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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Javier Haro Becerra

Petitioner,

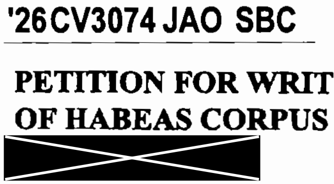
v.

Jeremy CASEY, in his official capacity as Warden of Imperial Regional Detention Facility; Gregory J. ARCHAMBEAULT, in his official capacity as San Diego Field Office Director, ICE Enforcement Removal Operations; Todd LYONS, in his official capacity as Acting Director of ICE; and Markwayne MULLIN, in his official capacity as Secretary of Homeland Security,Todd BLANCHE, Acting U.S. Attorney General; IMMIGRATION AND CUSTOMS ENFORCEMENT; DEPARTMENT OF HOMELAND SECURITY,

Respondents.

'26CV3074 JAO SBC

PETITION FOR WRIT OF HABEAS CORPUS



I. INTRODUCTION

1. Petitioner Javier Haro Becerra ("Petitioner") is a 47-year-old Mexican national who last entered the United States on or about December 9, 2024, and was granted a humanitarian parole valid through December 8, 2026. Since that time Petitioner has lived in the U.S., has been gainfully employed, and has reunited with his two U.S. Citizen Children.

2. The Petitioner entered the United States after applying for admission through the CBP One Application.

3. Petitioner is currently pending removal proceedings and was detained at Imperial Regional Detention Facility on or about December 9, 2025, after being transferred from the Desert View Annex since November 26, 2025.

II. VENUE AND JURISDICTION

4. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the Constitution (Suspension Clause), as Petitioner is presently in custody under the authority of the United States and challenging his detention as in violation of the Constitution, laws, or treaties of the United States.
5. The federal district courts have jurisdiction under Section 2241 to hear habeas claims by individuals challenging the lawfulness of their detention by ICE. *See Jennings v. Rodriguez*, 583 U.S. 281, 290-92 (2018).
6. Venue is proper because Petitioner is detained in the Imperial Regional Detention Facility, within the San Diego Division, and Respondent Casey is his immediate custodian. *See* 28 U.S.C. §§ 2241(d), 1391(e).

III. PARTIES

7. Petitioner, a 47-year-old Mexican national who resides in Monterey County, California. He is currently detained by Respondents at the Imperial Detention Facility in Imperial, CA, pending removal proceedings that are on appeal.
8. Respondent Jeremy Casey is the Warden of Imperial Regional Detention Facility. Respondent Casey is responsible for the operation of the Detention Center where Petitioner is detained. As such, Respondent Casey has immediate

physical custody of the Petitioner. He is being sued in his official capacity.

9. Respondent Gregory J. Archambeault is the San Diego Field Office Director ("FOD") for ICE Enforcement and Removal Operations. Respondent Archambeault is responsible for the oversight of ICE operations at the Imperial Regional Detention Facility. Respondent Archambeault is being sued in his official capacity.

10. Respondent Todd Lyons is the Acting Director of ICE. Respondent Lyons is responsible for the administration of ICE and the implementation and enforcement of the immigration laws, including immigrant detention. As such, Respondent Lyons is a legal custodian of Petitioner is being sued in his official capacity.

11. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security ("DHS"). As Secretary of DHS, Secretary Mullin is responsible for the general administration and enforcement of the immigration laws of the United States. Respondent Secretary Mullin is being sued in his official capacity.

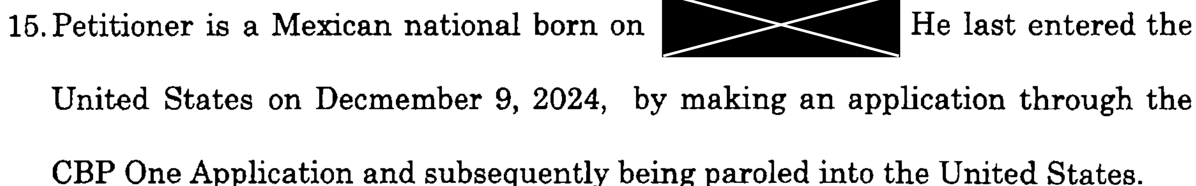
12. Respondent Todd Blanche is the Acting Attorney General of the United States, and as such has authority over the Department of Justice and is charged with faithfully administering the immigration laws of the United States.

IV. EXHAUSTION OF REMEDIES

13. No statutory exhaustion requirement applies. See 8 § U.S.C. 2241; Laing v. Ashcroft, 370 F.3d 994, 998 (9th Cir. 2004). Therefore, exhaustion is not jurisdictionally required.

14. Moreover, additional agency steps would be futile.

V. STATEMENT OF FACTS

15. Petitioner is a Mexican national born on  He last entered the United States on Decmember 9, 2024, by making an application through the CBP One Application and subsequently being paroled into the United States.

16. The Respondents paroled the Petitioner for a period of two years the termination date of the parole is December 8, 2026.

17. On or about April 2025, the Respondents unlawfully terminated Petitioner's parole.

18. Later Sileiri Doe v DHS found that DHS exceeded its authority by termination CBP one parole grant through mass revocation without individualized determinations required by 8 U.S.C. § 1182(d)(5)(A) and 8 C.F.R. § 212.5(e). *Sileiri Doe v. DHS*, No. 1:25-cv-12245 (D. Mass. Mar. 31, 2026).

19. Respondents detained Petitioner on November 26, 2025, after issuing him an appointment where Petitioner complied and attended. Petitioner was detained at that moment and placed at the Desert View Facility, soon thereafter transferred to the Imperial Regional Detention Facility.

20. Petitioner has never committed a crime in the United States or abroad.

21. Petitioner has a pending appeal on the pretermission of his asylum claim and has an I-130 Petition for Alien Relative pending before USCIS as the imitate relative of a U.S. Citizen child 21 years of age or older.

22. 8 C.F.R. § 1245.2(a)(1)(ii) indicates that USCIS has the sole jurisdiction for

Petitioner's adjustment of status through is U.S. Citizen daughter. Petitioner's current pending appeal does not foreclose his obtaining Lawful Permanent Resident Status via USCIS. Matter of Yauri, 25 I&N Dec. 103 (BIA 2009).

23. Petitioner is currently awaiting his appeal in detention without recourse.

24. He now seeks habeas relief because of continued detention which violates Due Process and the Fifth Amendment.

VI. LEGAL FRAMEWORK FOR RELIEF SOUGHT

25. Habeas corpus relief extends to a person "in custody under or by color of the authority of the United States" if the person can show he is "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241 (c)(1), (c)(3); see also Antonelli v. Warden, U.S.P. Atlanta, 542 F.3d 1348, 1352 (11th Cir. 2008) (holding a petitioner's claims are proper under 28 U.S.C. section 2241 if they concern the continuation or execution of confinement).

26. "[H]abeas corpus is, at its core, an equitable remedy," Schlup v. Delo, 513 U.S. 298, 319 (1995), that "[t]he court shall ... dispose of [] as law and justice require," 28 U.S.C. § 2243. "[T]he court's role was most extensive in cases of pretrial and noncriminal detention." Boumediene v. Bush, 553 U.S. 723, 779–80 (2008). "[W]hen the judicial power to issue habeas corpus properly is invoked the judicial officer must have adequate authority to make a determination in light of the relevant law and facts and to formulate and issue appropriate orders for relief, including, if necessary, an order directing the prisoner's release." Id. at 787.

27. The Immigration and Nationality Act (INA) prescribes three basic forms of

detention for noncitizens in removal proceedings.

28. 27. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard

29. non-expedited removal proceedings before an immigration judge (IJ). See 8 U.S.C. §

30. 1229a. Individuals in § 1226(a) detention are entitled to a bond hearing at the outset of their detention, see 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, see 8 U.S.C. § 1226(c).

31. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under § 1225(b)(2).

32. Last, the Act also provides for detention of noncitizens who have been previously ordered removed, including individuals in withholding-only proceedings, see 8 U.S.C. § 1231(a)–(b).

VII. CAUSES OF ACTION

COUNT I

Respondents failed to comply with statutory and regulatory requirements governing termination of parole

33. Petitioner is also a certified class member in Sileiri Doev.DHS, No. 1:25-cv-12245 (D. Mass. Mar. 31, 2026), in which the United States District Court for the District of Massachusetts ordered reinstatement of parole protections for affected class members whose parole had been unlawfully terminated through categorical agency action. Pursuant to that order,

Petitioner's parole has been reinstated and remains valid through December 8, 2026.

34. Because Petitioner's parole has already been reinstated by federal court order, Respondents lack lawful authority to classify Petitioner as an arriving alien subject to mandatory detention under 8 U.S.C. § 1225(b). Any continued detention predicated upon the prior unlawful termination of parole directly contravenes the operative federal court order in Sileiri Doe and independently renders Petitioner's detention unlawful.

35. The reinstatement of parole further confirms that DHS's prior revocation actions were procedurally defective and inconsistent with the governing statutory and regulatory framework. Respondents cannot simultaneously recognize the continuing validity of Petitioner's parole pursuant to the federal injunction while continuing to detain Petitioner as though parole had lawfully terminated.

36. The Immigration and Nationality Act ("INA") establishes the framework governing admission, parole, detention, and removal of noncitizens. Under 8 U.S.C. § 1182(d)(5)(A), the Secretary of Homeland Security may parole an applicant for admission into the United States "temporarily under such conditions as [the Secretary] may prescribe only on a case-by-case basis for urgent humanitarian reasons or significant public benefit." Once granted, parole remains valid until the purpose of parole has been served or parole is lawfully terminated pursuant to the governing regulations.

37. The Supreme Court has recognized that parole under § 1182(d)(5)(A) authorizes

physical presence in the United States and creates a lawful mechanism through which DHS may permit a noncitizen to remain in the country pending further immigration proceedings. See Jennings v. Rodriguez, 583 U.S. 281, 288 (2018). Although parole does not constitute formal admission, DHS remains bound by the statutory and regulatory framework governing both the grant and termination of parole. See Leng May Ma v. Barber, 357 U.S. 185, 190 (1958).

38. The Ninth Circuit has long held that agencies are required to follow their own regulations and procedures, particularly where liberty interests are implicated. See Sameena, Inc. v. U.S. Air Force, 147 F.3d 1148, 1153 (9th Cir. 1998) ("An agency's failure to follow its own regulations tends to cause unjust discrimination and deny adequate notice and consequently may result in a violation of constitutional due process."); see also United States ex rel. Accardi v. Shaughnessy, 347 U.S. 260, 267–68 (1954).

The governing regulation, 8 C.F.R. § 212.5(e)(2)(i), expressly limits DHS's authority to terminate parole:

"[P]arole shall be terminated upon written notice to the alien" either upon accomplishment of the purpose for which parole was authorized or where "neither humanitarian reasons nor public benefit warrants the continued presence of the alien in the United States."

39. The regulation therefore imposes two mandatory requirements: (1) an individualized determination that the purpose of parole has been served or that humanitarian/public benefit considerations no longer justify parole; and (2)

written notice terminating parole.

40. District courts within the Ninth Circuit have repeatedly held that DHS may not revoke parole through blanket or categorical action absent individualized review. In Y-Z-L-H v. Bostock, 792 F. Supp. 3d 1123 (D. Or. 2025), the district court granted habeas relief where DHS detained a parolee without complying with the statutory and regulatory framework governing parole termination. The court held that the government failed to demonstrate that the purpose of parole had been accomplished or that the agency conducted an individualized determination sufficient to terminate parole under 8 C.F.R. § 212.5(e). Id. at 1137–47.

41. Likewise, the Southern District of California has held that revocation of parole requires compliance with the governing regulation and individualized review. In Noori v. LaRose, No. 25-cv-1824-GPC-MSB, 2025 WL 2800149, at *10–13 (S.D. Cal. Oct. 1, 2025), the court granted habeas relief after concluding that DHS unlawfully detained a parolee without properly terminating parole under 8 C.F.R. § 212.5(e). The court rejected the government's position that a parolee could simply be treated as an arriving alien subject to mandatory detention under § 1225 absent lawful revocation of parole.

42. Similarly, in Loaiza Arias v. LaRose, No. 3:25-cv-02595-BTM-MMP, 2025 WL 3295385, at *2–4 (S.D. Cal. Nov. 25, 2025), the Southern District of California held that DHS violated the governing parole regulation where the agency failed to conduct the individualized review required before terminating parole. The court explained that because parole under § 1182(d)(5)(A) is granted on a

"case-by-case basis," revocation likewise requires individualized consideration rather than blanket termination.

43. These decisions are consistent with longstanding Ninth Circuit precedent recognizing that immigration detention statutes must be construed in light of constitutional avoidance principles and procedural due process requirements. See Casas-Castrillon v. Dep't of Homeland Sec., 535 F.3d 942, 950 (9th Cir. 2008); Diouf v. Napolitano, 634 F.3d 1081, 1086–87 (9th Cir. 2011).

44. Here, Respondents failed to comply with 8 C.F.R. § 212.5(e)(2)(i). Petitioner was previously paroled into the United States pursuant to 8 U.S.C. § 1182(d)(5)(A), was permitted to reside in the country, and remained in compliance with immigration proceedings. Petitioner has a pending asylum application and continues to pursue humanitarian protection before the immigration court and/or USCIS. There is no evidence that DHS made an individualized determination that the purpose of parole had been served or that humanitarian reasons or public benefit no longer justified Petitioner's continued presence. To the contrary, Petitioner's parole has now been affirmatively reinstated pursuant to the federal district court's ruling in Sileiri Doe v.DHS, confirming that Petitioner remains lawfully paroled through December 8, 2026.

45. Nor is there evidence that DHS provided the written notice required by 8 C.F.R. § 212.5(e)(2)(i). Instead, DHS appears to have implemented a blanket revocation policy targeting classes of parolees without individualized adjudication.

46. Such conduct violates both the governing regulation and the Accardi doctrine, which requires agencies to comply with their own regulations. See Accardi, 347

U.S. at 267–68; Sameena\textit{Sameena}Sameena, 147 F.3d at 1153.

47. Because DHS failed to lawfully terminate parole, and because Petitioner's parole has now been reinstated pursuant to the federal court order in Sileiri Doe v.DHS, Petitioner cannot properly be classified as an "arriving alien" subject to mandatory detention under 8 U.S.C. § 1225(b). Rather, Petitioner remained—and continues to remain—a parolee lawfully present pursuant to DHS authorization, with parole validity extending through December 8, 2026.

VII. CAUSES OF ACTION

COUNT II

The Prior Bond Hearing did not Provide a Meaningful or Constitutionally Adequate Opportunity For Release

48. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

49. To the extent Respondents argue that Petitioner previously received a bond hearing before the immigration court, that hearing did not provide a meaningful or constitutionally adequate opportunity to secure release.

50. The Fifth Amendment requires that immigration custody proceedings provide fundamentally fair procedures and a meaningful opportunity to be heard. See Singhv.Holder, 638 F.3d 1196, 1203–05 (9th Cir. 2011). Due process is violated where custody determinations rest upon arbitrary findings unsupported by the record or where the adjudicator fails to meaningfully consider evidence

demonstrating community ties and reliability.

51. Here, the Immigration Judge determined that Petitioner presented such an extraordinary flight risk that no amount of bond could reasonably assure his future appearance. That conclusion was unsupported by the record and contrary to the overwhelming evidence demonstrating Petitioner's reliability, compliance, and substantial family ties within the United States.

52. First, Petitioner did not unlawfully evade immigration authorities or abscond after entering the United States. Rather, Petitioner entered the country through the CBP One appointment process after presenting himself lawfully at a designated port of entry pursuant to DHS authorization and inspection procedures. Petitioner's method of entry strongly weighs against any finding that he presents an unmanageable flight risk.

53. Second, Petitioner voluntarily appeared at the ICE check-in appointment where he was subsequently detained. Voluntary compliance with ICE reporting requirements is powerful evidence that Petitioner has consistently complied with immigration supervision and poses little risk of absconding. Courts within the Ninth Circuit recognize that compliance with reporting obligations and appearance requirements substantially undermines speculative assertions of flight risk. See Singh, 638 F.3d at 1205.

54. Third, Petitioner possesses substantial and compelling family ties to the United States. Petitioner is the parent of United States citizen children, including a United States citizen daughter who has filed a pending Form I-130 Petition for Alien Relative on Petitioner's behalf. Petitioner also has a United States citizen

half-brother residing in the United States who serves as Petitioner's sponsor and support system.

55. These extensive family relationships create strong incentives for Petitioner to continue appearing in immigration proceedings and pursuing lawful immigration status through available legal channels. The existence of a pending family-based immigration petition further undermines any suggestion that Petitioner intends to flee proceedings, as Petitioner has a concrete pathway to lawful status that depends upon continued participation in the immigration process.

56. The Ninth Circuit has repeatedly emphasized that immigration detention determinations must be individualized and supported by reliable evidence rather than generalized assumptions or conclusory assertions. See Singh, 638 F.3d at 1203–05; Casas–Castrillonv.Dep'tofHomelandSec., 535 F.3d 942, 951 (9th Cir. 2008).

57. Here, the Immigration Judge's conclusion that no bond amount could assure Petitioner's appearance was irrational in light of Petitioner's lawful CBP One entry, voluntary compliance with the ICE check-in that generated his detention, longstanding family ties, sponsorship support, and pending immigration relief. The custody determination therefore failed to provide the meaningful and individualized review required by the Fifth Amendment.

58. Moreover, because Petitioner's underlying detention itself is unlawful due to DHS's failure to properly terminate parole, the prior bond proceedings cannot cure the constitutional and statutory defects underlying custody. A

constitutionally deficient bond hearing does not legitimize otherwise unlawful detention.

59. Accordingly, the prior bond proceedings do not defeat habeas relief and do not satisfy the procedural protections required under the Due Process Clause.

COUNT III
Violation Under the Accardi Doctrine

60. Under the Accardi doctrine, federal agencies must comply with regulations intended to protect individuals affected by agency action. See United States ex rel. Accardi v. Shaughnessy, 347 U.S. 260 (1954).

61. The Ninth Circuit consistently enforces the Accardi doctrine in immigration proceedings. See Sameena, Inc. v. U.S. Air Force\textit{Sameena, Inc. v. U.S. Air Force}Sameena, Inc. v. U.S. Air Force, 147 F.3d 1148, 1153 (9th Cir. 1998); Montilla v. INS\textit{Montilla v. INS}Montilla v. INS, 926 F.2d 162, 166–69 (2d Cir. 1991) (frequently cited approvingly in immigration due process cases).

62. Here, DHS failed to comply with 8 C.F.R. § 212.5(e)(2)(i) before detaining Petitioner. The regulation creates substantive and procedural limitations on parole termination. Because DHS failed to follow those mandatory procedures, the resulting detention is unlawful.

63. The Southern District of California has recognized that unlawful parole revocation renders subsequent detention unauthorized. See Loaiza Arias, 2025 WL 3295385, at *2–4.

64. Accordingly, habeas relief is warranted.

COUNT IV

Violation of Procedural Due Process

65. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

66. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. "Freedom from imprisonment from government custody, detention, or other forms of physical restraint- lies at the heart of the liberty that the Clause protects." Zadvydas v. Davis, 533 U.S. 678, 690, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001).

67. Petitioner has a fundamental interest in liberty and being free from official restraint.

68. The government's detention of Petitioner violates his right to due process.

COUNT V

Violation of Substantive Due Process

69. Petitioner incorporates paragraphs 1 through 68 as if fully set out herein.

70. All persons residing in the United States are protected by the Due Process Clause of the Fifth Amendment.

71. The Due Process Clause of the Fifth Amendment provides that "[n]o person shall be ... deprived of life, liberty, or property, without due process of law." U.S. Cont. amend. V. Freedom from bodily restraint is at the core of the liberty protected by the Due Process Clause. This vital liberty interest is at stake when an individual is subject to detention by the federal government.

72. Under the civil-detention framework set out in Zadvydas v. Davis, 533 U.S. 678 (2001), and its progeny, the Government may deprive a non-citizen of physical liberty only when the confinement serves a legitimate purpose—such as ensuring appearance or protecting the community—and is reasonably related to, and not excessive in relation to, that purpose.

73. Respondents' actions are arbitrary and punitive. But for intervention by this Court, Federal district courts retain jurisdiction under 28 U.S.C. § 2241 to review the legality of immigration detention and constitutional claims arising from unlawful custody. See Demore v. Kim, 538 U.S. 510, 516–17 (2003); Nadarajah v. Gonzales, 443 F.3d 1069, 1075 (9th Cir. 2006).

74. The Ninth Circuit has repeatedly exercised habeas jurisdiction over unlawful immigration detention claims involving prolonged detention, procedural due process violations, and statutory interpretation disputes. See Casas-Castrillon, 535 F.3d at 946–47.

75. Because Petitioner's detention stems from DHS's failure to lawfully terminate parole and because the detention violates procedural due process, this Court should grant the Petition for Writ of Habeas Corpus and order Petitioner's immediate release.

76. Respondents unlawfully revoked Petitioner's parole without complying with the statutory and regulatory requirements governing parole termination. DHS failed to conduct the individualized review mandated by 8 U.S.C. § 1182(d)(5)(A) and 8 C.F.R. § 212.5(e)(2)(i), failed to provide adequate written notice, and detained Petitioner in violation of the Fifth Amendment.

77. Ninth Circuit precedent, Southern District of California authority, and longstanding administrative law principles establish that agencies must comply with their own regulations where liberty interests are implicated.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

78. Assume jurisdiction over this matter;

79. Grant Petitioner a writ of habeas corpus directing the Respondents to immediately release him from custody, under reasonable conditions of supervision or in the alternative order an immediate bond hearing that complies with due process;

80. Order Respondents to refrain from transferring Petitioner out of the jurisdiction of this court during the pendency of these proceedings and while the Petitioner remains in Respondents' custody;

81. Order Respondents to file a response within 3 business days of the filing of this petition;

82. Award attorneys' fees to Petitioner; and

83. Grant any other and further relief which this Court deems just and proper.

I affirm, under penalty of perjury, that the foregoing is true and correct.

Respectfully submitted this 17th day of May, 2026.

/s/Lilia Rodriguez
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Attorney for Petitioner

1	US Customs and Boarder Protection Most Recent I94 Petitioner Admitted from December 9, 2024 through December 8, 2026	20-22
2	Notice of Alien Address to EOIR upon Petitioner's Detention at ICE Appointment on November 26, 2025	24-29
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