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12 UNITED STATES DISTRICT COURT
13 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
14

15 MIGUEL NAVA PAREDES,

16 *Petitioner,*

17 v.

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**

'26CV3462 RBM SBC

**PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C.
§2241**

INTRODUCTION

1. Petitioner Miguel Nava Paredes files this petition for writ of habeas corpus seeking his release from the custody of the Department of Homeland Security, U.S. Immigration and Customs Enforcement (ICE). Petitioner is detained at the Imperial Regional Detention Facility.

2. Petitioner was paroled into the United States on April 5, 2024. Ex. A, B. He was ordered to appear before the immigration judge on December 11, 2024, in Boston, Massachusetts. Ex. A.

3. Originally from Mexico, Mr. Nava Paredes arrived in the U.S. to seek asylum, withholding of removal, or protection under the Convention Against Torture. He filed his asylum application on March 18, 2025. Ex. D. He obtained an employment authorization document and a social security card, which allowed him to work legally in the United States. Exs. C, E.

4. Despite having been paroled into the United States, Mr. Nava Paredes was detained by ICE on February 27, 2026, while he was at work driving a tractor trailer. He was taken into immigration custody and then transferred to the Imperial Regional Detention Facility (IRDF). He was not told why he was being detained despite having been paroled into the United States.

5. Due Process requires the government to provide noncitizens with notice and a hearing prior to re-detention, and that re-detention without prior notice, a showing of changed circumstance, or a meaningful opportunity to respond, violates procedural due process under the Fifth Amendment.

6. The regulations also provide that prior to termination of parole, the government must provide notice that it seeks to terminate parole. 8 C.F.R. 212.5(e)(2)(i).

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

JURISDICTION AND VENUE

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

9. 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).

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

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

11. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (“OSC”) to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require

1 respondents to file a return “within three days unless for good cause additional time,
2 not exceeding twenty days is allowed.” *Id.*

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

13 PARTIES

14 13. Petitioner Miguel Nava Paredes is currently detained by Respondents in
15 the Imperial Regional Detention Facility despite having been previously paroled into
16 the United States.

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

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

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

17. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security (DHS), which is responsible for the administration of ICE and the implementation and enforcement of the immigration laws. As such, Mr. Mullin is the ultimate legal custodian of Mr. Nava Paredes. He is sued in his official capacity.

18. Respondent Todd Blanche is the Acting Attorney General of the United States and head of the Department of Justice, which encompasses the Board of Immigration Appeals and the Immigration Courts. Mr. Blanche shares responsibility for implementation and enforcement of the immigration laws with Respondent Mullin. Mr. Blanche is a legal custodian of Mr. Nava Paredes. He is sued in his official capacity.

STATEMENT OF FACTS

19. Mr. Nava Paredes arrived in the U.S. on April 5, 2024, to seek asylum. Ex. A. He was paroled into the United States and given a court date on the non-detained immigration court docket in Boston, Massachusetts. Ex. A, B. He was given instructions on how to check in with ICE, update his address and phone number, and appear in court as required, as well as the consequences for failing to comply. Ex. F.

20. After his parole into the United States, he obtained an EAD and social security card. Ex. C, E.

21. Mr. Nava Paredes filed his asylum application on March 18, 2025. Ex. D.

22. During his time in the U.S., Petitioner lived with the expectation that he would not be subject to re-detention if he did not violate the conditions of parole. He was living in Glen Ellen, California and was employed as a tractor trailer driver. He made every effort to comply with the law and follow the rules of the United States.

23. Despite being on parole, Mr. Nava Paredes was detained by ICE in Coachella, California on February 27, 2026, while he was working. There were no allegations that he had violated the terms of parole.

24. Petitioner did not receive any notice of termination of his parole status

1 as required by 8 C.F.R. 215(e)(2)(i), nor was he provided the opportunity for a
 2 hearing on whether he is a danger or a flight risk as required by Due Process and
 3 *Mathews v. Eldridge*, 424 U.S. 319 (1976).

4 LEGAL FRAMEWORK

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

13 26. Traditionally, to determine what protections due process demands in a
 14 given situation, courts consider three factors, the *Mathews* factors: (1) the private
 15 interest that will be affected by the official action; (2) the risk of erroneous
 16 deprivation of such interest through the procedures used, and the probable value of
 17 additional safeguards; and (3) the government’s interest, including the function
 18 involved and that burdens that would be imposed by additional process. *See Mathews*
 19 *v. Eldridge*, 424 U.S. at 335. In applying these factors specifically to the context of a
 20 person challenging immigration detention, courts assess: (1) the petitioner’s liberty
 21 interest in remaining out of custody; (2) the risk of erroneous deprivation of that
 22 interest in remaining out of custody; and (3) the government’s interest in detaining
 23 the petitioner without affording pre-deprivation notice, reasoning, and a hearing.
 24 *Ramirez-Bibiano*, 2025 WL 3632748 at *4–5.

1 **A. Summary Parole Revocation and Re-Detainment of a Previously**
 2 **Paroled Person is a Violation of Due Process Requiring Immediate**
 3 **Habeas Relief.**

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

28 28. In *Ramirez-Bibiano*, a case from this district, a noncitizen who had been

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

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

21 30. In *Ramirez Tesara*, a Venezuelan asylum-seeker who had been paroled
22 into the U.S. was re-detained as he appeared for a monitoring appointing, without
23 any pre-deprivation notice or hearing. 800 F. Supp. 3d at 1134. That court assessed
24 the petitioner’s due process habeas claim under *Mathews* and concluded that because
25 he had been previously paroled, ICE could only have re-detained the petitioner after
26 a hearing before an immigration judge at which the government met its burden to
27 justify detention. *Id.* at 1135–38. ICE’s summary re-detention therefore violated Due
28 Process and required the petitioner’s immediate release. *Id.* at 1138–39.

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

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

25 33. This rule is grounded in the acknowledgment that the government’s
26 initial decision to grant parole “reflects a determination by the government that the
27 noncitizen is not a danger to the community or a flight risk.” *Fernández López*, 2025
28 WL 2959319 at *2. Absent “evidence that the noncitizen is in fact dangerous or has

1 become a flight risk,” “there is no evidence that these findings have changed” and
2 there is therefore no justification for re-detention. *Ramirez-Bibiano*, 2025 WL
3 3632748 at *4. Without establishing a change in circumstances via notice, a hearing,
4 and evidence, parole-revocation or re-detention of a previously paroled person
5 violates Fifth Amendment Due Process. *See id.*

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

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

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

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

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

1 **1. Mathews Factor 1: Mr. Nava Paredes possesses a protected**
2 **liberty interest in remaining out of custody.**

3 38. Mr. Nava Paredes possesses a protected liberty interest in remaining out
4 of custody, namely, “the most significant liberty interest there is – the interest in
5 being free from imprisonment.” *Velasco Lopez v. Decker*, 978 F.3d 842, 851 (2d Cir.
6 2020). “Freedom from imprisonment—from government custody, detention, or other
7 forms of physical restraint—lies at the heart of the liberty [the Due Process Clause]
8 protects.” *Zadvydas*, 533 U.S. at 690. While “the initial decision to detain or release
9 an individual may be within the government’s discretion, the government’s decision
10 to release an individual from custody creates ‘an implicit promise,’ upon which that
11 individual may rely, that their liberty ‘will be revoked only if they fail to live up to
12 the...conditions of release.” *Pinchi v. Noem*, 792 F.Supp.3d 1025, 1032 (N.D. Cal.
13 2025) (alternation marks omitted).

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

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

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

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

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

23 42. As *Ramirez-Bibiano* recognized, where a noncitizen has been lawfully
24 paroled and there is no change in circumstances indicating danger or flight risk, the
25 Government’s interest in immediate re-detention without notice or hearing is low,
26 while the value of modest additional procedures is high. Applied here, the
27 government has not identified any change in circumstances to justify summary
28 revocation, and requiring notice and a brief hearing would not compromise its ability

1 to manage parole or ensure attendance but would meaningfully reduce the risk of
2 error. The third *Mathews* factor therefore weighs against detention without pre-
3 deprivation process in this case. See *Ramirez-Bibiano; Mathews*, 424 U.S. at 335.

4
5 **CLAIMS FOR RELIEF**

6 **COUNT ONE**

7 **VIOLATION OF PAROLE STATUTE**

8
9 43. Petitioner re-alleges and incorporates by reference each allegation
10 contained above.

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

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

16 **COUNT TWO**

17 **VIOLATION OF PAROLE REGULATION**

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

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

25 48. There is no evidence that any official found that humanitarian reasons
26 do not warrant Petitioner's presence in the United States.

27 49. 8 C.F.R. §212.5(e)(2) also requires that DHS provide Petitioner with
28 notice prior to revocation of parole. Mr. Nava Paredes was never provided notice that

1 the Department sought to terminate parole.

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

3 51. An agency's failure to follow its regulations that are meant to protect
4 fundamental rights is a violation of due process. *Accardi v. Shaughnessy*, 347 U.S.
5 260, 267, 74 S.Ct. 499, 98 L.Ed. 681 (1954); *Sameena Inc. v. U.S. Air Force*, 147
6 F.3d 1148, 1153 (9th Cir. 1998).

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

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COUNT THREE

11

VIOLATION OF DUE PROCESS REVOCATION OF PAROLE WITHOUT NOTICE

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

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54. The Due Process Clause of the Fifth Amendment forbids the
government from depriving any person of liberty 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 Due Process Clause protects. *Zadvydas*, 533 U.S. at 690 (citing *Foucha v.*
Louisiana, 504 U.S. 71, 80 (1992)).

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

26

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56. The liberty interest applies to individuals who are paroled into the
United States and released to attend removal proceedings. *Garcia v. Andrews*, No.
1:25-CV- 01006 JLT SAB, 2025 WL 2420068, at *11 (E.D. Cal. Aug. 21, 2025);

1 *Valencia Zapata v. Kaiser*, No. 25-CV-07492-RFL, 2025 WL 2578207, at *3 (N.D.
2 Cal. Sept. 5, 2025); *Y-Z-L-H v. Bostock*, No. 3:25-CV-965-SI, 2025 WL 1898025, at
3 *13 (D. Or. July 9, 2025).

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

6 58. Due process requires notice before Petitioner is detained by immigration
7 authorities. *Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306, 320, 70 S. Ct.
8 652, 660, 94 L. Ed. 865 (1950); *Ramirez-Bibiano*, 2025 WL 3632748, at *3; *Ramirez*
9 *Tesara*, 800 F. Supp. 3d at 1135; *Fernandez Lopez v. Wofford*, 2025 WL 2959319,
10 at *3.

11 COUNT FOUR

12 VIOLATION OF DUE PROCESS

13 REVOCATION OF PAROLE WITHOUT NEUTRAL DECISIONMAKER

14 59. Petitioner re-alleges and incorporates by reference each allegation
15 contained above.

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

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

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

3 63. While DHS has discretion to revoke parole, it may not do so in a manner
4 that is inconsistent with constitutional protections.

5 64. Due Process requires that Petitioner be afforded a bond determination
6 before a neutral adjudicator if the government is to re-detain Petitioner. *Mathews v.*
7 *Eldridge*, 424 U.S. 319 (1976); *Ramirez-Bibiano*, 2025 WL 3632748, at *5; *Ramirez*
8 *Tesara*, 800 F. Supp. 3d at 1136; *Fernandez Lopez v. Wofford*, 2025 WL 2959319,
9 at *7.

10 PRAYER FOR RELIEF

11 Petitioner prays that this Court grant the following relief:

- 12 1. Assume jurisdiction over this matter.
- 13 2. Order that Petitioner shall not be transferred outside the Southern
14 District of California.
- 15 3. Issue a Writ of Habeas Corpus ordering Respondents to immediately
16 release Mr. Nava Paredes under the terms and conditions of his original parole.
- 17 4. Issue an Order to Show Cause why this Petition should not be granted
18 within three days and set a hearing on this Petition within five days of the return
19 pursuant to 28 U.S.C. § 2243.
- 20 5. Declare that Petitioner's current detention is unlawful.
- 21 6. Order that Petitioner may not be re-detained absent proper notice of the
22 reasons that form the basis for revocation of parole.
- 23 7. Order that Petitioner is entitled to a bond hearing before an immigration
24 judge if DHS revokes parole with proper notice.
- 25 8. Award reasonable attorney's fees and costs pursuant to the Equal Access
26 to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412.
- 27 9. Grant such further relief as this Court deems just and proper.

Respectfully submitted,

Cassandra Lopez

Litigation Director

AL OTRO LADO

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Email: Cassandra.l@alotrolado.org

Date: June 9, 2026

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

I am submitting this verification on behalf of Mr. Nava Paredes because I am his attorney. As Mr. Petitioner'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: June 9, 2026

By: /s/ Cassandra Lopez