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

MARTHA ISABEL CAMACHO
RAMIREZ,

Petitioner,

v.

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, JEREMY CASEY, Warden at
Imperial Regional Detention Facility,

Respondents.

Case No.: 26-cv-3689-CAB-MSB

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

INTRODUCTION

Martha Isabel Camacho Ramirez is a citizen of Mexico who was confronted and threatened by armed men. On November 17, 2023, she was paroled into the United States to allow her to apply for asylum. But despite complying with all her check-ins and submitting an application for relief, Ms. Camacho Ramirez was stopped by Border Patrol agents when she was driving on the freeway from Arizona to Los Angeles. They took her into immigration custody and never explained why they were revoking her parole.

Respondents have revoked Ms. Camacho Ramirez's parole in violation of the statute and regulations, which require notification and an informal interview at which she could contest her detention. Alternatively, the Due Process Clause of the Fifth Amendment of the Constitution requires redeprivation notice and hearing. Either way, the agency's actions violated the Administrative Procedures Act and the Due Process Clause, and this Court should order her immediate release.

STATEMENT OF FACTS

Ms. Camacho Ramirez was born in Mexico. Exhibit A, Declaration of Martha Isabel Camacho Ramirez, at ¶ 1. She left Mexico because she was confronted and threatened by armed men and feared for her life. *Id.* at ¶ 1.

Ms. Camacho Ramirez made an appointment through the CBP One App and presented herself at the port of entry on November 17, 2023. *Id.* at ¶ 2. She was paroled into the United States to allow her to apply for asylum. *Id.* at ¶ 2.

After she entered the U.S., Ms. Camacho Ramirez was initially placed in removal proceedings. *Id.* at ¶ 3. However, the immigration judge administratively closed her removal proceedings in December 2023 to allow her to affirmatively apply for asylum through USCIS. *Id.* at ¶ 3. She received a work permit and was living in National City, California. *Id.* at ¶ 3. During this time, she attended all of her check-in appointments. *Id.* at ¶ 3.

On February 24, 2026, Ms. Camacho Ramirez was driving from Arizona to Los Angeles when Border Patrol agents pulled her car over on the freeway. *Id.* at ¶ 4. They asked her for her papers, and she showed them her work permit and other paperwork. *Id.* at ¶ 4. They told her, “no, those aren’t good enough” and arrested her. *Id.* at ¶ 4.

The Border Patrol agents took Ms. Camacho Ramirez into custody and put her in detention. *Id.* at ¶ 5. They never told her why their decision to parole her had been revoked, nor did they give her an opportunity to contest her detention. *Id.* at ¶ 5.¹

CLAIMS FOR RELIEF

I. Count One: ICE failed to comply with its own regulations and the Administrative Procedures Act in revoking Ms. Camacho Ramirez’s parole.

When ICE took Ms. Camacho Ramirez into custody on February 24, 2026, it did not say whether it was revoking her parole. Exh. A at ¶ 5. Either way, the government’s actions violated the regulations and the Administrative Procedures Act.

Under the Administrative Procedures Act (APA), an agency action may be held unlawful and set aside if it is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A). An action is an abuse of discretion if the agency “entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” *Nat’l Ass’n of Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle*

¹ The parties have met and conferred on the fact that there are two cases by the same Petitioner, one with a higher case number that was previously adjudicated by Judge Robinson and closed. *See* 26-cv-3710-TWR-JAC. Because the instant case has a lower case number and presents an entirely different claim, Petitioner maintains that it should remain with this Court.

1 *Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43
 2 (1983)). For a challenged agency action to be upheld, the agency “must explain
 3 the evidence which is available, and must offer a rational connection between the
 4 facts found and the choice made.” *Motor Vehicle Mfrs*, 463 U.S. at 52 (1983)
 5 (internal quotations omitted) (quoting *Burlington Truck Lines, Inc. v. United*
 6 *States*, 371 U.S. 156, 168 (1962)).

7 Here, regardless of whether the agency formally revoked Ms. Camacho
 8 Ramirez’s parole, it violated the APA. If the agency did *not* revoke her parole,
 9 then it inexplicably violated its own parole decision by detaining Ms. Camacho
 10 Ramirez. Doing so violated the APA because the agency did not “offer a rational
 11 connection between the facts found and the choice made”—i.e., the fact that
 12 Ms. Camacho Ramirez was still on parole, yet the agency decided to detain her.
 13 *Motor Vehicle Mfrs*, 463 U.S. at 52. And nothing suggests that there *was* a
 14 “rational” reason for this choice, given that Ms. Camacho Ramirez had filed an
 15 asylum application and complied with all the conditions of her parole. This was
 16 the epitome of an “arbitrary” and “capricious” act under the APA. 5 U.S.C.
 17 § 706(2)(A).

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

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

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

15 What's more, Ms. Camacho Ramirez never received adequate notification
16 of a revocation under 8 C.F.R. § 212.5(e). So if the agency revoked her parole,
17 this decision violated both the statute and the regulation and was "not in
18 accordance with law" under the APA. 5 U.S.C. § 706(2)(A).

19 In the case of someone released under § 241.13(i), the regulations also
20 explicitly require the interviewer to allow the re-detained person to "submit any
21 evidence or information that he or she believes shows there is no significant
22 likelihood he or she be removed in the reasonably foreseeable future, or that he or
23 she has not violated the order of supervision." § 241.13(i)(3).

24 Numerous courts have released parolees on this basis. *See, e.g., Arias v.*
25 *Larose*, No. 3:25-CV-02595-BTM-MMP, 2025 WL 3295385, at *3 (S.D. Cal.
26 Nov. 25, 2025); *Noori v. LaRose*, No. 25-cv-1824-GPC-MSB, 2025 WL 2800149
27 (S.D. Cal. Oct. 1, 2025); *Salazar v. Casey*, No. 25-cv-2784 JLS-VET, 2025 WL
28 3063629 (S.D. Cal. Nov. 3, 2025); *Perez v. LaRose*, No. 25-cv-02620-RBM-JLB,

2025 WL 3171742 (S.D. Cal. Nov. 13, 2025); *Y-Z-L-H v. Bostock*, No. 25-cv-965-SI, 2025 WL 1898025, at *13 (D. Or. July 9, 2025). Because Ms. Camacho Ramirez is in the same position as these individuals, this Court should do the same and order her immediate release.

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

Additionally, “the revocation of [Ms. Camacho Ramirez’s] parole without justification or consideration of h[er] 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). Ms. Camacho Ramirez was “entitled to notice of the reasons for revocation of h[er] parole and a hearing before an immigration judge to determine whether detention is warranted” before ICE revoked her 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

1 that parole is temporary or discretionary. “For example, *Morrissey v. Brewer*, 408
 2 U.S. 471, 482 (1972)—though analyzing the criminal parole context—found that
 3 ‘the liberty of a parolee, although indeterminate, includes many of the core values
 4 of unqualified liberty and its termination inflicts a grievous loss on the parolee
 5 and often others ... [thus it] must be seen within the protection of the [Fifth]
 6 Amendment.’” *Id.*

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

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

15 “Third, the Government’s interest in detaining Petitioner without notice,
 16 reasoning, and a hearing is low.” *Salazar*, 2025 WL 3063629, at *5 (cleaned up).
 17 “Detention for its own sake, to meet an administrative quota, or because the
 18 government has not yet established constitutionally required pre-detention
 19 procedures is not a legitimate government interest.” *Pinchi v. Noem*, 792 F. Supp.
 20 3d 1025, 1036 (N.D. Cal. 2025).

21 Thus, because Respondents did not provide “proper notice, reasoning, and a
 22 pre-deprivation hearing” before revoking parole, Ms. Camacho Ramirez’s
 23 redetention violated the Due Process Clause. *Salazar*, 2025 WL 3063629, at *5.

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

25 Resolution of a detention-based habeas petition may require an evidentiary
 26 hearing. *Owino v. Napolitano*, 575 F.3d 952, 956 (9th Cir. 2009). Ms. Camacho
 27 Ramirez hereby requests such a hearing on any material, disputed facts.
 28

IV. Prayer for relief

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

1. Order Respondents to immediately release Petitioner from custody, subject to the conditions of her preexisting parole;
2. Order that prior to any re-detention of Petitioner, that Petitioner is entitled to notice of the reasons for revocation of her 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: July 8, 2026

s/ Kara Hartzler

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