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

10 ANDERSON MORALES THOMPSON,
11
12 Petitioner,

13 v.

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

Civil Case No:26-cv-2743-JLS-BJW

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

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1 INTRODUCTION

2 Anderson Morales Thompson was born in the Dominican Republic and
3 entered the United States in 2009 as a lawful permanent resident when he was 13
4 years old. In 2021, when he was returning from a vacation to the Dominican
5 Republic, Respondents detained him on the basis of a prior drug conviction. But
6 Respondents then made the decision to parole him into the United States and
7 place him in removal proceedings.

8 For four years, Mr. Morales Thompson attended all his removal hearings.
9 But in October 2025, Respondents spontaneously decided to revoke his parole
10 without providing any explanation or written notice. Because this violated the
11 regulations, the Administrative Procedures Act, and due process, this Court
12 should order his immediate release. But at a minimum, this Court should find that
13 his detention has become prolonged such that he should receive a bond hearing.

14 STATEMENT OF FACTS

15 Mr. Morales Thompson was born in the Dominican Republic. Exhibit A,
16 Declaration of Anderson Morales Thompson, at ¶ 1. In 2009, when he was 13
17 years old, Mr. Morales Thompson entered the United States as a lawful permanent
18 resident through a petition from his grandparents. *Id.* at ¶ 1. Since then, he has
19 lived in Boston. *Id.* at ¶ 1.

20 In 2018, Mr. Morales Thompson was convicted of a drug-related offense
21 and served about a year in jail. *Id.* at ¶ 2. When he was released from jail, ICE did
22 not arrest him, and he stayed out of custody for several years. *Id.* at ¶ 2.

23 In 2021, Mr. Morales Thompson went to the Dominican Republic on
24 vacation. *Id.* at ¶ 3. When he flew back into the airport in New York, immigration
25 officials told him that he was not admissible because of his criminal convictions.
26 *Id.* at ¶ 3. However, they decided not to take him into custody. *Id.* at ¶ 3. Instead,
27 they paroled him into the United States for his removal proceedings. *Id.* at ¶ 3.

1 For several years, Mr. Morales Thomson attended all his immigration
2 hearings in Boston. *Id.* at ¶ 4. But when he went to his hearing on October 17,
3 2025, ICE took him into custody. *Id.* at ¶ 4. They did not give him written notice
4 of why they were terminating his parole, nor did they explain why they were
5 reversing their decision to parole him. *Id.* at ¶ 4.

6 After ICE took Mr. Morales Thompson into custody, they transferred him
7 around to several states and finally sent him out to Otay Mesa Detention Center.
8 *Id.* at ¶ 5. Since then, he has been detained for more than seven months. *Id.* at ¶ 5.

9 On April 1, 2026, the immigration judge ordered Mr. Morales Thompson
10 removed. *Id.* at ¶ 6. He filed a timely appeal to the Board of Immigration Appeals
11 that is currently pending. *Id.* at ¶ 6. If the BIA denies his appeal, he intends to
12 appeal to the Ninth Circuit. *Id.* at ¶ 6.

13 LEGAL BACKGROUND

14 **I. Count One: Respondents failed to comply with the regulations, the** 15 **Administrative Procedures Act, and due process when revoking Mr.** 16 **Morales Thompson’s parole.**

17 The Ninth Circuit has acknowledged that when a lawful permanent resident
18 (LPR) is returning from a trip abroad and is inadmissible on the basis of criminal
19 conduct, the DHS may parole that LPR into the United States under 8 U.S.C.
20 § 1182(d)(5). *See Vazquez Romero v. Garland*, 999 F.3d 656, 659 (9th Cir. 2021)
21 (recognizing the practice of paroling LPRs into the United States under
22 § 1182(d)(5)). Such parole is subject to the same requirements for termination as
23 any other type of parole. *See* 8 C.F.R. § 212.5(e)(2)(i) (noting that termination of
24 parole under § 1182(d)(5) requires “written notice to the alien”).

25 Here, Mr. Morales returned from the Dominican Republic in 2021 after
26 having been convicted of a drug crime, Respondents did not take him into
27 custody. Exh. A at ¶ 3. Instead, they paroled him into the United States to place
28 him in removal proceedings. Exh. A at ¶ 3. But when Respondents took
Mr. Morales Thompson into custody in October 2025, they did not provide him

1 written notice or an explanation of why they were suddenly terminating his parole
2 under § 212.5(e)(2)(i). Exh. A at ¶ 4. This violated the regulations and the
3 Administrative Procedures Act.

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

18 Here, Respondents’ revocation of Mr. Morales Thompson’s parole violated
19 the APA. Under the regulations, a person shall only be “returned to the custody
20 from which he was paroled” when “the purposes of such parole . . . have been
21 served.” 8 U.S.C. § 1182(d)(5)(A); *see also* 8 C.F.R. § 212.5(e)(2)(i) (parole may
22 only be terminated “upon accomplishment of the purpose for which parole was
23 authorized”); *Y-Z-L-H*, 2025 WL 1898025, at *12 (same). Alternatively, the
24 regulations permit revocation of parole when “neither humanitarian reasons nor
25 public benefit warrants the [noncitizen’s] continued presence.” 8 C.F.R.
26 § 212.5(e)(2)(i). But under either scenario, parole shall only be “terminated upon
27 written notice to the alien.” 8 C.F.R. § 212.5(e)(2)(i). So under the statute and the
28 regulations, the agency may only revoke parole and re-detain a noncitizen when

1 the parole’s purpose is served or no humanitarian reasons warrant it *and* the
2 noncitizen receives written notice.

3 None of this occurred here. Because “the purpose[] of [Mr. Morales
4 Thompson’s] parole” was to place him in removal proceedings to determine
5 whether his criminal conduct rendered him deportable, that purpose had not yet
6 “been served” because his removal proceedings were ongoing. 8 U.S.C.
7 § 1182(d)(5)(A). And the humanitarian reasons for parole—to avoid unnecessary
8 detention when an individual poses no danger or flight risk—remains the same.
9 Put differently, “upon Petitioner’s entry into the United States, Respondents
10 determined that Petitioner was suitable for parole. Respondents have not provided
11 a reasoned explanation or any changed circumstances that would justify their
12 current departure from their prior decision.” *Y-Z-L-H v. Bostock*, 792 F. Supp. 3d
13 1123, 1146 (D. Or. 2025). Under the APA, “[i]t is Respondents’ burden to
14 provide a reasoned explanation for their action,” which they will not be able to do.
15 *Id.*

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

20 Additionally, “the revocation of [Mr. Morales Thompson’s] parole without
21 justification or consideration of his individualized circumstances violates the Due
22 Process Clause.” *Perez v. LaRose*, No. 3:25-CV-02620-RBM-JLB, 2025 WL
23 3171742, at *4 (S.D. Cal. Nov. 13, 2025). Mr. Morales Thompson was “entitled
24 to notice of the reasons for revocation of his parole and a hearing before an
25 immigration judge to determine whether detention is warranted” before ICE
26 revoked his parole. *Id.* at *7.

27 “The Fifth Amendment guarantees that ‘[n]o person shall be ... deprived of
28 life, liberty, or property, without due process of law.’” *Salazar*, 2025 WL

1 3063629, at *3 (quoting U.S. Const. amend. V). “[T]he Due Process Clause
2 applies to all ‘persons’ within the United States, including aliens, whether their
3 presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*,
4 533 U.S. 678, 693 (9th Cir. 2001).

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

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

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

28

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

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

10 **II. Claim Two: The Fifth Amendment’s Due Process Clause prohibits**
11 **prolonged immigration detention without a bond hearing.**

12 This habeas petition presents a question about whether and when the Fifth
13 Amendment’s Due Process Clause countermands the government’s statutory
14 authority to detain immigrants without bond hearings. Mr. Morales Thompson is
15 detained under one such statute, 8 U.S.C. § 1225(b). “Section 1225 applies to
16 ‘applicants for admission’—noncitizens who ‘arrive[] in the United States,’ or are
17 ‘present’ in the United States but have ‘not been admitted.’” *Banda v. McAleenan*,
18 385 F. Supp. 3d 1099, 1111 (W.D. Wash. 2019). It “applies to, among others,
19 noncitizens initially determined to be inadmissible because of . . . lack of valid
20 documentation.” *Id.* That includes persons who, like Mr. Morales Thompson, seek
21 asylum at or near the border. *See id.* at 1109–11 (describing a similar procedural
22 history and finding that petitioner was detained under § 1225(b)). Such
23 immigrants are detained under § 1225(b) not only during their initial proceedings,
24 but also when they appeal to the BIA. *See id.* at 1111 (reaching same conclusion
25 for immigrant with pending BIA appeal).

26 This statutory scheme has left courts to grapple with the limits (if any) of
27 that detention power: Does this statute permit the government to detain
28 immigrants indefinitely, without ever having to prove at a bond hearing that they

1 pose a risk of danger or flight? Three Supreme Court cases are potentially relevant
2 to answering that question.

3 First, in *Zadvydas v. Davis*, the Supreme Court indicated that indefinite
4 immigration detention raises serious due process concerns. 533 U.S. 678 (2001).
5 *Zadvydas* involved a statute authorizing the government to detain immigrants
6 after they are ordered removed. *Id.* at 683. For immigrants who cannot be
7 removed, that statute had the potential to subject them to years, decades, or a
8 lifetime in custody. *See id.* at 690. The Supreme Court held that if the statute
9 “permit[ed] indefinite detention of an alien[,] [it] would raise a serious
10 constitutional problem,” because

11 [t]he Fifth Amendment's Due Process Clause forbids the Government
12 to ‘depriv[e] any ‘person ... of ... liberty ... without due process of
13 law.’ Freedom from imprisonment—from government custody,
14 detention, or other forms of physical restraint—lies at the heart of the
15 liberty that Clause protects. *See Foucha v. Louisiana*, 504 U.S. 71, 80
16 (1992). And this Court has said that government detention violates
17 that Clause unless the detention is ordered in a *criminal* proceeding
18 with adequate procedural protections, *see United States v. Salerno*,
19 481 U.S. 739, 746 (1987), or, in certain special and ‘narrow’
nonpunitive ‘circumstances,’ *Foucha, supra*, at 80, where a special
justification, such as harm-threatening mental illness, outweighs the
‘individual's constitutionally protected interest in avoiding physical
restraint.’ *Kansas v. Hendricks*, 521 U.S. 346, 356 (1997).

20 *Id.* Ultimately, however, the Court declined to decide whether a statute permitting
21 indefinite detention would violate the Due Process Clause. Instead, the Court
22 employed the constitutional avoidance canon to read implicit limits into the
23 statute, requiring release after detention became sufficiently prolonged. *Id.* at 699.

24 Following *Zadvydas*, the Ninth Circuit applied similar reasoning to
25 § 1225(b). *Rodriguez v. Robbins*, 804 F.3d 1060, 1087–89 (9th Cir. 2015).
26 Employing the constitutional avoidance canon, the Ninth Circuit held that
27 § 1225(b) implicitly entitled detained immigrants to bond hearings every six
28 months. *Id.*

1 The Supreme Court overruled that precedent in *Jennings v. Rodriguez*,
2 holding that the statute does not entitle detainees to bond hearings or otherwise
3 impose “any limit on the length of detention.” 583 U.S. 281, 297 (2018). But
4 though *Jennings* held that § 1225(b) imposes no statutory limit on the length of
5 detention, it reserved the question of whether prolonged, mandatory detention
6 without bond hearings violates due process. *Id.* at 312.

7 Finally, the Supreme Court held in *Demore v. Kim* that at least some
8 statutes mandating detention during immigration proceedings do not
9 automatically violate the Due Process Clause. 538 U.S. 510, 513 (2003). *Demore*
10 addressed 8 U.S.C. § 1226(c), which mandates detention without a bond hearing
11 for persons with certain criminal convictions. *Id.* The Court upheld § 1226(c) in a
12 5-4 opinion based on (1) the government interests justifying the detention of
13 immigrants with certain, aggravated criminal convictions, and (2) the relative
14 brevity of detention in most cases, with the vast majority taking only about five
15 months. *Id.* at 517–31. Justice Kennedy supplied a deciding vote. His concurrence
16 left open the possibility that individual immigrants could be “entitled to an
17 individualized determination as to his risk of flight and dangerousness if the
18 continued detention became unreasonable or unjustified.” *Id.* at 532–33.

19 “In the wake of *Jennings*,” *Zadvydas*, and *Demore*, “district courts have
20 grappled with how to address due process challenges to prolonged mandatory
21 detention under § 1225(b).” *Banda*, 385 F. Supp. 3d at 1116. But after a full
22 evaluation, “[n]early all district courts that have considered the issue agree that
23 prolonged mandatory detention pending removal proceedings, without a bond
24 hearing, will—at some point—violate the right to due process.” *Id.* (cleaned up)
25 (collecting cases).

26 These Courts have relied on the due process concerns recognized in
27 *Zadvydas*. See, e.g., *Kydyrali*, 499 F. Supp. 3d at 771; *Banda*, 385 F. Supp. 3d at
28 1113–17; *Abdul Kadir v. Larose*, No. 25CV1045-LL-MMP, 2025 WL 2932654,

1 at *3 (S.D. Cal. Oct. 15, 2025). As the Ninth Circuit put it in *Jennings*' wake,
2 those considerations raise “grave doubts that any statute that allows for arbitrary
3 prolonged detention without any process is constitutional or that those who
4 founded our democracy precisely to protect against the government’s arbitrary
5 deprivation of liberty would have thought so.” *Rodriguez v. Marin*, 909 F.3d 252,
6 256 (9th Cir. 2018).

7 Neither *Jennings* nor *Demore* undermines that conclusion. *Jennings* held
8 only that the statute itself did not impose any limits on detention. It “did not
9 foreclose as-applied constitutional challenges to detention under” mandatory-
10 detention statutes. *Santos v. Warden Pike Cnty. Corr. Facility*, 965 F.3d 203, 209
11 (3d Cir. 2020). And *Demore* held only that conviction-based mandatory detention
12 during immigration proceedings does not necessarily violate due process,
13 particularly when the detention has an expected duration of about five months. *Id.*
14 at 208–11. But many persons detained under § 1225(b)—like Mr. Morales
15 Thompson—do not have criminal convictions. And as Justice Kennedy’s
16 concurrence made clear, *Demore* does not prevent immigrants from arguing that
17 sufficiently prolonged detention violates due process in their individual cases. *See*
18 *id.*¹

19 Thus, this Court should hold that sufficiently prolonged detention violates
20 the Due Process Clause, as most courts have. *See, e.g., Gao v. LaRose*, No. 25-
21 CV-2084-RSH-SBC, 2025 WL 2770633, at *3 (S.D. Cal. Sept. 26, 2025); *Abdul*
22 *Kadir v. Larose*, No. 25CV1045-LL-MMP, 2025 WL 2932654, at *4 (S.D. Cal.
23 Oct. 15, 2025); *Cong v. Noem*, No. 25-CV-3730-GPC-DEB, 2026 WL 76566, at
24

25 ¹ The Supreme Court’s later decision in *Dep’t of Homeland Sec. v. Thuraissigiam*,
26 591 U.S. 103 (2020), is also inapposite, because it addressed only immigrants’ due
27 process rights in deportation proceedings—i.e., the process due when noncitizens
28 seek to stay in the country instead of being removed. *See Lopez-Arevelo v. Ripa*,
No. EP-25-CV-337-KC, 2025 WL 2691828, at *7–9 (W.D. Tex. Sept. 22, 2025). It
does not purport to hold that immigrants have no constitutional right to due process
before the government holds them indefinitely in immigration detention. *Id.*

1 *3 (S.D. Cal. Jan. 9, 2026); *Kydyrali v. Wolf*, 499 F. Supp. 3d 768, 772 (S.D. Cal.
2 2020) (Battaglia, J.); *Mardian v. Mayorkas*, 25-cv-3467-JLS; *Raeva v. Mayorkas*,
3 25-cv-3175-JO; *Abdul-Samed v. Warden of Golden State Annex Det. Facility*, No.
4 25-cv-98-SAB-HC, 2025 WL 2099343, at *6 (E.D. Cal. July 25, 2025);
5 *Hernandez v. Wofford*, No. 25-cv-986-KES-CDB (HC), 2025 WL 2420390, at *3
6 (E.D. Cal. Aug. 21, 2025); *Padilla v. ICE*, 704 F. Supp. 3d 1163, 1171–72 (W.D.
7 Wash. 2023).

8 Though courts agree that due process mandates a bond hearing when
9 detention grows unreasonably prolonged, they disagree about how to assess
10 whether a particular migrant’s detention has reached that point. *Sanchez-Rivera v.*
11 *Matuszewski*, No. 22-CV-1357-MMA (JLB), 2023 WL 139801, at *5–6 (S.D.
12 Cal. Jan. 9, 2023) (Anello, J.) (surveying the various approaches). Because it
13 incorporates nearly all the factors, many courts have found it “most appropriate to
14 apply the *Banda* test to Petitioner’s detention here under § 1225(b), as other
15 courts within this district have done in the past.” *Sandesh v. Noem*, 26-cv-846-
16 JES-DDL, Dkt. 13 at 5 (Mar. 5, 2026 S.D. Cal). The *Banda* factors include:

- 17 (1) the total length of detention to date;
- 18 (2) the likely duration of future detention;
- 19 (3) the conditions of detention;
- 20 (4) delays in the removal proceedings caused by the detainee;
- 21 (5) delays in the removal proceedings cause by the government; and
- 22 (6) the likelihood that the removal proceedings will result in a final order
23 of removal.

24 *Banda*, 385 F. Supp. 3d at 1106. Applying these factors here shows that
25 Mr. Morales Thompson’s detention has become prolonged.

26 *First*, the “most important factor,” the length of detention, favors Mr.
27 Morales Thompson. *Banda*, 385 F. Supp. 3d at 1118. In assessing this factor, “[i]t
28 is important to bear in mind the context: The detention that is being examined

1 here is the detention of a human being who has never been found to pose a danger
2 to the community or to be likely to flee if released.” *Jamal A. v. Whitaker*, 358 F.
3 Supp. 3d 853, 859 (D. Minn. 2019). With that context, courts have granted bond
4 hearings for persons detained between nine and eleven months. *See Ashemuke v.*
5 *ICE Field Off. Dir.*, No. C23-1592-RSL-MLP, 2024 WL 1683797, at *4 (W.D.
6 Wash. Feb. 29, 2024), *report and recommendation adopted*, No. C23-1592-RSL,
7 2024 WL 1676681 (W.D. Wash. Apr. 18, 2024) (“approximately eleven
8 months”); *Brissett v. Decker*, 324 F. Supp. 3d 444, 452 (S.D.N.Y. 2018) (“over
9 nine months”); *Perez v. Decker*, No. 18-CV-5279 (VEC), 2018 WL 3991497, at
10 *5 (S.D.N.Y. Aug. 20, 2018) (“more than nine months”); *Masood v. Barr*, No. 19-
11 CV-07623-JD, 2020 WL 95633, at *2 (N.D. Cal. Jan. 8, 2020) (“nearly nine
12 months”). Mr. Morales Thompson has been detained for approximately this long.
13 Exh. A at ¶ 5. This factor therefore strongly favors Mr. Morales Thompson.

14 *Second*, Mr. Morales Thompson has reason to anticipate significant future
15 detention, as his case is on appeal to the BIA and will likely go to the Ninth
16 Circuit. *Id.* at ¶ 6. All told, “[t]his process may take up to two years or longer.”
17 *Banda*, 385 F. Supp. 3d at 1119. Because “Petitioner’s future detention can last
18 several more months or even years[,]” this factor favors Mr. Morales Thompson.
19 *Abdul Kadir v. Larose*, No. 25CV1045-LL-MMP, 2025 WL 2932654, at *5 (S.D.
20 Cal. Oct. 15, 2025).

21 *Third*, conditions of confinement weigh in favor of him. “Petitioner’s
22 confinement at [Otay Mesa Detention Center] is ‘indistinguishable from penal
23 confinement.’” *Abdul Kadir*, 2025 WL 2932654, at *5 (quoting *Kydyrali*, 499 F.
24 Supp. 3d at 773). Thus, the conditions of confinement are severely affecting his
25 well-being.

26 *Fourth and fifth*, Mr. Morales Thompson has not caused any unreasonable
27 delays in his removal proceedings; thus, this factor is arguably neutral.

28

1 *Sixth*, regarding the likelihood that the removal proceedings will result in a
2 final order of removal, Mr. Morales Thompson has a reasonable chance of
3 winning on appeal. Accordingly, under the *Banda* factors, Mr. Morales Thompson
4 is entitled to release or a bond hearing.

5 **CLAIM AND PRAYER FOR RELIEF**

6 Due to Respondents' improper revocation of Mr. Morales Thompson's
7 parole, he respectfully requests that this Court order his immediate release. But at
8 a minimum, he requests that this Court order a bond hearing at which the
9 government shall bear the burden of establishing by clear and convincing
10 evidence that he poses a danger or flight risk.

11 Respectfully submitted,

12 Dated: May 26, 2026

13 *s/ Kara Hartzler*

14 Kara Hartzler

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