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 10
 11 UNITED STATES DISTRICT COURT
 12 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
 13

14 ARGEN MEDINA LOPEZ,
 15 *Petitioner,*
 16 v.
 17
 18 JEREMY CASEY, Facility
 19 administrator at the Imperial
 20 Regional Detention Facility,
 21 PATRICK DIVVER, Director of the
 22 U.S. Immigration and Customs
 23 Enforcement San Diego Field
 24 Office, TODD LYONS, acting
 25 Director of U.S. Immigration and
 26 Customs Enforcement,
 27 MARKWAYNE MULLIN,
 28 Secretary of the U.S.
 Department of Homeland
 Security, and TODD BLANCHE,
 Acting U.S. Attorney General.

**VERIFIED EMERGENCY
 PETITION FOR A WRIT OF
 HABEAS CORPUS, ORDER TO
 SHOW CAUSE WITHIN THREE
 DAYS, AND COMPLAINT FOR
 DECLARATORY RELIEF**

'26CV3152 JLS JLB

1 government must provide notice that it seeks to terminate parole. 8 C.F.R.
2 212.5(e)(2)(i).

3 8. Petitioner’s re-detention violated the Immigration and Nationality Act,
4 the accompanying regulations, and Due Process, and he therefore seeks habeas relief
5 via this Petition. *See Ramirez-Bibiano v. LaRose*, No. 25-CV-3429-JLS (SBC), 2025
6 WL 3632748, at *4–5 (S.D. Cal. Dec. 15, 2025) (ordering immediate release subject
7 to conditions of petitioner’s preexisting parole where DHS had summarily revoked
8 parole and re-detained without notice or a hearing); *see also Maceo-Aguilera v.*
9 *LaRose*, 26-CV-532-LL-MSB, 2026 WL 381633 (S.D. Cal. Feb. 11, 2026).

10 **JURISDICTION AND VENUE**
11

12 9. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28
13 U.S.C. § 1331 (federal question), 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§
14 2201-02 (declaratory relief), and art. I sec. 9, cl. 2 of the United States Constitution
15 (Suspension Clause), as Petitioner is presently in custody under the authority of the
16 United States and challenges his detention as in violation of the Constitution, laws,
17 or treaties of the United States.

18 10. The federal district courts have jurisdiction under Section 2241 to hear
19 habeas claims by individuals challenging the lawfulness of their detention by ICE.
20 *See Jennings v. Rodriguez*, 583 U.S. 281, 290-92 (2018).

21 11. Venue is proper in the Southern District of California, pursuant to 28
22 U.S.C. §§ 1391 and 2241(d) because Petitioner is detained at the Imperial Regional
23 Detention Facility in Calexico, California.

24 **REQUIREMENTS OF 28 U.S.C. § 2243 (IMMEDIATE ISSUANCE OF**
25 **WRIT OF HABEAS CORPUS OR OSC THEREON)**
26

27 12. The Court must grant the petition for writ of habeas corpus or issue an
28 order to show cause (“OSC”) to the respondents “forthwith,” unless the petitioner is

1 not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require
2 respondents to file a return “within three days unless for good cause additional time,
3 not exceeding twenty days is allowed.” *Id.*

4 13. Courts have long recognized the significance of the habeas statute in
5 protecting individuals from unlawful detention. The Great Writ has been referred to
6 as “perhaps the most important writ known to the constitutional law of England,
7 affording as it does a swift and imperative remedy in all cases of illegal restraint and
8 confinement. *Fay v. Noia*, 372 U.S. 391, 400 (1963) (overruled on other grounds by
9 *Wainwright v. Sykes*, 433 U.S. 72 (1977)) (emphasis added). “The application for the
10 writ usurps the attention and displaces the calendar of the judge or justice who
11 entertains it and receives prompt action from him [or her] within the four corners of
12 the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation
13 omitted).

14 PARTIES

15 14. Petitioner Argen Medina Lopez is currently detained by Respondents in
16 the Imperial Regional Detention Facility despite having been previously paroled into
17 the United States.

18 15. Respondent Jeremy Casey is the facility administrator at the Imperial
19 Regional Detention Facility in Calexico, California where Mr. Medina Lopez in
20 currently detained. He is thus Petitioner’s immediate custodian. He is sued in his
21 official capacity.

22 16. Respondent Patrick Divver is the Director of ICE’s San Diego Field
23 Office, which has jurisdiction over ICE detention facilities in San Diego and Imperial
24 County, including the Imperial Regional Detention Center, and is thus Petitioner’s
25 immediate custodian. He is sued in his official capacity.

26 17. Respondent Todd Lyons is the Director of ICE. He is responsible for the
27 administration of ICE and the implementation and enforcement of the immigration
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1 laws, including noncitizen detention. As such, Mr. Lyons is a legal custodian of
2 Petitioner. He is sued in his official capacity.


3 18. Respondent Markwayne Mullin is the Secretary of the Department of
4 Homeland Security (DHS), which is responsible for the administration of ICE and
5 the implementation and enforcement of the immigration laws. As such, Mr. Mullin
6 is the ultimate legal custodian of Mr. Medina Lopez. He is sued in his official
7 capacity.

8 19. Respondent Todd Blanche is the Acting Attorney General of the United
9 States and head of the Department of Justice, which encompasses the Board of
10 Immigration Appeals and the Immigration Courts. Mr. Blanche shares responsibility
11 for implementation and enforcement of the immigration laws with Respondent
12 Mullin. Mr. Blanche is a legal custodian of Mr. Medina Lopez. He is sued in his
13 official capacity.

14 **STATEMENT OF FACTS**

15 20. Mr. Medina Lopez came to the U.S. in 2021 to seek asylum. He
16 submitted his asylum application in 2023 and obtained work authorization, a social
17 security card, and a Florida driver's license. Exs. C, D.

18 21. Despite being on parole, Mr. Medina Lopez was detained by ICE in
19 Miami, Florida on or about April 4, 2026. He was on his way to work when an ICE
20 officer in an undercover truck conducted a traffic stop. The officer asked Mr. Medina
21 Lopez to provide documentation of legal status. He showed his driver's license and
22 work authorization card, however the officer said those documents were not proof of
23 legal status. The officer asked Mr. Medina Lopez to step out of his vehicle and
24 arrested him. There were no allegations that he had violated the terms of parole.

25 22. During his time in the U.S., Petitioner lived with the expectation that he
26 would not be subject to re-detention if he did not violate the law. He was living in
27 Miami and was employed by  as a laborer, installing flooring from 2021
28

1 until he was detained. He made every effort to comply with the law and follow the
2 rules of the United States.

3 23. He filed his application for asylum on September 15, 2023. Ex. B. He
4 was given a biometrics notice and appeared to have his fingerprints taken on October
5 3, 2023. Ex. E.

6 24. Petitioner did not receive any notice of termination of his parole status
7 as required by 8 C.F.R. 215(e)(2)(i), nor was he provided the opportunity for a
8 hearing on whether he is a danger or a flight risk as required by Due Process and
9 *Mathews v. Eldridge*, 424 U.S. 319 (1976).

10 LEGAL FRAMEWORK

11 25. “[T]he Due Process Clause applies to all ‘persons’ within the United
12 States, including aliens, whether their presence here is lawful, unlawful, temporary,
13 or permanent.” *Zadvydas v. Davis*, 533 U.S. 678 (2001). Accordingly, “[i]t is well
14 established that the Fifth Amendment entitles aliens to due process of law in the
15 context of removal proceedings.” *Trump v. J.G.G.*, 604 U.S. 670, 673 (2025) (internal
16 quotation marks omitted) (citing *Reno v. Flores*, 507 U.S. 292, 306 (1993)). Due
17 process “requires some kind of a hearing before the State deprives a person of liberty
18 or property.” *Zinerman v. Burch*, 494 U.S. 113, 127 (1990).

19 26. Traditionally, to determine what protections due process demands in a
20 given situation, courts consider three factors, the *Mathews* factors: (1) the private
21 interest that will be affected by the official action; (2) the risk of erroneous
22 deprivation of such interest through the procedures used, and the probable value of
23 additional safeguards; and (3) the government’s interest, including the function
24 involved and that burdens that would be imposed by additional process. *See Mathews*
25 *v. Eldridge*, 424 U.S. at 335. In applying these factors specifically to the context of a
26 person challenging immigration detention, courts assess: (1) the petitioner’s liberty
27 interest in remaining out of custody; (2) the risk of erroneous deprivation of that
28

1 interest in remaining out of custody; and (3) the government’s interest in detaining
2 the petitioner without affording pre-deprivation notice, reasoning, and a hearing.
3 *Ramirez-Bibiano*, 2025 WL 3632748 at *4–5.

4 A. **Summary Parole Revocation and Re-Detainment of a Previously**
5 **Paroled Person is a Violation of Due Process Requiring Immediate**
6 **Habeas Relief.**

7 27. Consistent with the traditional *Mathews* three-factor test, district courts
8 in the Ninth Circuit have formulated a bright-line Due Process rule: if a noncitizen
9 has been paroled into the U.S., the government may not revoke their parole or re-
10 detain them without first affording pre-deprivation notice and a hearing establishing
11 that the person is now a danger or flight risk—failure to provide this is a violation of
12 the person’s Fifth Amendment Due Process rights requiring immediate habeas relief.
13 *See, e.g., Ramirez-Bibiano*, 2025 WL 3632748 (ordering immediate habeas relief;
14 holding the government’s summary revocation of parole and re-detention without
15 pre-deprivation notice or a hearing establishing present risk of danger or flight
16 violates Fifth Amendment Due Process); *see also Noori v. LaRose*, No. 25-CV-1824-
17 GPC-MSB, 2025 WL 2800149 (S.D. Cal. Oct. 1, 2025) (Curiel, J.) (granting
18 immediate habeas release; holding the government’s summary revocation of parole
19 and re-detention without pre-deprivation notice, reasons, and a hearing establishing
20 present danger or flight risk violated due process under *Mathews*); *Ramirez Tesara*
21 *v. Wamsley*, 800 F. Supp. 3d 1130 1135–39 (W.D. Wash. 2025) (granting TRO and
22 ordering immediate release; applying *Mathews* to hold that even though petitioner’s
23 parole had expired, because he had previously been paroled his re-detention without
24 a pre-deprivation hearing establishing a justification for re-detention violated due
25 process under *Mathews*); *Fernandez Lopez v. Wofford*, No. 1:25-CV-01226-KES-
26 SKO (HC), 2025 WL 2959319, at *6 (E.D. Cal. Oct. 17, 2025) (ordering immediate
27 habeas release; canvassing seven cases establishing the principle that re-detention of
28 a previously paroled noncitizen without a pre-deprivation hearing establishing a

1 change in the person's risk of danger or flight violates Due Process and requires
2 immediate habeas relief).

3 28. In *Ramirez-Bibiano*, a case from this district, a noncitizen who had been
4 previously paroled into the U.S. was summarily re-detained after ICE revoked his
5 parole without notice, reasons, or an opportunity to be heard. *Ramirez-Bibiano*, 2025
6 WL 3632748 at *1, *4–5. The Court applied *Mathews*, granted immediate habeas
7 relief and attorneys' fees according to proof, and ordered that any future detention be
8 supported at a hearing with the government bearing the burden to show by clear and
9 convincing evidence that the petitioner was a present danger or flight risk. *Id.* at *4–
10 5; *see also Maceo-Aguilera*, 26-CV-532-LL-MSB, 2026 WL 381633 (S.D. Cal. Feb.
11 11, 2026); *Alegria Palma v. LaRose et al.*, No. 25-CV-1942-BJC (MMP), (S.D. Cal.
12 Aug. 11, 2025); *Navarro Sanchez v. LaRose*, 2025 No. 25-CV-2396-JES-MMP, 2026
13 WL 2770629 (S.D. Cal. Sept. 26, 2025).

14 29. In *Noori* (S.D. Cal.), an Afghan national paroled into the U.S. after
15 assisting U.S. forces was arrested at a courthouse and re-detained following the
16 government's summary revocation of his humanitarian parole, without any pre-
17 deprivation notice, reasons provided, or opportunity to be heard, despite a clean
18 record and consistent compliance. *Noori*, 2025 WL 2800149 at *1–2. The Court held
19 that the government's summary parole revocation and re-detention violated due
20 process under *Mathews* given the lack of justification, notice, and an opportunity to
21 be heard. *Id.* at *9–12. The Court granted the habeas petition, ordered that the
22 government shall not re-detain the petitioner during the pendency of his removal
23 proceedings, and granted attorneys' fees according to proof. *Id.* at *14.

24 30. In *Ramirez Tesara*, a Venezuelan asylum-seeker who had been paroled
25 into the U.S. was re-detained as he appeared for a monitoring appointing, without
26 any pre-deprivation notice or hearing. 800 F. Supp. 3d at 1134. That court assessed
27 the petitioner's due process habeas claim under *Mathews* and concluded that because
28 he had been previously paroled, ICE could only have re-detained the petitioner after

1 a hearing before an immigration judge at which the government met its burden to
2 justify detention. *Id.* at 1135–38. ICE’s summary re-detention therefore violated Due
3 Process and required the petitioner’s immediate release. *Id.* at 1138–39.

4 31. In *Fernandez Lopez*, an asylum-seeker from Chile who had been paroled
5 in 2021 was summarily re-detained by ICE in August 2025 after a credible-fear
6 interview. 2025 WL 2959319 at *1. Once again, applying *Mathews*, and for the same
7 reasons as the courts in *Ramirez-Bibiano*, *Ramirez Tesara*, and *Noori*, that court
8 granted a preliminary injunction as well as the habeas petition at issue, and enjoined
9 the government from re-detaining the petitioner absent a pre-deprivation bond
10 hearing at which the government must prove current danger or flight risk by clear
11 and convincing evidence. *Id.* at *5–8. That court also canvassed cases from other
12 district courts in the Ninth Circuit to state the *Mathews*-derived rule that if the
13 government has previously paroled a noncitizen, it may not re-detain that person
14 without first providing pre-deprivation notice and a hearing through which the
15 government establishes a change in the person’s risk of danger or flight. *Id.* at *6.
16 Failure to provide this pre-deprivation process is a violation of the person’s Fifth
17 Amendment Due Process rights and grounds for immediate habeas relief. *Id.* at *6–
18 8.

19 32. Taken together, the district courts of the Ninth Circuit have developed
20 the bright-line rule that **if a noncitizen has been paroled into the U.S., the**
21 **government may not revoke that person’s parole or re-detain them without first**
22 **providing pre-deprivation notice and a hearing establishing a change in danger**
23 **or flight risk by clear and convincing evidence.** To date, the courts to have
24 considered habeas petitions in this context have each applied the three-factor
25 *Mathews* test to reach what has now coalesced into a uniform rule of law. The above
26 rule incorporates and relies upon a *Mathews* analysis but streamlines the statement
27 of law so as not to require a step-by-step in-depth inquiry of each *Mathews* factor.
28

1 33. This rule is grounded in the acknowledgment that the government’s
2 initial decision to grant parole “reflects a determination by the government that the
3 noncitizen is not a danger to the community or a flight risk.” *Fernández López*, 2025
4 WL 2959319 at *2. Absent “evidence that the noncitizen is in fact dangerous or has
5 become a flight risk,” “there is no evidence that these findings have changed” and
6 there is therefore no justification for re-detention. *Ramirez-Bibiano*, 2025 WL
7 3632748 at *4. Without establishing a change in circumstances via notice, a hearing,
8 and evidence, parole-revocation or re-detention of a previously paroled person
9 violates Fifth Amendment Due Process. *See id.*

10 34. Accordingly, where the Court finds that a petitioner has been previously
11 paroled and yet the government summarily revoked his parole or re-detained him, a
12 step-by-step *Mathews* analysis is unnecessary; it is already incorporated into and
13 performed by the bright-line rule established by *Ramirez-Bibiano*, *Ramirez Tesara*,
14 *Fernández López* and the many district court cases it cites, and *Mathews*.

15 35. Here, consistent with this line of cases, because Petitioner had
16 previously been paroled into the U.S., the government’s summary parole-revocation
17 and re-detention of him violated his Due Process Rights and he must therefore be
18 immediately released pursuant to a writ of habeas corpus.

19 36. The Court should also reject any jurisdictional defenses the government
20 may assert under 8 U.S.C. §§ 1252(g) and (b)(9), because this challenge does not
21 seek review of any removal order and instead challenges re-detention. *Ramirez-*
22 *Bibiano*, 2025 WL 3632748 at *2–3 (rejecting the government’s challenges under 8
23 U.S.C. §§ 1252(g) and (b)(9) to habeas jurisdiction); *Noori*, 2025 WL 2800149 at
24 *6–7 (same). The Court also should waive any exhaustion requirement as futile for
25 the same reasons it did so in *Ramirez-Bibiano*. 2025 WL 3632748 at *3 (recognizing
26 the Southern District of California finds exhaustion to be futile in this context such
27 that immediate judicial review of habeas petitions challenging parole-revocation and
28 re-detention is required). *Id.* at *2–3.

1 **B. The *Mathews* Test Also Requires Petitioner’s Immediate Release.**

2 37. To the extent the Court finds it necessary to undertake the *Mathews* test
3 step by step, each *Mathews* factor weighs in favor of Petitioner and the result is the
4 same as if the Court were to apply the aforementioned *Mathews*-based brightline rule.

5 **1. $\mathit{Mathews}$ Factor 1: Mr. Medina Lopez possesses a protected
6 liberty interest in remaining out of custody.**

7 38. Mr. Medina Lopez possesses a protected liberty interest in remaining
8 out of custody, namely, “the most significant liberty interest there is – the interest in
9 being free from imprisonment.” *Velasco Lopez v. Decker*, 978 F.3d 842, 851 (2d Cir.
10 2020). “Freedom from imprisonment—from government custody, detention, or other
11 forms of physical restraint—lies at the heart of the liberty [the Due Process Clause]
12 protects.” *Zadvydas*, 533 U.S. at 690. While “the initial decision to detain or release
13 an individual may be within the government’s discretion, the government’s decision
14 to release an individual from custody creates ‘an implicit promise,’ upon which that
15 individual may rely, that their liberty ‘will be revoked only if they fail to live up to
16 the...conditions of release.” *Pinchi v. Noem*, 792 F.Supp.3d 1025, 1032 (N.D. Cal.
17 2025) (alternation marks omitted).

18 39. Here, as in *Ramirez-Bibiano*, Petitioner has a significant liberty interest
19 in remaining free of ICE custody under prior parole conditions. His initial “release
20 from ICE custody constituted an implied promise that [his] liberty would not be
21 revoked unless [he] failed to live up to the conditions of [his] release.” *Pinchi*, 792
22 F. Supp. 3d at 1034 (internal quotation marks omitted). In other words, petitioner
23 gained a protected liberty interest in remaining out of custody absent a showing that
24 he is a flight risk or a danger to the community. *See, e.g., Fernández López*, 2025
25 WL 2959319 at *4-5 (finding that petitioner released from immigration detention on
26 parole had protected liberty interest in remaining out of custody, including if the
27 authority for petitioner’s parole was § 1182(d)(5)(A)); *Noori v. Larose*, 2025 WL
28 2800149, *4, 9-10 (S.D. Cal. 2025) (Curiel, J.) (finding that petitioner who was

1 paroled from immigration detention under § 1182(d)(5)(A) had protected liberty
2 interest in remaining out of custody).

3 **2. Mathews Factor 2: The Risk of Erroneous Deprivation Here**
4 **Under the Procedure Used, Namely No Procedure at All, is**
5 **High.**

6 40. Here, as in *Ramirez-Bibiano*, “the risk of an erroneous deprivation of
7 such interest is high as Petitioner’s parole was revoked without providing him a
8 reason for revocation or giving him an opportunity to be heard.” 2025 WL 3632748
9 at *4. The inquiry on the second factor may rightfully end there, as Mr. Medina
10 Lopez’s parole was revoked, and he was detained without any prior notice, reasoning,
11 or hearing. *See Ramirez Tesara*, 800 F. Supp. 3d at 1137 (granting habeas petition
12 and TRO under similar circumstances because “re-detainment without a hearing
13 results in a risk of erroneous deprivation of [a] protected interest.”); *Rodriguez*
14 *Cabrera v. Mattos*, No. 2:25-CV-01551-RFB-EJY, 2025 WL 3072687, at *12–13
15 (D. Nev. Nov. 3, 2025) (noting the government’s arbitrary re-detention “creates an
16 extreme risk of erroneous deprivation).

17 **3. Mathews Factor 3: The Government’s Interest and the**
18 **Burdens of Additional Process.**

19 41. Under *Mathews*, the third factor examines the Government’s interests,
20 including the function at issue and the administrative burdens of additional
21 procedures. Here, the relevant function is DHS’s administration of immigration
22 parole and civil detention to ensure appearance at proceedings and protect public
23 safety. Minimal procedural safeguards-notice of the reasons for revocation and a
24 prompt opportunity to be heard before a neutral decisionmaker-impose little burden
25 on that function. They rely on processes the Government already uses in custody
26 determinations and post-parole supervision, and they enhance accuracy without
27 materially impeding enforcement. *See Mathews*, 424 U.S. at 335.

28 42. As *Ramirez-Bibiano* recognized, where a noncitizen has been lawfully
paroled and there is no change in circumstances indicating danger or flight risk, the

1 Government's interest in immediate re-detention without notice or hearing is low,
2 while the value of modest additional procedures is high. Applied here, the
3 government has not identified any change in circumstances to justify summary
4 revocation, and requiring notice and a brief hearing would not compromise its ability
5 to manage parole or ensure attendance but would meaningfully reduce the risk of
6 error. The third *Mathews* factor therefore weighs against detention without pre-
7 deprivation process in this case. See *Ramirez-Bibiano*; *Mathews*, 424 U.S. at 335.

8
9 **CLAIMS FOR RELIEF**

10 **COUNT ONE**

11 **VIOLATION OF PAROLE STATUTE**

12
13 43. Petitioner re-alleges and incorporates by reference each allegation
14 contained above.

15 44. The parole statute at 8 U.S.C. §1182(d)(5)(A) permits the termination
16 of parole only where there is a finding that the purpose of such parole has been served.
17 *Y- Z-L-H v. Bostock*, 792 F. Supp. 3d 1123, 1133 (D. Or. 2025).

18 45. No finding has been made that the purpose of Petitioner's parole has
19 been served to warrant the termination of parole.

20 **COUNT TWO**

21 **VIOLATION OF PAROLE REGULATION**

22 46. Petitioner re-alleges and incorporates by reference each allegation
23 contained above.

24 47. The parole regulation, 8 C.F.R. §212.5(e), provides that upon written
25 notice, DHS may terminate parole "upon accomplishment of the purpose for which
26 parole was authorized or when in the opinion of one of the officials listed in
27 paragraph (a) of this section, neither humanitarian reasons nor public benefit warrants
28 the continued presence of the alien in the United States."

1 48. There is no evidence that any official found that humanitarian reasons
2 do not warrant Petitioner’s presence in the United States.

3 49. 8 C.F.R. §212.5(e)(2) also requires that DHS provide Petitioner with
4 notice prior to revocation of parole. Mr. Medina Lopez was never provided notice
5 that the Department sought to terminate parole.

6 50. Petitioner is not a flight risk nor a danger to the public.

7 51. An agency’s failure to follow its regulations that are meant to protect
8 fundamental rights is a violation of due process. *Accardi v. Shaughnessy*, 347 U.S.
9 260, 267, 74 S.Ct. 499, 98 L.Ed. 681 (1954); *Sameena Inc. v. U.S. Air Force*, 147
10 F.3d 1148, 1153 (9th Cir. 1998).

11 52. The arrest of Petitioner terminated his release on parole and violated the
12 regulations and due process. *Bostock*, 792 F. Supp. 3d at 1145.

13
14 **COUNT THREE**

15 **VIOLATION OF DUE PROCESS**
16 **REVOCAION OF PAROLE WITHOUT NOTICE**

17 53. Petitioner re-alleges and incorporates by reference each allegation
18 contained above.

19 54. The Due Process Clause of the Fifth Amendment forbids the
20 government from depriving any person of liberty without due process of law. U.S.
21 Const. amend. V. “Freedom from imprisonment—from government custody,
22 detention, or other forms of physical restraint—lies at the heart of the liberty” that
23 the Due Process Clause protects. *Zadvydas*, 533 U.S. at 690 (citing *Foucha v.*
24 *Louisiana*, 504 U.S. 71, 80 (1992)).

25 55. An individual released from immigration custody has a constitutionally
26 protected liberty interest in remaining free from detention. *Morrissey v. Brewer*, 408
27 U.S. 471, 482, 92 S. Ct. 2593, 2601, 33 L. Ed. 2d 484 (1972); *see also Sanchez v.*
28 *LaRose*, 25-cv-2396; 2025 WL 2770629, at * 3 (S.D. Cal.). Thus, Petitioner has a

1 fundamental interest in liberty and being free from official restraint.

2 56. The liberty interest applies to individuals who are paroled into the
3 United States and released to attend removal proceedings. *Garcia v. Andrews*, No.
4 1:25-CV- 01006 JLT SAB, 2025 WL 2420068, at *11 (E.D. Cal. Aug. 21, 2025);
5 *Valencia Zapata v. Kaiser*, No. 25-CV-07492-RFL, 2025 WL 2578207, at *3 (N.D.
6 Cal. Sept. 5, 2025); *Y-Z-L-H v. Bostock*, No. 3:25-CV-965-SI, 2025 WL 1898025, at
7 *13 (D. Or. July 9, 2025).

8 57. While DHS has discretion to revoke parole, it may not do so in a manner
9 that is inconsistent with constitutional protections.

10 58. Due process requires notice before Petitioner is detained by immigration
11 authorities. *Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306, 320, 70 S. Ct.
12 652, 660, 94 L. Ed. 865 (1950); *Ramirez-Bibiano*, 2025 WL 3632748, at *3; *Ramirez*
13 *Tesara*, 800 F. Supp. 3d at 1135; *Fernandez Lopez v. Wofford*, 2025 WL 2959319,
14 at *3.

15 **COUNT FOUR**

16 **VIOLATION OF DUE PROCESS**

17 **REVOCAION OF PAROLE WITHOUT NEUTRAL DECISIONMAKER**

18
19 59. Petitioner re-alleges and incorporates by reference each allegation
20 contained above.

21 60. Under the Due Process Clause of the Fifth Amendment to the United
22 States Constitution, no person shall be “deprived of life, liberty, or property, without
23 due process of law.” U.S. Const. amend. V. “Freedom from imprisonment— from
24 government custody, detention, or other forms of physical restraint—lies at the heart
25 of the liberty that Clause protects.” *Zadvydas*, 533 U.S. at 690.

26 61. An individual released from immigration custody has a liberty interest
27 in remaining free from detention. *Morrissey*, 408 U.S. at 482.

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**VERIFICATION BY ATTORNEY ACTING ON MR. MEDINA LOPEZ'S
BEHALF PURSUANT TO 28 U.S.C. §2242**

I am submitting this verification on behalf of Mr. Medina Lopez because I am his attorney. As Mr. Medina Lopez's attorney, I hereby verify that the factual statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: May 20, 2026

By: /s/ Cassandra Lopez