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

KEVIN JOSUE ARANDA MARTINEZ,

Civil Case No.: 26-cv-2905-JES-AHG

Petitioner,

v.

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

MARKWAYNE MULLIN, Secretary of
the Department of Homeland Security,
TODD BLANCHE, Acting Attorney
General, **TODD M. LYONS**, Acting
Director, Immigration and Customs
Enforcement, **JESUS ROCHA**, Acting
Field Office Director, San Diego Field
Office, **CHRISTOPHER LAROSE**,
Warden at Otay Mesa Detention Center,

Respondents.

1 INTRODUCTION

2 Kevin Josue Aranda Martinez is a citizen of Honduras [REDACTED]
3 [REDACTED] In 2019, when Mr. Aranda Martinez was 17
4 years old, he was paroled into the United States and began applying for asylum
5 and a Special Immigrant Juvenile Visa. But on February 22, 2026, while
6 Mr. Aranda Martinez was driving a friend to work, ICE agents surrounded his car,
7 grabbed him, and arrested him without any notice or explanation.

8 Respondents have revoked Mr. Aranda Martinez's parole in violation of the
9 statute and regulations, which require written notification and a determination that
10 the purposes of the parole have been served. Alternatively, the Due Process
11 Clause of the Fifth Amendment of the Constitution requires redeprivation notice
12 and hearing. Either way, the agency's actions violated the Administrative
13 Procedures Act and the Due Process Clause, and this Court should order his
14 immediate release.

15 STATEMENT OF FACTS

16 Mr. Aranda Martinez was born in Honduras and is currently 25 years old.
17 Exhibit A, Declaration of Kevin Josue Aranda Martinez, at ¶ 1. In 2015, when he
18 was 14 years old, [REDACTED] *Id.* at ¶ 1. He was very scared and fled
19 Honduras several years later. *Id.* at ¶ 1.

20 In January 2019, when Mr. Aranda Martinez was 17 years old, he crossed
21 the border into the United States by himself. *Id.* at ¶ 2. He was arrested by Border
22 Patrol but then paroled into the country and placed in removal proceedings. *Id.* at
23 ¶ 2.

24 Mr. Aranda Martinez had a friend living in Baltimore, and so went there.
25 *Id.* at ¶ 3. While he was in Baltimore, a lawyer began to help Mr. Aranda
26 Martinez apply for something called a Special Immigrant Juvenile Visa for
27 immigrant children who have been abused, abandoned, or neglected. *Id.* at ¶ 3. He
28

1 received a work permit and a Social Security number. *Id.* at ¶ 3. Mr. Aranda
 2 Martinez attended all his court dates and has no criminal history. *Id.* at ¶ 3.

3 On February 22, 2026, Mr. Aranda Martinez was driving a friend to work
 4 when several ICE vehicles suddenly surrounded his car and stopped him. *Id.* at ¶
 5 4. They did not tell Mr. Aranda Martinez why they were arresting him, nor did
 6 they give him any paperwork or an informal interview at which he could contest
 7 his detention. *Id.* at ¶ 4.

8 After eight days in detention, Mr. Aranda Martinez was transferred to Otay
 9 Mesa Detention Center, where his removal proceedings continued. *Id.* at ¶ 5. He
 10 has been detained since then. *Id.* at ¶ 5.

11 CLAIMS FOR RELIEF

12 **I. Count One: ICE failed to comply with its own regulations and the** 13 **Administrative Procedures Act in revoking Mr. Aranda Martinez's** 14 **parole.**

15 When ICE took Mr. Aranda Martinez into custody on February 22, 2026, it
 16 did not say whether it was revoking his parole. Exh. A at ¶ 4. Either way, the
 17 government's actions violated the regulations and the Administrative Procedures
 18 Act.

19 Under the Administrative Procedures Act (APA), an agency action may be
 20 held unlawful and set aside if it is "arbitrary, capricious, an abuse of discretion, or
 21 otherwise not in accordance with law." 5 U.S.C. § 706(2)(A). An action is an
 22 abuse of discretion if the agency "entirely failed to consider an important aspect
 23 of the problem, offered an explanation for its decision that runs counter to the
 24 evidence before the agency, or is so implausible that it could not be ascribed to a
 25 difference in view or the product of agency expertise." *Nat'l Ass'n of Home*
 26 *Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle*
 27 *Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43
 28 (1983)). For a challenged agency action to be upheld, the agency "must explain

1 the evidence which is available, and must offer a rational connection between the
 2 facts found and the choice made.” *Motor Vehicle Mfrs*, 463 U.S. at 52 (1983)
 3 (internal quotations omitted) (quoting *Burlington Truck Lines, Inc. v. United*
 4 *States*, 371 U.S. 156, 168 (1962)).

5 Here, regardless of whether the agency formally revoked Mr. Aranda
 6 Martinez’s parole, it violated the APA. If the agency did *not* revoke his parole,
 7 then it inexplicably violated its own parole decision by detaining Mr. Aranda
 8 Martinez. Doing so violated the APA because the agency did not “offer a rational
 9 connection between the facts found and the choice made”—i.e., the fact that
 10 Mr. Aranda Martinez was still on parole, yet the agency decided to detain him.
 11 *Motor Vehicle Mfrs*, 463 U.S. at 52. And nothing suggests that there *was* a
 12 “rational” reason for this choice, given that Mr. Aranda Martinez had filed an
 13 asylum application and complied with all the conditions of his parole. This was
 14 the epitome of an “arbitrary” and “capricious” act under the APA. 5 U.S.C.
 15 § 706(2)(A).

16 But assuming the agency *had* revoked his parole, it also violated the APA.
 17 Per ICE regulations, a person shall only be “returned to the custody from which
 18 he was paroled” when “the purposes of such parole . . . have been served.” 8
 19 U.S.C. § 1182(d)(5)(A); *see also* 8 C.F.R. § 212.5(e)(2)(i) (parole may only be
 20 terminated “upon accomplishment of the purpose for which parole was
 21 authorized”); *Y-Z-L-H*, 2025 WL 1898025, at *12 (same). Alternatively, the
 22 regulations permit revocation of parole when “neither humanitarian reasons nor
 23 public benefit warrants the [noncitizen’s] continued presence.” 8 C.F.R.
 24 § 212.5(e)(2)(i). But under either scenario, parole shall only be “terminated upon
 25 written notice to the alien.” 8 C.F.R. § 212.5(e)(2)(i). So under the statute and the
 26 regulations, the agency may only revoke parole and re-detain a noncitizen when
 27 the parole’s purpose is served or no humanitarian reasons warrant it *and* the
 28 noncitizen receives written notice.

1 None of this occurred here. Because “the purpose[] of [Mr. Aranda
2 Martinez’s] parole” was to allow him to apply for asylum and a Special
3 Immigrant Juvenile Visa, that purpose has not yet “been served” because those
4 claims are still pending. 8 U.S.C. § 1182(d)(5)(A). And the humanitarian reasons
5 for parole—to avoid unnecessary detention when an asylum seeker poses no
6 danger or flight risk—remains the same. Put differently, “upon Petitioner’s entry
7 into the United States, Respondents determined that Petitioner was suitable for
8 parole. Respondents have not provided a reasoned explanation or any changed
9 circumstances that would justify their current departure from their prior decision.”
10 *Y-Z-L-H v. Bostock*, 792 F. Supp. 3d 1123, 1146 (D. Or. 2025). Under the APA,
11 “[i]t is Respondents’ burden to provide a reasoned explanation for their action,”
12 which they will not be able to do. *Id.*

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

17 Numerous courts have released parolees on this basis. *See, e.g., Arias v.*
18 *Larose*, No. 3:25-CV-02595-BTM-MMP, 2025 WL 3295385, at *3 (S.D. Cal.
19 Nov. 25, 2025); *Noori v. LaRose*, No. 25-cv-1824-GPC-MSB, 2025 WL 2800149
20 (S.D. Cal. Oct. 1, 2025); *Salazar v. Casey*, No. 25-cv-2784 JLS-VET, 2025 WL
21 3063629 (S.D. Cal. Nov. 3, 2025); *Perez v. LaRose*, No. 25-cv-02620-RBM-JLB,
22 2025 WL 3171742 (S.D. Cal. Nov. 13, 2025); *Y-Z-L-H v. Bostock*, No. 25-cv-
23 965-SI, 2025 WL 1898025, at *13 (D. Or. July 9, 2025). Because Mr. Aranda
24 Martinez is in the same position as these individuals, this Court should do the
25 same and order his immediate release.
26
27
28

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

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

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

“Generally, due process protections depend on the situation and must account 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.” *Noori v. LaRose*, No. 25-cv-1824-GPC-MSB, 2025 WL 2800149 (S.D. Cal. Oct. 1, 2025); (citing *Mathews v. Eldridge*, 424 U.S. 319 (1976)). Weighing those considerations here, Respondents violated the Due Process Clause by revoking parole with no notice or hearing.

“First, Petitioner has a private interest in remaining free, which developed over the [months] he resided in the United States.” *Id.* at *10. It does not matter that parole is temporary or discretionary. “For example, *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972)—though analyzing the criminal parole context—found that ‘the liberty of a parolee, although indeterminate, includes many of the core values of unqualified liberty and its termination inflicts a grievous loss on the parolee

1 and often others ... [thus it] must be seen within the protection of the [Fifth]
 2 Amendment.”” *Id.*

3 “Second, the risk of an erroneous deprivation of such interest is high as
 4 Petitioner's parole was revoked without providing [him] a reason for revocation or
 5 giving [him] an opportunity to be heard.” *Salazar*, 2025 WL 3063629, at *4.

6 “Civil immigration detention is permissible only to prevent flight or protect
 7 against danger to the community.” *Perez*, 2025 WL 3171742, at *5. But here,
 8 “[s]ince DHS's initial determination that Petitioner should be paroled because [he]
 9 posed no danger to the community and was not a flight risk, there is no evidence
 10 that these findings have changed.” *Id.*

11 “Third, the Government’s interest in detaining Petitioner without notice,
 12 reasoning, and a hearing is low.” *Salazar*, 2025 WL 3063629, at *5 (cleaned up).

13 “Detention for its own sake, to meet an administrative quota, or because the
 14 government has not yet established constitutionally required pre-detention
 15 procedures is not a legitimate government interest.” *Pinchi v. Noem*, 792 F. Supp.
 16 3d 1025, 1036 (N.D. Cal. 2025).

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

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

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

24 **IV. Prayer for relief**

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

- 26 1. Order Respondents to immediately release Petitioner from custody,
- 27 subject to the conditions of his preexisting parole;
- 28

2. Order that prior to any re-detention of Petitioner, that Petitioner is entitled to notice of the reasons for revocation of his parole and a hearing before an immigration judge to determine whether detention is warranted. Respondents bear the burden of establishing, by clear and convincing evidence, that Petitioner poses a danger to the community or a risk of flight at that hearing; and

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

Respectfully submitted,

Dated: May 19, 2026

s/ Kara Hartzler

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