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

12 SAMUEL MATEO-JUAN,

13 Petitioner,

14 v.

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

24 Respondents.

Civil Case No.: 26-cv-2790-BJC-VET

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

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1 INTRODUCTION

2 Samuel Mateo-Juan is a citizen of Guatemala who was paroled into the
3 United States to allow him to apply for asylum. But despite complying with all his
4 court dates and timely submitting an application for relief, Mr. Mateo-Juan was
5 called into a local ICE office. He was given a paper in English that he could not
6 read and did not receive an informal interview.

7 Respondents have revoked Mr. Mateo-Juan’s parole in violation of the
8 statute and regulations, which require notification and an informal interview at
9 which he could contest his detention. Alternatively, the Due Process Clause of the
10 Fifth Amendment of the Constitution requires redeprivation notice and hearing.
11 Either way, the agency’s actions violated the Administrative Procedures Act and
12 the Due Process Clause, and this Court should order his immediate release.

13 STATEMENT OF FACTS

14 Mr. Mateo-Juan was born in Guatemala. Exhibit A, Declaration of Samuel
15 Mateo-Juan, at ¶ 1. In 2019, he entered the United States to ask for asylum. *Id.* at
16 ¶ 1. Border Patrol agents immediately arrested him. *Id.* at ¶ 1.

17 Mr. Mateo-Juan was detained for two days before immigration officials
18 paroled him into the United States. *Id.* at ¶ 2. He went to Escondido, California,
19 and was placed into removal proceedings. *Id.* at ¶ 2.

20 Mr. Mateo-Juan was in removal proceedings for several years while he was
21 out of custody on parole. *Id.* at ¶ 3. After an immigration judge ordered him
22 removed. *Id.* at ¶ 3. He filed a timely appeal with the Board of Immigration
23 Appeals. *Id.* at ¶ 3.

24 On February 26, 2026, ICE called Mr. Mateo-Juan and told him to come in
25 to the office to sign something. *Id.* at ¶ 4. Several days later, he went in to sign it.
26 *Id.* at ¶ 4. But instead of having him sign something, ICE arrested him and took
27 him into custody. *Id.* at ¶ 4.

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1 ICE gave Mr. Mateo-Juan a piece of paper, but he didn't know what it said.
2 *Id.* at ¶ 5. They did not give Mr. Mateo-Juan an informal interview at which he
3 could contest his detention. *Id.* at ¶ 5. He has been detained since that time.

4 **CLAIMS FOR RELIEF**

5 **I. Count One: ICE failed to comply with its own regulations and the**
6 **Administrative Procedures Act in revoking Mr. Mateo-Juan's parole.**

7 When ICE took Mr. Mateo-Juan into custody on February 22, 2026, it did
8 not say whether it was revoking his parole. Exh. A at ¶ 5. Either way, the
9 government's actions violated the regulations and the Administrative Procedures
10 Act.

11 Under the Administrative Procedures Act (APA), an agency action may be
12 held unlawful and set aside if it is "arbitrary, capricious, an abuse of discretion, or
13 otherwise not in accordance with law." 5 U.S.C. § 706(2)(A). An action is an
14 abuse of discretion if the agency "entirely failed to consider an important aspect
15 of the problem, offered an explanation for its decision that runs counter to the
16 evidence before the agency, or is so implausible that it could not be ascribed to a
17 difference in view or the product of agency expertise." *Nat'l Ass'n of Home*
18 *Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle*
19 *Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43
20 (1983)). For a challenged agency action to be upheld, the agency "must explain
21 the evidence which is available, and must offer a rational connection between the
22 facts found and the choice made." *Motor Vehicle Mfrs*, 463 U.S. at 52 (1983)
23 (internal quotations omitted) (quoting *Burlington Truck Lines, Inc. v. United*
24 *States*, 371 U.S. 156, 168 (1962)).

25 Here, regardless of whether the agency formally revoked Mr. Mateo-Juan's
26 parole, it violated the APA. If the agency did *not* revoke his parole, then it
27 inexplicably violated its own parole decision by detaining Mr. Mateo-Juan. Doing
28 so violated the APA because the agency did not "offer a rational connection

1 between the facts found and the choice made”—i.e., the fact that Mr. Mateo-Juan
2 was still on parole, yet the agency decided to detain him. *Motor Vehicle Mfrs*, 463
3 U.S. at 52. And nothing suggests that there *was* a “rational” reason for this choice,
4 given that Mr. Mateo-Juan had filed an asylum application and complied with all
5 the conditions of his parole. This was the epitome of an “arbitrary” and
6 “capricious” act under the APA. 5 U.S.C. § 706(2)(A).

7 But assuming the agency *had* revoked his parole, it also violated the APA.
8 Per ICE regulations, a person shall only be “returned to the custody from which
9 he was paroled” when “the purposes of such parole . . . have been served.” 8
10 U.S.C. § 1182(d)(5)(A); *see also* 8 C.F.R. § 212.5(e)(2)(i) (parole may only be
11 terminated “upon accomplishment of the purpose for which parole was
12 authorized”); *Y-Z-L-H*, 2025 WL 1898025, at *12 (same). Alternatively, the
13 regulations permit revocation of parole when “neither humanitarian reasons nor
14 public benefit warrants the [noncitizen’s] continued presence.” 8 C.F.R.
15 § 212.5(e)(2)(i). But under either scenario, parole shall only be “terminated upon
16 written notice to the alien.” 8 C.F.R. § 212.5(e)(2)(i). So under the statute and the
17 regulations, the agency may only revoke parole and re-detain a noncitizen when
18 the parole’s purpose is served or no humanitarian reasons warrant it *and* the
19 noncitizen receives written notice.

20 None of this occurred here. Because “the purpose[] of [Mr. Mateo-Juan’s]
21 parole” was to allow him to apply for asylum, that purpose has not yet “been
22 served” because his asylum claim is still pending. 8 U.S.C. § 1182(d)(5)(A). And
23 the humanitarian reasons for parole—to avoid unnecessary detention when an
24 asylum seeker poses no danger or flight risk—remains the same. Put differently,
25 “upon Petitioner’s entry into the United States, Respondents determined that
26 Petitioner was suitable for parole. Respondents have not provided a reasoned
27 explanation or any changed circumstances that would justify their current
28 departure from their prior decision.” *Y-Z-L-H v. Bostock*, 792 F. Supp. 3d 1123,

1 1146 (D. Or. 2025). Under the APA, “[i]t is Respondents’ burden to provide a
2 reasoned explanation for their action,” which they will not be able to do. *Id.*

3 What’s more, Mr. Mateo-Juan never received adequate 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 In the case of someone released under § 241.13(i), the regulations also
8 explicitly require the interviewer to allow the re-detained person to “submit any
9 evidence or information that he or she believes shows there is no significant
10 likelihood he or she be removed in the reasonably foreseeable future, or that he or
11 she has not violated the order of supervision.” § 241.13(i)(3).

12 Numerous courts have released parolees on this basis. *See, e.g., Arias v.*
13 *Larose*, No. 3:25-CV-02595-BTM-MMP, 2025 WL 3295385, at *3 (S.D. Cal.
14 Nov. 25, 2025); *Noori v. LaRose*, No. 25-cv-1824-GPC-MSB, 2025 WL 2800149
15 (S.D. Cal. Oct. 1, 2025); *Salazar v. Casey*, No. 25-cv-2784 JLS-VET, 2025 WL
16 3063629 (S.D. Cal. Nov. 3, 2025); *Perez v. LaRose*, No. 25-cv-02620-RBM-JLB,
17 2025 WL 3171742 (S.D. Cal. Nov. 13, 2025); *Y-Z-L-H v. Bostock*, No. 25-cv-
18 965-SI, 2025 WL 1898025, at *13 (D. Or. July 9, 2025). Because Mr. Mateo-Juan
19 is in the same position as these individuals, this Court should do the same and
20 order his immediate release.

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

23 Additionally, “the revocation of [Mr. Mateo-Juan’s] parole without
24 justification or consideration of his individualized circumstances violates the Due
25 Process Clause.” *Perez v. LaRose*, No. 3:25-CV-02620-RBM-JLB, 2025 WL
26 3171742, at *4 (S.D. Cal. Nov. 13, 2025). Mr. Mateo-Juan was “entitled to notice
27 of the reasons for revocation of his parole and a hearing before an immigration
28

1 judge to determine whether detention is warranted” before ICE revoked his
2 parole. *Id.* at *7.

3 “The Fifth Amendment guarantees that ‘[n]o person shall be ... deprived of
4 life, liberty, or property, without due process of law.’” *Salazar*, 2025 WL
5 3063629, at *3 (quoting U.S. Const. amend. V). “[T]he Due Process Clause
6 applies to all ‘persons’ within the United States, including aliens, whether their
7 presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*,
8 533 U.S. 678, 693 (9th Cir. 2001).

9 “Generally, due process protections depend on the situation and must
10 account for (1) the private interest at issue, (2) the risk of erroneous deprivation of
11 that interest through the procedures used, and (3) the Government’s interest.”
12 *Noori v. LaRose*, No. 25-cv-1824-GPC-MSB, 2025 WL 2800149 (S.D. Cal. Oct.
13 1, 2025); (citing *Mathews v. Eldridge*, 424 U.S. 319 (1976)). Weighing those
14 considerations here, Respondents violated the Due Process Clause by revoking
15 parole with no notice or hearing.

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

24 “Second, the risk of an erroneous deprivation of such interest is high as
25 Petitioner’s parole was revoked without providing [him] a reason for revocation or
26 giving [him] an opportunity to be heard.” *Salazar*, 2025 WL 3063629, at *4.
27 “Civil immigration detention is permissible only to prevent flight or protect
28 against danger to the community.” *Perez*, 2025 WL 3171742, at *5. But here,

1 “[s]ince DHS's initial determination that Petitioner should be paroled because [he]
2 posed no danger to the community and was not a flight risk, there is no evidence
3 that these findings have changed.” *Id.*

4 “Third, the Government’s interest in detaining Petitioner without notice,
5 reasoning, and a hearing is low.” *Salazar*, 2025 WL 3063629, at *5 (cleaned up).
6 “Detention for its own sake, to meet an administrative quota, or because the
7 government has not yet established constitutionally required pre-detention
8 procedures is not a legitimate government interest.” *Pinchi v. Noem*, 792 F. Supp.
9 3d 1025, 1036 (N.D. Cal. 2025).

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

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

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

17 **IV. Prayer for relief**

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

- 19 1. Order Respondents to immediately release Petitioner from custody,
20 subject to the conditions of his preexisting parole;
- 21 2. Order that prior to any re-detention of Petitioner, that Petitioner is
22 entitled to notice of the reasons for revocation of his parole and a
23 hearing before an immigration judge to determine whether detention is
24 warranted. Respondents bear the burden of establishing, by clear and
25 convincing evidence, that Petitioner poses a danger to the community or
26 a risk of flight at that hearing; and

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3. Order any other relief that the Court deems just and proper.

Respectfully submitted,

Dated: May 18, 2026

s/ Kara Hartzler

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