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

ABDUL NASIR MORO,

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.

Civil Case No.: 26-cv-3741-LL-AHG

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

INTRODUCTION

Abdul Nasir Moro is a citizen of Ghana who is bisexual and fled his country after his partner was brutally attacked. In 2023, he was paroled into the United States to allow him to apply for asylum. But despite complying with all his check ins and submitting an application for relief, Mr. Moro was arrested by Border Patrol agents who never explained why they were revoking his parole.

Respondents have revoked Mr. Moro's parole in violation of the statute and regulations, which require notification and an informal interview at which he could contest his 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 his immediate release.

STATEMENT OF FACTS

Mr. Moro was born in Ghana. Exhibit A, Declaration of Abdul Nasir Moro, at ¶ 1. He fled Ghana because he is bisexual and his partner was brutally attacked. *Id.* at ¶ 1.

In 2023, Mr. Moro went to Mexico and made an appointment through the CBP One App. *Id.* at ¶ 2. He presented himself at the port of entry for his scheduled appointment and was detained. *Id.* at ¶ 2. After four days, he was paroled into the United States to allow him to apply for asylum. *Id.* at ¶ 2.

After he entered the U.S., Mr. Moro went to Connecticut and applied for asylum. *Id.* at ¶ 3. He received a work permit and attended all of his court dates and check-in appointments. *Id.* at ¶ 3.

In March 2026, Mr. Moro was with a friend who said that he should go with him to Canada. *Id.* at ¶ 4. But when they were about 20 or 30 minutes away from the border, Mr. Moro decided he did not want to go. *Id.* at ¶ 4. Around this time Border Patrol intercepted and arrested them. *Id.* at ¶ 4.

1 Border Patrol agents took Mr. Moro into custody and put him in detention.
 2 *Id.* at ¶ 5. They never told him why their decision to parole him had been revoked,
 3 nor did they give him an opportunity to contest his detention. *Id.* at ¶ 5. After
 4 three weeks, he was transferred to the Imperial Regional Detention Facility. *Id.* at
 5 ¶ 5.

6 CLAIMS FOR RELIEF

7 **I. Count One: ICE failed to comply with its own regulations and the** 8 **Administrative Procedures Act in revoking Mr. Moro's parole.**

9 When ICE took Mr. Moro into custody in March 2026, it did not say
 10 whether it was revoking his parole. Exh. A at ¶ 5. Either way, the government's
 11 actions violated the regulations and the Administrative Procedures Act.

12 Under the Administrative Procedures Act (APA), an agency action may be
 13 held unlawful and set aside if it is "arbitrary, capricious, an abuse of discretion, or
 14 otherwise not in accordance with law." 5 U.S.C. § 706(2)(A). An action is an
 15 abuse of discretion if the agency "entirely failed to consider an important aspect
 16 of the problem, offered an explanation for its decision that runs counter to the
 17 evidence before the agency, or is so implausible that it could not be ascribed to a
 18 difference in view or the product of agency expertise." *Nat'l Ass'n of Home*
 19 *Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle*
 20 *Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43
 21 (1983)). For a challenged agency action to be upheld, the agency "must explain
 22 the evidence which is available, and must offer a rational connection between the
 23 facts found and the choice made." *Motor Vehicle Mfrs*, 463 U.S. at 52 (1983)
 24 (internal quotations omitted) (quoting *Burlington Truck Lines, Inc. v. United*
 25 *States*, 371 U.S. 156, 168 (1962)).

26 Here, regardless of whether the agency formally revoked Mr. Moro's
 27 parole, it violated the APA. If the agency did *not* revoke his parole, then it
 28 inexplicably violated its own parole decision by detaining Mr. Moro. Doing so

1 violated the APA because the agency did not “offer a rational connection between
 2 the facts found and the choice made”—i.e., the fact that Mr. Moro was still on
 3 parole, yet the agency decided to detain him. *Motor Vehicle Mfrs*, 463 U.S. at 52.
 4 And nothing suggests that there *was* a “rational” reason for this choice, given that
 5 Mr. Moro had filed an asylum application and complied with all the conditions or
 6 his parole. This was the epitome of an “arbitrary” and “capricious” act under the
 7 APA. 5 U.S.C. § 706(2)(A).

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

21 None of this occurred here. Because “the purpose[] of [Mr. Moro’s]
 22 parole” was to allow him to continue his application for asylum, that purpose has
 23 not yet “been served” because his asylum claim is still pending. 8 U.S.C.
 24 § 1182(d)(5)(A). And the humanitarian reasons for parole—to avoid unnecessary
 25 detention when an asylum seeker poses no danger or flight risk—remains the
 26 same. Put differently, “upon Petitioner’s entry into the United States, Respondents
 27 determined that Petitioner was suitable for parole. Respondents have not provided
 28 a reasoned explanation or any changed circumstances that would justify their

1 current departure from their prior decision.” *Y-Z-L-H v. Bostock*, 792 F. Supp. 3d
 2 1123, 1146 (D. Or. 2025). Under the APA, “[i]t is Respondents’ burden to
 3 provide a reasoned explanation for their action,” which they will not be able to do.
 4 *Id.*

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

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

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

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

25 Additionally, “the revocation of [Mr. Moro’s] parole without justification
 26 or consideration of his individualized circumstances violates the Due Process
 27 Clause.” *Perez v. LaRose*, No. 3:25-CV-02620-RBM-JLB, 2025 WL 3171742, at
 28 *4 (S.D. Cal. Nov. 13, 2025). Mr. Moro was “entitled to notice of the reasons for

1 revocation of his parole and a hearing before an immigration judge to determine
2 whether detention is warranted” before ICE revoked his parole. *Id.* at *7.

3 “The Fifth Amendment guarantees that ‘[n]o person shall be ... deprived of
4 life, liberty, or property, without due process of law.’” *Salazar*, 2025 WL
5 3063629, at *3 (quoting U.S. Const. amend. V). “[T]he Due Process Clause
6 applies to all ‘persons’ within the United States, including aliens, whether their
7 presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*,
8 533 U.S. 678, 693 (9th Cir. 2001).

9 “Generally, due process protections depend on the situation and must
10 account for (1) the private interest at issue, (2) the risk of erroneous deprivation of
11 that interest through the procedures used, and (3) the Government's interest.”
12 *Noori v. LaRose*, No. 25-cv-1824-GPC-MSB, 2025 WL 2800149 (S.D. Cal. Oct.
13 1, 2025); (citing *Mathews v. Eldridge*, 424 U.S. 319 (1976)). Weighing those
14 considerations here, Respondents violated the Due Process Clause by revoking
15 parole with no notice or hearing.

16 “First, Petitioner has a private interest in remaining free, which developed
17 over the [months] he resided in the United States.” *Id.* at *10. It does not matter
18 that parole is temporary or discretionary. “For example, *Morrissey v. Brewer*, 408
19 U.S. 471, 482 (1972)—though analyzing the criminal parole context—found that
20 ‘the liberty of a parolee, although indeterminate, includes many of the core values
21 of unqualified liberty and its termination inflicts a grievous loss on the parolee
22 and often others ... [thus it] must be seen within the protection of the [Fifth]
23 Amendment.’” *Id.*

24 “Second, the risk of an erroneous deprivation of such interest is high as
25 Petitioner's parole was revoked without providing [him] a reason for revocation or
26 giving [him] an opportunity to be heard.” *Salazar*, 2025 WL 3063629, at *4.
27 “Civil immigration detention is permissible only to prevent flight or protect
28 against danger to the community.” *Perez*, 2025 WL 3171742, at *5. But here,

1 “[s]ince DHS's initial determination that Petitioner should be paroled because [he]
 2 posed no danger to the community and was not a flight risk, there is no evidence
 3 that these findings have changed.” *Id.*

4 “Third, the Government’s interest in detaining Petitioner without notice,
 5 reasoning, and a hearing is low.” *Salazar*, 2025 WL 3063629, at *5 (cleaned up).
 6 “Detention for its own sake, to meet an administrative quota, or because the
 7 government has not yet established constitutionally required pre-detention
 8 procedures is not a legitimate government interest.” *Pinchi v. Noem*, 792 F. Supp.
 9 3d 1025, 1036 (N.D. Cal. 2025).

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

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

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

17 **IV. Prayer for relief**

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

- 19 1. Order Respondents to immediately release Petitioner from custody,
 20 subject to the conditions of his preexisting parole;
- 21 2. Order that prior to any re-detention of Petitioner, that Petitioner is
 22 entitled to notice of the reasons for revocation of his parole and a
 23 hearing before an immigration judge to determine whether detention is
 24 warranted. Respondents bear the burden of establishing, by clear and
 25 convincing evidence, that Petitioner poses a danger to the community or
 26 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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