitioner’s parole did not extinguish his liberty interest); *Quiroga-Chaparro v. Warden of*
11 *Golden State Annex Det. Facility*, No . 1:25-CV-1731 AC, 2025 WL 3771473, at * 4 (E.D. Cal.
12 Dec. 31, 2025)(same); *Kazybayeva v. Warden of Otay Mesa Det. Ctr.*, No -26-CV-0421-GPC-
13 MM_, 2026 WL 280478, at * 3(S.D. Cal. Feb 3, 2026)(same).

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Petitioner’s recent entry to the U.S. was on an advance parole granted to him by
Respondents. He was paroled into the U.S. on November 14, 2025, and permitted to return to his
pending application with the USCIS (wife’s asylum application that named him as a derivative).
Petitioner was paroled into the U.S. and granted an advance parole status until January 12, 2026.
By granting such parole, Respondents created a liberty interest for Petitioner in remaining out of
immigration custody. *Gergawi*, 2025 WL 3719321, at 3-4, finding petitioner’s liberty interest
does not end with the termination of his parole.

B. RESPONDENTS TERMINATED PETITIONER'S PAROLE WITHOUT WRITTEN NOTICE OR AN OPPORTUNITY TO BE HEARD

Parole can only be terminated upon written notice to the alien and he or she shall be restored to the status that he or she had at the time of parole.”” *Shia Ass’n of Bay Area v. United States*, 849 F. Supp. 2d 916, 923 (N.D. Cal 2012). Respondents failed to provide Petitioner with any notice or an opportunity to be heard prior to revoking his parole, when he was detained, thus violating his due process. *C.A.R.V. v. Wofford*, No. 1:25-CV-01395 JLTSKO, 2025 WL 3059549, at *9 (E.D. Cal Nov. 3, 2025); *Leiva Flores*, 2025 WL 3228306, at *5; *Faizyan*, 2025 WL 3208844, at *7 See also *Medrano Rocha v. Santacruz*, No. 5:26-cv-00115 (C.D. Cal. Apr. 5, 2026)

Petitioner was not given notice, a reason or even hearing as to why his parolee status is now revoked.

C. BECAUSE RESPONDENTS FAILED TO PROVIDE ADEQUATE NOTICE AND AN OPPORTUNITY TO BE HEARD, PETITIONER'S DUE PROCESS RIGHTS WERE VIOLATED AND HIS DETENTION IS UNLAWFUL

Respondents detained Petitioner by revoking his parole and the liberty interest created by such parole, without affording him a notice or hearing. The revocation of such parole is in violation of the Due Process Clause of the Fifth and Fourteenth Amendment; thus, petitioner’s detention is unlawful. See e.g. *Castellanos v. Casey*, No. 26-CV-1727-JES-BLM, 2026 WL 898307, at * 2 (S.D. Cal. March 3(2026)) (“When DHS wishes to revoke an advance parole that has been previously given, it is required that parole shall be terminated upon written notice to the alien and he or she shall be restored to the status that he or she had at the time of parole.”) See also *Alegria Palma v. Larose et al.*, No 25-cv-1942 BJC (MMP), slip op. 14 (S.D. Cal. Aug. 11, 2025)(granting a TRO based on procedural due process challenge to a revocation of parole without a pre deprivation hearing); *Sanchez v. LaRose*, No. 25-CV-2396-JES-MMP, 2025 WL 2770629, at *5

1 (S.D. Cal. Sept. 26, 2025)(granting a writ of habeas corpus releasing petition from custody to the
2 conditions of her preexisting parole on due process grounds).

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4 Furthermore, procedural due process imposes constraints on governmental decisions which
5 deprive individuals of “liberty” or “property” interest within the meaning of the Due Process
6 Clause of the Fifth Amendment. Petitioner had a property interest in his parole status. In *Mathews*
7 *v. Eldridge*, 424 U.S. 319 (1976) the Supreme court established a balancing test that considers the
8 following three factor: (1) the private liberty interest affected, (2) the risk of erroneous deprivation
9 through current procedures and the value of additional safeguards, and (3) the government’s
10 interest. In the present case, Petitioner’s liberty interest is substantial because parole revocation
11 results in incarceration. The absence of notice, adversarial hearing, and opportunity to contest
12 evidence created an intolerably high risk of erroneous deprivation. Additional safeguards such as
13 prompt hearing before a neutral decisionmaker would significantly reduce that risk while imposing
14 only minimal administrative burden on the State. In *Morrissey v. Brewer*, 408 U.S. 471, 482
15 (1972), the Supreme Court recognized that the revocation of parole implicates a protected liberty
16 interest and therefore requires constitutionally adequate due process protections before that liberty
17 may be terminated. Although *Morrissey* addressed criminal parole revocation, its core principle
18 applies here: where the government grants conditional liberty, due process requires fair procedures
19 and a reliable factual basis before that liberty is revoked. In the immigration context, those
20 protections arise under the Due Process Clause of the Fifth Amendment.

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22 In the present case, Petitioner was never provided with any notice or given any reason as to
23 why his parolee status in the U.S. has been revoked. Failure of the Respondents to follow the
24 proper procedures of notice, and a hearing violated Petitioner’s due process. Thus, his current
25 detention is unlawful, and he should be released immediately.
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CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the Court GRANT the petition for writ of habeas corpus and ORDER Respondents to release Petitioner from custody.

Dated: May 21, 2026

Respectfully Submitted,

//s//, GIHAN L. THOMAS

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