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

DICSON OBEL AGUILAR-
MAZARIEGOS,

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-3758-LL-AHG

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

INTRODUCTION

Dicson Obel Aguilar-Mazariegos is a citizen of Honduras who was paroled into the United States at age 16 to allow him to apply for asylum. But despite complying with all his check ins and timely submitting an application for relief, Mr. Aguilar-Mazariegos was stopped by ICE on his way to work. Agents told him that he was here “illegally” and revoked their decision to release him.

Respondents have revoked Mr. Aguilar-Mazariegos’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. Aguilar-Mazariegos was born in Honduras. Exhibit A, Declaration of Dicson Obel Aguilar-Mazariegos, at ¶ 1. In 2018, when he was 16 years old, he came to the United States with his father and brother because they feared persecution. *Id.* at ¶ 1.

On November 9, 2018, Mr. Aguilar-Mazariegos and his father and brother went to a port of entry and asked for asylum. *Id.* at ¶ 2. They were held in detention for eight days and then paroled into the United States. *Id.* at ¶ 2.

After Mr. Aguilar-Mazariegos and his father and brother were released, they went to Miami, Florida, where they applied for asylum. *Id.* at ¶ 3. During this time, they attended all their check in appointments. *Id.* at ¶ 3. They received a work permit and a Social Security number. *Id.* at ¶ 3. Mr. Aguilar-Mazariegos has no criminal history in the United States or elsewhere. *Id.* at ¶ 3.

On May 4, 2026, Mr. Aguilar-Mazariegos was on his way to work when ICE stopped the car that he was riding in. *Id.* at ¶ 4. They asked to see his papers, and Mr. Aguilar-Mazariegos showed them his work permit. *Id.* at ¶ 4. But they

1 told Mr. Aguilar-Mazariegos he was here “illegally” and took him into custody.
 2 *Id.* at ¶ 4. They never told him why the agency’s decision to release him had been
 3 revoked, nor did they give him an opportunity to contest his detention. *Id.* at ¶ 4.

4 Eventually, Respondents transferred Mr. Aguilar-Mazariegos to the
 5 Imperial Regional Detention Center. *Id.* at ¶ 5. His next immigration hearing date
 6 is on July 7, 2026. *Id.* at ¶ 5.

7 CLAIMS FOR RELIEF

8 **I. Count One: ICE failed to comply with its own regulations and the** 9 **Administrative Procedures Act in revoking Mr. Aguilar-Mazariegos’s** 10 **parole.**

11 When ICE took Mr. Aguilar-Mazariegos into custody on May 4, 2026, it
 12 did not say whether it was revoking his parole. Exh. A at ¶ 5. Either way, the
 13 government’s actions violated the regulations and the Administrative Procedures
 14 Act.

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

Here, regardless of whether the agency formally revoked Mr. Aguilar-Mazariegos's parole, it violated the APA. If the agency did *not* revoke his parole, then it inexplicably violated its own parole decision by detaining Mr. Aguilar-Mazariegos. Doing so violated the APA because the agency did not "offer a rational connection between the facts found and the choice made"—i.e., the fact that Mr. Aguilar-Mazariegos was still on parole, yet the agency decided to detain him. *Motor Vehicle Mfrs*, 463 U.S. at 52. And nothing suggests that there *was* a "rational" reason for this choice, given that Mr. Aguilar-Mazariegos had filed an asylum application and complied with all the conditions of his parole. This was the epitome of an "arbitrary" and "capricious" act under the APA. 5 U.S.C. § 706(2)(A).

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

None of this occurred here. Because "the purpose[] of [Mr. Aguilar-Mazariegos's] parole" was to allow him to apply for asylum, that purpose has not yet "been served" because his asylum claim is still pending. 8 U.S.C. § 1182(d)(5)(A). And the humanitarian reasons for parole—to avoid unnecessary

1 detention when an asylum seeker poses no danger or flight risk—remains the
 2 same. Put differently, “upon Petitioner's entry into the United States, Respondents
 3 determined that Petitioner was suitable for parole. Respondents have not provided
 4 a reasoned explanation or any changed circumstances that would justify their
 5 current departure from their prior decision.” *Y-Z-L-H v. Bostock*, 792 F. Supp. 3d
 6 1123, 1146 (D. Or. 2025). Under the APA, “[i]t is Respondents’ burden to
 7 provide a reasoned explanation for their action,” which they will not be able to do.
 8 *Id.*

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

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

18 Numerous courts have released parolees on this basis. *See, e.g., Arias v.*
 19 *Larose*, No. 3:25-CV-02595-BTM-MMP, 2025 WL 3295385, at *3 (S.D. Cal.
 20 Nov. 25, 2025); *Noori v. LaRose*, No. 25-cv-1824-GPC-MSB, 2025 WL 2800149
 21 (S.D. Cal. Oct. 1, 2025); *Salazar v. Casey*, No. 25-cv-2784 JLS-VET, 2025 WL
 22 3063629 (S.D. Cal. Nov. 3, 2025); *Perez v. LaRose*, No. 25-cv-02620-RBM-JLB,
 23 2025 WL 3171742 (S.D. Cal. Nov. 13, 2025); *Y-Z-L-H v. Bostock*, No. 25-cv-
 24 965-SI, 2025 WL 1898025, at *13 (D. Or. July 9, 2025). Because Mr. Aguilar-
 25 Mazariegos is in the same position as these individuals, this Court should do the
 26 same and order his 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 [Mr. Aguilar-Mazariegos’s] parole without justification or consideration of his 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). Mr. Aguilar-Mazariegos was “entitled to notice of the reasons for revocation of his parole and a hearing before an immigration judge to determine whether detention is warranted” before ICE revoked his 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 that parole is temporary or discretionary. “For example, *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972)—though analyzing the criminal parole context—found that ‘the liberty of a parolee, although indeterminate, includes many of the core values of unqualified liberty and its termination inflicts a grievous loss on the parolee

1 and often others ... [thus it] must be seen within the protection of the [Fifth]
 2 Amendment.” *Id.*

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

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

11 “Third, the Government’s interest in detaining Petitioner without notice,
 12 reasoning, and a hearing is low.” *Salazar*, 2025 WL 3063629, at *5 (cleaned up).

13 “Detention for its own sake, to meet an administrative quota, or because the
 14 government has not yet established constitutionally required pre-detention
 15 procedures is not a legitimate government interest.” *Pinchi v. Noem*, 792 F. Supp.
 16 3d 1025, 1036 (N.D. Cal. 2025).

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

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

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

24 **IV. Prayer for relief**

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

- 26 1. Order Respondents to immediately release Petitioner from custody,
- 27 subject to the conditions of his preexisting parole;

