

Camille Fenton
CA Bar No. 331891
Federal Defenders of San Diego, Inc.
225 Broadway, Suite 900
San Diego, California 92101-5030
Telephone: (619) 234-8467
Facsimile: (619) 687-2666
camille_fenton@fd.org
Attorneys for Mr. Sharma

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

RAHUL SHARMA,
Petitioner,
v.
WARDEN JEREMY CASEY,
Respondents.

Civil Case No.: 26-cv-2680-CAB

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

INTRODUCTION

Rahul Sharma is a citizen of India who was released so that he could seek asylum in the United States. But despite complying with all the conditions of his conditional parole, ICE officers called him on August 1, 2025, and disingenuously told him that his ankle monitor was not working and he needed to meet them outside of his house to fix the issue. Instead, they snatched his cellphone from him and placed him in handcuffs as soon as he stepped out of his house. Mr. Sharma was entirely blindsided.

ICE took him into custody that day without any notice or explanation. While it is unclear whether the government has formally revoked Mr. Sharma's parole, the government's actions are unlawful regardless. If the agency did not revoke his parole, then it violated that parole by detaining him. And if the agency

1 *did* revoke his parole, then it did so in violation of the statute and regulations,
2 which require written notification and a determination that the purposes of the
3 parole have been served. Alternatively, the Due Process Clause of the Fifth
4 Amendment of the Constitution requires redeprivation notice and hearing. Either
5 way, the agency's actions violated the Administrative Procedures Act and the Due
6 Process Clause, and this Court should order his immediate release.

7 **STATEMENT OF FACTS**

8 Mr. Sharma was born in India. Exhibit A, Sharma Decl. at ¶ 1. He entered
9 the United States on January 27, 2023, to seek asylum here. *Id.* at ¶¶ 1–2.
10 Mr. Sharma was detained for about a week before he was released on conditional
11 parole. *Id.* at ¶ 2. He was given a cellphone by ICE and told to send in a photo of
12 himself at home every week to confirm his location. *Id.* He also had an ankle
13 monitor and in-person check-ins with ICE. *Id.* at ¶¶ 2, 6. Mr. Sharma received a
14 work permit on January 20, 2024, and he obtained a valid California driver's
15 license. *Id.* at ¶ 5. He complied with all the conditions of his parole and never
16 committed a crime or infraction. *Id.* at ¶¶ 11–12.

17 Mr. Sharma spent the last three years living in Sacramento, Fresno, and
18 Pleasanton, California. *Id.* at ¶ 4. He was at home in Pleasanton on August 1,
19 2025, when he received a call on his cellphone from an ICE officer. *Id.* at ¶ 6. The
20 officer told Mr. Sharma that his ankle monitor was not working, and he needed to
21 come out of his house so they could fix it. *Id.* Mr. Sharma complied, but as soon
22 as he exited his house, the officers took his cellphone and handcuffed him. *Id.*
23 This was completely unexpected. *Id.*

24 Mr. Sharma has been in immigration detention ever since. *Id.* at ¶ 7. It has
25 been over nine months. *Id.* Mr. Sharma was never told why ICE rescinded its
26 decision to release him and did not receive any paperwork explaining it. *Id.* at ¶ 8.
27 He also did not receive an informal interview at which he could contest his
28

1 detention. *Id.* An ICE officer has never visited Mr. Sharma to talk to him about
2 his loss of parole during his time in immigration detention. *Id.* at ¶ 10.

3 **CLAIMS FOR RELIEF**

4 **I. Count One: ICE failed to comply with its own regulations in revoking**
5 **Mr. Sharma's parole under 8 C.F.R. § 212.5, violating the**
6 **Administrative Procedures Act and Due Process.**

7 When ICE detained Mr. Sharma on August 1, 2025, it did not say whether
8 it was revoking his parole. Exhibit A at ¶ 8. Either way, the government's actions
9 violate the Administrative Procedures Act and Due Process.

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*
23 *States*, 371 U.S. 156, 168 (1962)).

24 Here, regardless of whether the agency formally revoked Mr. Sharma's
25 parole, it violated the APA. If the agency did *not* revoke his parole, then it
26 inexplicably violated its own parole decision by detaining Mr. Sharma in August
27 2025. Doing so violated the APA because the agency did not "offer a rational
28 connection between the facts found and the choice made"—i.e., the fact that
Mr. Sharma was still on parole, yet the agency decided to detain him.

1 *Motor Vehicle Mfrs*, 463 U.S. at 52. And nothing suggests that there *was* a
2 “rational” reason for this choice, given that Mr. Sharma had filed an asylum
3 application and was complying with his all the conditions of his parole. This was
4 the epitome of an “arbitrary” and “capricious” act under the APA. 5 U.S.C.
5 § 706(2)(A).

6 But assuming the agency *had* revoked his parole, it also violated the APA.
7 Per ICE regulations, a person shall only be “returned to the custody from which
8 he was paroled” when “the purposes of such parole . . . have been served.” 8
9 U.S.C. § 1182(d)(5)(A); *see also* 8 C.F.R. § 212.5(e)(2)(i) (parole may only be
10 terminated “upon accomplishment of the purpose for which parole was
11 authorized”); *Y-Z-L-H v. Bostock*, 792 F. Supp. 3d 1123, 1145 (D. Or. 2025)
12 (same). Alternatively, the regulations permit revocation of parole when “neither
13 humanitarian reasons nor public benefit warrants the [noncitizen’s] continued
14 presence.” 8 C.F.R. § 212.5(e)(2)(i). But under either scenario, parole shall only
15 be “terminated upon written notice to the alien.” 8 C.F.R. § 212.5(e)(2)(i). So
16 under the statute and the regulations, the agency may only revoke parole and re-
17 detain a noncitizen when the parole’s purpose is served, or no humanitarian
18 reasons warrant it *and* the noncitizen receives written notice.

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

1 Under the APA, “[i]t is Respondents’ burden to provide a reasoned
2 explanation for their action,” which they will not be able to do. *Id.*

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

7 Multiple courts have released parolees on this basis. *See Arias v. Larose*,
8 No. 25-CV-02595-BTM-MMP, 2025 WL 3295385, at *3 (S.D. Cal. Nov. 25,
9 2025); *Noori v. LaRose*, 807 F. Supp. 3d 1146, 1169 (S.D. Cal. 2025); *Salazar v.*
10 *Casey*, No. 25-CV-2784 JLS-VET, 2025 WL 3063629 (S.D. Cal. Nov. 3, 2025);
11 *Perez v. LaRose*, No. 25-CV-02620-RBM-JLB, 2025 WL 3171742 (S.D. Cal.
12 Nov. 13, 2025); *Y-Z-L-H*, 792 F. Supp. 3d at 1147. Because Mr. Sharma is in the
13 same position as these individuals, this Court should do the same and order his
14 immediate release.

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

17 Additionally, “the revocation of [Mr. Sharma’s] parole without justification
18 or consideration of his individualized circumstances violates the Due Process
19 Clause.” *Perez*, 2025 WL 3171742, at *4. Mr. Sharma 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
24 of 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*, 807 F. Supp. 3d at 1164; (citing *Mathews v. Eldridge*, 424 U.S. 319
5 (1976)). Weighing those considerations here, Respondents violated the Due
6 Process Clause by revoking parole with no notice or hearing.

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

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

23 “Third, the Government's interest in detaining Petitioner without notice,
24 reasoning, and a hearing is low.” *Salazar*, 2025 WL 3063629, at *5 (cleaned up).
25 “Detention for its own sake, to meet an administrative quota, or because the
26 government has not yet established constitutionally required pre-detention
27 procedures is not a legitimate government interest.” *Pinchi v. Noem*, 792 F. Supp.
28 3d 1025, 1036 (N.D. Cal. 2025).

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

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

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

8 **IV. Prayer for relief**

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

- 10 1. Order Respondents to immediately release Petitioner from custody,
11 subject to the conditions of his preexisting parole;
12 2. Order that prior to any re-detention of Petitioner, that Petitioner is
13 entitled to notice of the reasons for revocation of his parole and a
14 hearing before an immigration judge to determine whether detention is
15 warranted. Respondents bear the burden of establishing, by clear and
16 convincing evidence, that Petitioner poses a danger to the community or
17 a risk of flight at that hearing; and
18 3. Order at a minimum that Petitioner receive a bond hearing where
19 Respondents should bear the burden of establishing, by clear and
20 convincing evidence, that Petitioner poses a danger to the community or
21 a risk of flight;
22 4. Order any other relief that the Court deems just and proper.
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Respectfully submitted,

Dated: May 6, 2026

s/ Camille Fenton
Camille Fenton
Federal Defenders of San Diego, Inc.
Attorneys for Mr. Sharma

EXHIBIT A

1 **Camille Fenton**
2 CA Bar No. 331891
3 Federal Defenders of San Diego, Inc.
4 225 Broadway, Suite 900
5 San Diego, California 92101-5030
6 Telephone: (619) 234-8467
7 Facsimile: (619) 687-2666
8 camille_fenton@fd.org

9
10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**
12

13 RAHUL SHARMA,

14 Petitioner,

15 v.

16 MARKWAYNE MULLIN, Secretary of
17 the Department of Homeland Security,
18 TODD BLANCHE, Acting Attorney
19 General, TODD M. LYONS, Acting
20 Director, Immigration and Customs
21 Enforcement, JESUS ROCHA, Acting
22 Field Office Director, San Diego Field
23 Office, JEREMY CASEY, Warden at
24 Imperial Regional Detention Facility,

25 Respondents.
26

Civil Case No.: 26-cv-2680-CAB

**Declaration of Rahul Sharma
in Support of Amended Petition
for a Writ of Habeas Corpus**

27 I, Rahul Sharma, declare:

- 28 1. I was born in India. I came to the United States to seek asylum.
- 29 2. I entered the United States on January 27, 2023. I was detained for about a
30 week and then I was released.
- 31 3. When I was released, I was given a cellphone by ICE and told to send a
32 photo of me from my home every week to confirm my location. I also had
33 in-person check-ins with ICE.
- 34 4. I moved to Sacramento, California, and lived there for about a year. After
35 that I lived in Fresno, California for about a year. Then I moved to
36 Pleasanton, California and lived there for half a year.

1 5. I received a work permit on January 20, 2024. I also obtained a valid
2 California driver's license.

3 6. I was at home in Pleasanton when I received a call from ICE on August 1,
4 2025. I was told by the officer on the phone that my ankle monitor was not
5 working. The officer asked me to come outside of my house. I followed his
6 instructions and as soon as I stepped out of my house, ICE officers took my
7 cellphone and handcuffed me. This was all completely unexpected.

8 7. I have been in immigration detention since August 1, 2025. It has been over
9 nine months.

10 8. I was never told by the ICE officers why they were detaining me. I was
11 never told whether or why my parole was being rescinded. I did not receive
12 any paperwork explaining why I was being kept in immigration custody.

13 9. I never received an interview or a hearing where I could contest my
14 immigration detention and loss of parole.

15 10. An ICE officer has never come to talk to me about my loss of parole
16 during my time in immigration detention.

17 11. I have always complied with all the conditions of my parole. I always sent
18 in the photos, went to my check-ins, and attended all my court dates in
19 immigration court.

20 12. I have never committed any crime or infraction.

21 13. I do not have money to hire a lawyer.

22 I, Camille Fenton, declare under penalty of perjury that I reviewed this declaration
23 with Rahul Sharma using a Hindi interpreter, and he confirmed that it was true and
24 correct.

25 Date: May 6, 2026

26 Signed: /s/ Camille Fenton