

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

Magomed Mumaev)

)

Place of Confinement)

Adelanto ICE Processing Center)

)

Petitioner)

)

v.)

)

FERETI SEMAIA Warden, Adelanto ICE)

Civil Action No. 5:25-cv-03409

Processing Center;)

ERNESTO SANTA CRUZ, Field Office)

Director, Los Angeles Field Office, United)

States Immigration and Customs Enforcement;)

TODD M. LYONS, Acting Director, United)

States Immigration and Customs Enforcement;)

KRISTI NOEM, Secretary of Homeland)

Security;)

PAMELA JO BONDI, Attorney General of the)

United States, in their official capacities,)

)

Respondents.)

)

)

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

I. INTRODUCTION

1. Petitioner Magomed Mumaev (“Mr. Mumaev”) brings this Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 to challenge his detention as a violation

1 of the Immigration and Nationality Act (“INA”), the Due Process Clause of the Fifth
2 Amendment and the Administrative Procedure Act.

3 2. Mr. Mumaev is a native of the Russian Federation and a citizen of the Russian
4 Federation. He was paroled into the United States on May 17, 2023, in order to pursue
5 his claim for asylum in the United States. Mr. Mumaev filed his first application for
6 asylum with the Executive Office of Immigration Review (“EOIR”) on February 12,
7 2024.

9 3. On April 3, 2025, over twenty-two (22) months after his parole into the United States,
10 Mr. Mumaev was abruptly and inexplicably detained by the Department of Homeland
11 Security (“DHS”).

13 4. During the more than twenty-two (22) months that he lived in the United States, Mr.
14 Mumaev was never arrested, charged with any crimes or violations. Mr. Mumaev has
15 significant and meaningful community ties in the United States.

17 5. Mr. Mumaev respectfully requests that this Court to find that his detention is unlawful
18 and to order his immediate release from custody under appropriate conditions.

20 **II. CUSTODY**

21 6. Mr. Mumaev is in the physical custody of Respondents. Mr. Mumaev is currently
22 imprisoned at the Adelanto ICE Processing Center in Adelanto, California, an
23 immigration detention facility, in Adelanto, California. Mr. Mumaev is under the
24 direct control of Respondents and their agents.
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III. JURISDICTION

7. This Court has jurisdiction over the present action pursuant to 28 U.S.C. § 1331, general federal question jurisdiction; 5 U.S.C. §§ 701 et seq., the Administrative Procedure Act (APA); habeas jurisdiction pursuant to 28 U.S.C. § 2241 et seq.; Art I, § 9, Cl. 2 of the United States Constitution (the Suspension Clause); and the common law.
8. This action arises under the Due Process Clause of the Fifth Amendment of the U.S. Constitution, the INA, and the APA.
9. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2001 et seq., and the All-Writs Act, 28 U.S.C. § 1651.
10. Federal district courts have jurisdiction to hear habeas claims by noncitizens challenging the lawfulness or constitutionality of DHS conduct. Federal courts are not stripped of jurisdiction under 8 U.S.C. § 1252. See e.g., *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).
11. Mr. Mumaev is challenging how DHS detained him in the interior of the United States, after he was lawfully admitted and paroled. “Federal courts are not precluded from reviewing ‘how’ Respondents exercise their discretion and determining whether such exercise is violative of the Constitution or federal law.” *E.V. v. Raycraft*, No. 4:25-CV-2069, 2025 WL 3122837, at *6 (N.D. Ohio Nov. 7, 2025).

A. Subject Matter Jurisdiction

1 12. This Court has subject matter jurisdiction over claims related to detention and
2 constitutional violations. A federal court has subject matter jurisdiction under §
3 2241(c)(3) if two requirements are met: (1) the applicant is “in custody,” and (2) the
4 custody is “in violation of the Constitution or laws or treaties of the United States.”,
5 28 U.S.C. § 2241(c)(3); *see also* *Martinez v. Ceja*, 760 F. Supp. 3d 1188, 1191–92 (D.
6 Colo. 2024); *Maleng v. Cook*, 490 U.S. 488, 490 (1989).

8 13. Because Mr. Mumaev challenges the legality of his re-detention rather than a final
9 order of removal 8 USC § 1252(b)(9) does not strip this Court of jurisdiction. *Perez v.*
10 *LaRose*, No. 3:25-CV-02620-RBM-JLB, 2025 WL 3171742, at *3 (S.D. Cal. Nov. 13,
11 2025).

13 14. District courts retain jurisdiction under 28 U.S.C. § 2241 to consider habeas
14 challenges to immigration detention that are sufficiently independent of the
15 merits of the removal order, *Lopez-Marroquin v. Barr*, 955 F.3d 759 (9th Cir.
16 2020).

18 15. Furthermore, Mr. Mumaev challenges the legality of DHS’s re-detention under the
19 Immigration and Nationality Act. “The question of whether section 1225(b)(2) or
20 section 1226(a) governs Petitioner’s detention is a question of statutory interpretation
21 squarely within the Court’s jurisdiction.” *EDUARDO DUVALLO BOFFILL,*
22 *Petitioner, v. FIELD OFFICE DIRECTOR, Miami Field Off., U.S. Immigr. & Customs*
23 *Enft, et al., Respondents.*, No. 25-CV-25179-JB, 2025 WL 3246868, at *6 (S.D. Fla.
24 Nov. 20, 2025).

IV. VENUE

16. Venue is proper in this District under 28 U.S.C. 1391 and 28 U.S.C. 2242 because at least one Respondent is in this District, Mr. Mumaev is detained in this District, Mr. Mumaev's immediate physical custodian is located in this District, and a substantial part of the events giving rise to the claims in this action took place in this District. See generally *Rumsfeld v. Padilla*, 542 U.S. 426, 434 (2004) ("the proper respondent to a habeas petition is 'the person who has custody over the petitioner'") (citing 28 U.S.C. §2242) (cleaned up). In addition, no real property is involved in this matter.

V. PARTIES

17. Petitioner Magomed Mumaev is currently detained by Respondents at the Adelanto ICE Processing Center, an immigration detention facility in Adelanto, California. He has been in ICE custody since on or about April 3, 2025.

18. Respondent Fereti Semaia is the Warden of the Adelanto ICE Processing Center, where Mr. Mumaev is currently detained. He is a physical custodian of Mr. Mumaev and is named in his official capacity.

19. Respondent Ernesto Santa Cruz is the Field Office Director responsible for the Los Angeles California Field Office of Immigration and Customs Enforcement with administrative jurisdiction over Mr. Mumaev's immigration case. He is a legal custodian of Mr. Mumaev and is named in his official capacity.

20. Respondent Todd M. Lyons is the Acting Director of Immigration and Customs Enforcement. He is a legal custodian of Mr. Mumaev and is named in his official

1 capacity.

2 21. Respondent Kristi Noem is the Secretary of the United States Department of Homeland
3 Security. She is a legal custodian of Mr. Mumaev and is named in her official capacity.

4 22. Respondent Pamela Jo Bondi is the Attorney General of the United States and leads the
5 U.S. Department of Justice. She is a legal custodian of Mr. Mumaev and is named in her
6 official capacity.
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9 **VI. STATEMENT OF FACTS**

10 23. Mr. Mumaev is 25-years-old. He arrived to the United States on May 17, 2023, fleeing
11 persecution in his country of citizenship, Russian Federation, on account of torture and
12 persecution he experienced after [REDACTED]
13 [REDACTED]
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15 24. Mr. Mumaev was paroled into the United States. (See Exhibit B).
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17 25. The Department of Homeland Security initiated removal proceedings against Mr.
18 Mumaev on June 6, 2023. (See Exhibit C). Mr. Mumaev diligently hired an attorney and
19 dutifully participated in his removal proceedings. (See Exhibit D).
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21 26. He timely filed his defensive application for asylum with the Executive Office of
22 Immigration Review on February 12, 2024. (See Exhibit D). Accordingly, he fulfilled all
23 of his requirements to pursue his request for asylum in the United States.

24 27. During over twenty-two 22 months that Mr. Mumaev resided in the United States, he
25 did not have any derogatory encounters with any law enforcement agency in the United
26 States - he was never arrested or charged with any crimes or violations.
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1 28. Mr. Mumaev has meaningful community ties in the United States: his sister lives here in
2 the United States, along with her husband, Mr. Mumaev's brother-in-law, and their four
3 children.

4 29. Mr. Mumaev was suddenly and inexplicably arrested by the Department of Homeland
5 Security on April 3, 2025. He was re-detained and sent to the Adelanto ICE Processing
6 Center. He has been detained there since then.

7 30. Mr. Mumaev was arrested without a warrant and without an individualized assessment
8 regarding whether he poses a danger to any person or property, or whether he is a flight
9 risk. His parole was revoked, also without an individualized assessment.
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11 31. On October 9, 2025, the Immigration Court held a bond hearing for Mr. Mumaev,
12 pursuant to *Rodriguez v. Robbins*, 2:07-cv-03239 (C.D. Cal. Sept. 13, 2012).

13 32. Respondents presented no evidence of any arrests, convictions, citations, fines, or other
14 misconduct by Mr. Mumaev. Respondents likewise failed to present any evidence that
15 Mr. Mumaev had become a flight risk at any point since May 17, 2023.
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17 33. Mr. Mumaev, by contrast, submitted ample evidence demonstrating that he is not a flight
18 risk: evidence of a bona fide sponsor - the owner of a gym where Mr. Mumaev trained
19 for a year - evidence of meaningful family connections in the United States, employment
20 history in the United States, evidence that he was employed as a police officer in Russia,
21 and other evidence that demonstrates that he is not a flight risk.
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23 34. Despite the complete absence of probative or relevant evidence justifying continued
24 detention, the Immigration Court—committing both factual and legal error—denied
25 bond and found that Mr. Mumaev posed a flight risk.
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1 35. Mr. Mumaev timely appealed the Court's order.
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3 VII. LEGAL FRAMEWORK

4 A. Requirements of 28 U.S.C. §§ 2241, 2243

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6 36. The Court must grant the petition for writ of habeas corpus or issue an order to show
7 cause (OSC) to the Respondents "forthwith," to demonstrate why Mr. Mumaev is not
8 entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require
9 Respondents to file a return "within three days unless for good cause additional time, not
10 exceeding twenty days, is allowed." *Id.*

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12 37. Courts have long recognized the significance of the habeas statute in protecting
13 individuals from unlawful detention. The Great Writ has been referred to as "perhaps the
14 most important writ known to the constitutional law of England, affording as it does a
15 swift and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*,
16 372 U.S. 391, 400 (1963) (emphasis added).

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18 38. Mr. Mumaev is "in custody" for the purpose of § 2241 because he was detained and taken
19 into custody by Respondents on April 3, 2025 and is held in custody in Adelanto,
20 California at Respondents' detention center.

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22 39. Habeas relief is the proper vehicle by which Mr. Mumaev can challenge his civil
23 immigration detention. *Soberanes v. Comfort*, 388 F.3d 1305, 1310 (10th Cir. 2004)
24 ("Challenges to immigration detention are properly brought directly through habeas")
25 (citing *Zadvydas v. Davis*, 533 U.S. 678, 687-88 (2001)).

26 B. Mr. Mumaev's re-detention violated his inherent Due Process Rights

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1 40. Mr. Mumaev's re-detention, by DHS, over twenty-two (22) months after he was
2 inspected and paroled by DHS at the southern United States border, is a due process
3 violation and violates the Immigration and Nationality Act. He was arrested and re-
4 detained even though there were no changes in his circumstances. There is no
5 evidence that DHS could provide that since he was paroled into the United States he
6 has now become a danger to the public or that he poses a flight risk.

8 41. Mr. Mumaev was arrested and re-detained without consideration of his individualized
9 circumstances after DHS determined he was eligible to be paroled on May 17, 2023.
10 Also, no warrant for his arrest, as required by INA §1226(a).

12 42. "[T]he Due Process Clause applies to all 'persons' within the United States, including
13 aliens, whether their presence here is lawful, unlawful, temporary, or permanent."
14 *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). "Due process . . . is a flexible concept
15 that varies with the particular situation. *Zinerman v. Burch*, 494 U.S. 113, 127(1990).

17 43. Many Federal District Courts all over the United States, including U.S. district courts
18 located in the 9th Circuit, have used the three part test from *Mathews v. Eldridge* to
19 evaluate due process claims for habeas petitioners in the same position such as Mr.
20 Mumaev's: "Courts consider: (1) the private interest that will be affected by the official
21 action; (2) the risk of an erroneous deprivation of such interest through the procedures
22 used, and probable value, if any, of additional procedural safeguards; and (3) the
23 Government's interest, including the fiscal and administrative burdens that the additional
24 or substitute procedures would entail." *ANTONIO ANGEL CASTILLO & JUAN JOSE*
25 *LEON LOZA v. MARY DE ANDRA-YBARRA, et al., No. CV 25-1074 JB/JFR, 2025 WL*
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1 3251223, at *7 (D.N.M. Nov. 21, 2025), quoting *Mathews v. Eldridge*, 424 U.S. 319,
2 335, 96 S. Ct. 893, 903, 47 L. Ed. 2d 18 (1976).

3 44. The Court should find that Mr. Mumaev’s current detention is in violation of his due
4 process rights because Mr. Mumaev can satisfy all three factors of the *Mathew* test.

5 45. Mr. Mumaev has an inherent private liberty interest granted to him by the Fifth
6 Amendment Due Process Clause when DHS released and paroled into the United
7 States pursuant to 8 USC §1182(d)(5)(A). *Pruitt v. Heimgartner*, 620 F. App’x 653,
8 657 (10th Cir. 2015) (quoting *Boutwell v. Keating*, 399 F.3d 1203, 1212 (10th Cir.
9 2005)).
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11 46. Even without having been paroled by DHS, Mr. Mumaev has an interest in being “free
12 from physical detention” by virtue of having been given access to reside in the United
13 States. *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004). “Freedom from imprisonment—
14 from government custody, detention, or other forms of physical restraint—lies at the
15 heart of the liberty that [the Due Process] Clause protects.” *Zadvydas v. Davis*, 533
16 U.S. 678, 690 (2001).
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18 47. Furthermore, that inherent private liberty interest that Mr. Mumaev obtained when he
19 entered the territory of the United States is ongoing and does not expire. *Young v.*
20 *Harper*, 520 U.S. 143, 147–149, 152–153 (1997). See also *Rodriguez v. Kaiser*, No.
21 *1:25-CV-01111-KES-SAB (HC)*, 2025 WL 2855193, at *6 (E.D. Cal. Oct. 8, 2025).
22 “That the express terms of the parole notice allowed for discretionary termination or
23 expiration does not somehow obviate the need for the Government to provide a
24 individualized hearing prior to re-detaining the parolee. . . . Once established, [Mr.
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1 Mumaev’s] interest in liberty is a constitutional right which may only be revoked
2 through methods that comport with due process, such as a hearing in front of a neutral
3 party to determine whether [Mr. Mumaev]’s re-detainment is warranted.” *Ramirez*
4 *Tesara v. Wamsley*, No. 2:25-CV-01723-MJP-TLF, 2025 WL 2637663, at *3 (W.D.
5 Wash. Sept. 12, 2025)
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7 48. Mr. Mumaev’s more than twenty-two (22) months, non-confined residence in the
8 United States “crystallize[d]” into a protected liberty interest because Mr. Mumaev
9 “‘reasonably thought the release was deliberate and lawful.’” *Guillermo M. R. v.*
10 *Kaiser*, 791 F. Supp. 3d 1021, 1030 (N.D. Cal. 2025), quoting *Hurd v. D.C., Gov’t*,
11 864 F.3d 671, 683–84 (D.C. Cir. 2017). The twenty-two (22) months is enough time to
12 “afforded [Mr. Mumaev] the Fifth Amendment’s guaranteed due process before
13 removal.” *Perez v. LaRose*, No. 3:25-CV-02620-RBM-JLB, 2025 WL 3171742, at *4
14 (S.D. Cal. Nov. 13, 2025) citing *Noori v. LaRose*, No. 25-CV-1824-GPC-MSB, 2025
15 WL 2800149, at *10 (S.D. Cal. Oct. 1, 2025).
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18 49. Mr. Mumaev’s protected liberty interest entitles to him to protections against arbitrary
19 and baseless re-detention by DHS, even if it is allegedly pursuant to 8 USC §1225.
20 *Rodriguez v. Kaiser*, No. 1:25-CV-01111-KES-SAB (HC), 2025 WL 2855193, at *5
21 (E.D. Cal. Oct. 8, 2025). Mr. Mumaev’s initial inspection, release and parole by DHS in
22 June of 2023 “reflects a determination by the government that [he] is not a danger to the
23 community or a flight risk.” *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1176 (N.D. Cal.
24 2017), *aff’d sub nom. Saravia for A.H. v. Sessions*, 905 F.3d 1137 (9th Cir. 2018). “Where
25 the release decision was made by a DHS officer, not an immigration judge, the
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Government's practice has been to require a showing of changed circumstances before re-arrest.” *C.A.R.V. v. Wofford*, No. 1:25-CV-01395 JLT SKO, 2025 WL 3059549, at *3 (E.D. Cal. Nov. 3, 2025) citing *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1197 (N.D. Cal. 2017); *See also Salinas v. Woosley*, No. 4:25-CV-121-DJH, 2025 WL 3243837, at *4 (W.D. Ky. Nov. 20, 2025).

50. His re-detention after parole, without any hearing or individualized determination regarding whether such re-detention is warranted, violated his due process rights. “[T]he Due Process Clause requires procedural protections before [Mr. Mumaev] can be deprived of that interest.” *Ortiz Reyes v. LaRose*, No. 25-CV-2938 JLS (VET), 2025 WL 3171743, at *5 (S.D. Cal. Nov. 13, 2025). Accordingly, Mr. Mumaev’s current detention is a deprivation of his due process liberty interest.

51. There is no evidence that anything has changed since DHS's initial determination that Mr. Mumaev posed no danger to the community and was not a flight risk. *Salinas v. Woosley*, No. 4:25-CV-121-DJH, 2025 WL 3243837, at *4 (W.D. Ky. Nov. 20, 2025).

52. As to the second *Mathews* factor “the risk of an erroneous deprivation of [Mr. Mumaev’s liberty] interest is high as [he] was re-detained” without being provided a reason or an opportunity to be heard. *Ortiz Reyes v. LaRose*, No. 25-CV-2938 JLS (VET), 2025 WL 3171743, at *5 (S.D. Cal. Nov. 13, 2025) (“Since DHS's initial determination that Petitioner should be paroled because he posed no danger to the community and was not a flight risk, there is no evidence that these findings have changed.”).

53. Mr. Mumaev was not provided with any procedure to contest DHS’s decision to prematurely revoke his parole and detain him. Due process prohibits arbitrary detention

1 and requires that civil immigration custody serve legitimate regulatory purposes, such as
2 ensuring appearance at proceedings and protecting the community. “[T]he Constitution
3 requires some kind of a hearing before the State deprives a person of liberty or
4 property.” *Zinerman v. Burch*, 494 U.S. 113, 127 (1990) (emphasis in original).

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6 54. Mr. Mumaev was not afforded these basic constitutional protections.

7 55. Without any procedural safeguards that would require DHS to demonstrate evidence of
8 any changes in DHS’s initial determination, Mr. Mumaev’s current detention is clearly
9 an erroneous deprivation of his inherent private liberty interest. “Absent a pre-detention
10 hearing in front of a neutral arbiter, the risk of erroneous deprivation is high given the
11 possibility that [Mr. Mumaev’s] re-detention will not be pursuant to a valid state
12 interest.” *Valencia Zapata v. Kaiser*, No. 25-CV-07492-RFL, 2025 WL 2741654, at *10
13 (N.D. Cal. Sept. 26, 2025). “[A] pre-deprivation hearing [is] required to satisfy due
14 process.” *Rodriguez v. Kaiser*, No. 1:25-CV-01111-KES-SAB (HC), 2025 WL 2855193,
15 at *7 (E.D. Cal. Oct. 8, 2025), citing *Guillermo M. R. v. Kaiser*, 791 F. Supp. 3d 1021,
16 1030 (N.D. Cal. 2025).

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19 56. To show that DHS is not erroneously depriving Mr. Mumaev of his inherent private
20 liberty interest, DHS “must be able to present evidence of materially changed
21 circumstances” that merit deprivation of Mr. Mumaev’s rights. *Salazar v. Casey*, No. 25-
22 CV-2784 JLS (VET), 2025 WL 3063629, at *4 (S.D. Cal. Nov. 3, 2025). DHS cannot
23 prove such changed circumstances as there have been no material changes since Mr.
24 Mumaev was paroled into the United States in May of 2023.

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26 57. In the more than twenty-two (22) months since Mr. Mumaev was released, there has
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1 been no indication that he has become a flight risk or that he poses a danger. He has not
2 had any derogatory contact with any law enforcement agency; he has complied with all
3 the requirements of the Immigration and Nationality Act. Therefore, his re-detention by
4 DHS in May of 2025, without justification or individualized assessment as to whether
5 his detention furthers any regulatory purposes, is baseless and a violation of his due
6 process.
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8 58. Concerning the *Mathews* third factor, DHS has “no legitimate interest that would
9 support [detaining Mr. Mumaev] without a pre-detention hearing.” *Ramirez Tesara v.*
10 *Wamsley*, No. 2:25-CV-01723-MJP-TLF, 2025 WL 2637663, at *4 (W.D. Wash. Sept.
11 12, 2025). They cannot prove an evidentiary, administrative or financial burden that
12 would overcome Mr. Mumaev’s Fifth Amended Due Process Right. *Ramirez Tesara v.*
13 *Wamsley*, No. 2:25-CV-01723-MJP-TLF, 2025 WL 2637663, at *4 (W.D. Wash. Sept.
14 12, 2025).
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17 59. One Federal District Court found that “even the two-day curtailment of liberty” of a
18 habeas petitioner “upon her re-detention by ICE was not justified by any valid interest.
19 Providing her with the procedural safeguard of a pre-detention hearing will have
20 significant value in helping ensure that any future detention has a lawful basis.”
21 *Ramirez Tesara v. Wamsley*, No. 2:25-CV-01723-MJP-TLF, 2025 WL 2637663, at *4
22 (W.D. Wash. Sept. 12, 2025).
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24 60. Overall, “there is no countervailing government interest . . . that supports conducting a
25 bond hearing only after [Mr. Mumaev] has been detained, rather than in advance
26 thereof.” *Pinchi v. Noem*, 792 F. Supp. 3d 1025, 1036 (N.D. Cal. 2025).
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1 61. DHS has a low interest in detaining Mr. Mumaev without basic due process protections,
2 such as a pre-detention hearing. *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 970 (N.D. Cal.
3 2019).

4 **C. Mr. Mumaev’s re-detention violated the Immigration and Nationality Act and**
5 **applicable regulations**
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7 62. DHS violated the Immigration and Nationality Act, and applicable regulations, by
8 detaining him without the possibility of a bond hearing.

9 63. Mr. Mumaev had been admitted and paroled to the United States pursuant to a grant of
10 humanitarian parole and issued an I-94 document. Therefore, his re-detention is
11 governed by 8 USC §1226. He is not subject to mandatory detention under 8 USC
12 §1225.
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14 64. “Whether Petitioner is detained under section 1225(b)(2) or section 1226(a) is an issue
15 of statutory interpretation that hinges on the meaning of ‘seeking admission.’” *Puga v.*
16 *Assistant Field Off. Dir., Krome N. Serv. Processing Ctr.*, No. 25-24535-CIV, 2025 WL
17 2938369, at *4 (S.D. Fla. Oct. 15, 2025).
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19 65. Mr. Mumaev is no longer an “applicant for admission” under 8 U.S.C. § 1225, because
20 he is not “arriving” or “recently entered in the United States.” *Garcia Domingo v.*
21 *Castro*, No. 1:25-CV-00979-DHU-GJF, 2025 WL 2941217, at *4 (D.N.M. Oct. 15,
22 2025). Mr. Mumaev was granted humanitarian parole and issued an I-94 document. He
23 resided in the United States for twenty-two (22) months prior to his re-detention within
24 the territory of the United States.
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26 66. Furthermore, Mr. Mumaev was detained in the interior of the United States, not at the
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1 border seeking admission. *Garcia Domingo v. Castro*, No. 1:25-CV-00979-DHU-GJF,
2 2025 WL 2941217, at *4 (D.N.M. Oct. 15, 2025) (“He was in Homestead, Florida, on
3 his way to work. Doc. 2-4 at 2. Petitioner had also not just arrived, or even recently
4 arrived, to the United States.”).

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6 67. When interpreting the meaning of “*seeking admission*” used in 8 USC §1225(b)(2)(A),
7 “[s]ome courts have noted that the phrase ‘implies action — something that is currently
8 occurring, and...would most logically occur at the border upon inspection.’” *Puga v.*
9 *Assistant Field Off. Dir., Krome N. Serv. Processing Ctr.*, No. 25-24535-CIV, 2025 WL
10 2938369, at *4 (S.D. Fla. Oct. 15, 2025), *quoting Lopez-Campos v. Raycraft*, No. 2:25-
11 cv-12486, 2025 WL 2496379, at *6 (E.D. Mich. Aug. 29, 2025).

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13 68. Mr. Mumaev is detained pursuant to 8 USC § 1226, because he is no longer the
14 category of persons who can be detained under 8 USC § 1225. He falls into the
15 “catchall” provisions dedicated for persons “already present in the United States” whose
16 detention is governed by 8 USC §1226. *Puga v. Assistant Field Off. Dir., Krome N. Serv.*
17 *Processing Ctr.*, No. 25-24535-CIV, 2025 WL 2938369, at *4 (S.D. Fla. Oct. 15, 2025)
18 *quoting Jennings v. Rodriguez*, 583 U.S. 281, 303 (2018); *see also* *Salazar v. Casey*, No.
19 25-CV-2784 JLS (VET), 2025 WL 3063629, at *4 (S.D. Cal. Nov. 3, 2025) (The
20 Southern Federal District Court of California disagreed with DHS’s argument that a
21 habeas petitioner was subject to mandatory detention under 8 USC §1225. “Petitioner
22 has been granted humanitarian parole subject to a Form I-94, granting her parole for two
23 years. Petitioner is not a newly arrived noncitizen seeking admission at the border, as
24 Petitioner has been in the United States since July 2024.”)

1 69. Mr. Mumaev “is not merely an ‘applicant for admission’ at the border with minimal due
2 process rights” *Ortiz Reyes v. LaRose*, No. 25-CV-2938 JLS (VET), 2025 WL 3171743,
3 at *4–5 (S.D. Cal. Nov. 13, 2025).

4 70. Federal district courts - and other Federal agencies - which have been presented with re-
5 detention under circumstances similar to those of Mr. Mumaev - persons who were
6 paroled into the United States and then re-detained in the interior of the United States
7 after having resided in the United States for some period of time - “have found that an
8 alien who is not presently seeking admission and has been in the United States for an
9 extended time . . . is appropriately classified under § 1226(a) and not § 1225(b)(2)(A).
10 These courts have also either ordered the alien's release or required a bond hearing. . . .”
11 *Lopez v. Hardin*, No. 2:25-CV-830-KCD-NPM, 2025 WL 2732717, at *2 (M.D. Fla.
12 Sept. 25, 2025).

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15 **D. Termination of Mr. Mumaev’s parole violated the Immigration and Nationality Act**
16 **and applicable regulations**
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18 71. Mr. Mumaev was paroled by an immigration officer in accordance with 8 U.S.C. §
19 1182(d)(5)(A), after an individualized assessment of his case. The DHS officer who
20 paroled Mr. Mumaev determined that Mr. Mumaev merited such parole, and did not he
21 posed any danger nor was he a flight risk. 8 U.S.C. § 1182(d)(5)(A).

22
23 72. To terminate the previously granted parole, Respondents must comply with the
24 applicable regulatory requirements set forth in 8 C.F.R. § 212.5(e)(2)(i).

25 73. Although the Attorney General’s parole authority is discretionary, it is not without limits
26 by mandatory guidelines. “Revocation of humanitarian parole has additional limitations
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1 under law.” *Noori v. LaRose*, No. 25-CV-1824-GPC-MSB, 2025 WL 2800149, at *13
2 (S.D. Cal. Oct. 1, 2025).

3 74. Section 1182(d)(5) “is a grant of discretionary authority, but it has a mandatory
4 requirement—parole may be terminated or revoked only when in the Secretary's opinion
5 the parole's purposes have been met. . . Agency action is not ‘specified ... to be in the
6 discretion’ of the official where the action ‘was not performed in accordance with the
7 mandatory ... procedures.’” *Y-Z-L-H v. Bostock*, 792 F. Supp. 3d 1123, 1137–38 (D. Or.
8 2025), quoting *Sharkey v. Quarantillo*, 541 F.3d 75, 86 (2d Cir. 2008).

9
10 75. “Under the governing regulation, [§ 1182(d)(5)(A)] parole may be terminated only if the
11 purpose of parole is accomplished, or humanitarian reasons and the public benefit no
12 longer warrant parole.” *Loaiza Arias v. LaRose*, No. 3:25-cv-02595-BTM-MMP, 2025
13 WL 3295385, at *3 (S.D. Cal. Nov. 25, 2025) (citing 8 C.F.R. § 212.5(e)); *Dorvis Jesus*
14 *Rodriguez Martinez, v. Raycraft et al.*, No. 1:25-CV-1504, 2025 WL 3511093, at *5
15 (W.D. Mich. Dec. 8, 2025).

16
17 76. Mr. Mumaev is still pursuing his application for asylum in the United States, therefore
18 the purpose of his parole has not been accomplished. The abrupt and unjustified
19 termination of his parole is not warranted under the regulations. “Petitioner was paroled
20 into the United States based on his intent to seek asylum—the purpose of his parole. He
21 applied for asylum and was still in the middle of those proceedings when Respondents
22 issued and executed the revocation.” *Noori v. LaRose*, No. 25-CV-1824-GPC-MSB,
23 2025 WL 2800149, at *13 (S.D. Cal. Oct. 1, 2025); *see also*. “Moreover, there is nothing
24 before the Court to suggest that the humanitarian reason or public benefit that justified
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1 Petitioner's parole no longer applies.” *Dorvis Jesus Rodriguez Martinez, v. Raycraft et*
2 *al.*, No. 1:25-CV-1504, 2025 WL 3511093, at *5 (W.D. Mich. Dec. 8, 2025).

3 77. Furthermore, Mr. Mumaev was re-detained without an individualized assessment of
4 whether he warrants a termination of his parole. *Dorvis Jesus Rodriguez Martinez, v.*
5 *Raycraft et al.*, No. 1:25-CV-1504, 2025 WL 3511093, at *5 (W.D. Mich. Dec. 8, 2025),
6 citing *Mata Velasquez v. Kurzdorfer*, 794 F. Supp. 3d 128, 146 (W.D.N.Y. 2025).

7
8 78. “Detention pending removal proceedings has ‘two regulatory goals’—ensuring future
9 appearances and preventing danger to the community. This logically also extends to the
10 granting of parole and its revocation. *Noori v. LaRose*, No. 25-CV-1824-GPC-MSB,
11 2025 WL 2800149, at *10 (S.D. Cal. Oct. 1, 2025), quoting *Zadvydas v. Davis*, 533 U.S.
12 678, 690 (2001). “Respondents must provide at minimum some reasoning explaining
13 why the Petitioner would now be considered a flight risk or danger to the community.”
14 *Noori v. LaRose*, No. 25-CV-1824-GPC-MSB, 2025 WL 2800149, at *13 (S.D. Cal. Oct.
15 1, 2025). Respondents cannot show that detaining Mr. Mumaev is required to serves
16 either of these goals.
17

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19 79. Finally, the date on Mr. Mumaev’s I-94 document that states that his parole terminated
20 on May 15, 2025, is invalid and not determinative of when his parole actually
21 terminated. “The I-94 is not specific to noncitizens paroled under Section 1182. The
22 listed departure date is unlikely to bind humanitarian paroles who are governed under
23 the parole framework . . . Moreover, the departure date is recorded at the time the form
24 is issued. An *ex ante* record cannot constitute the real-time ‘opinion of the Attorney
25 General’ that the purpose of parole has been served and the noncitizen must be detained
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1 or removed. In other words, [Petitioner]’s parole remains active despite the expiration of
2 her I-94.” *LUZ LOAIZA ARIAS, Petitioner, v. CHRISTOPHER LAROSE, Warden, Otay*
3 *Mesa Det. Ctr., et al*, No. 3:25-CV-02595-BTM-MMP, 2025 WL 3295385, at *4 (S.D.
4 Cal. Nov. 25, 2025).

5
6 **E. Termination of Mr. Mumaev’s parole violated the Administrative Procedure Act and**
7 **applicable regulations**

8 80. Under the Administrative Procedure Act a reviewing court *shall* set aside any agency
9 action that is “arbitrary, capricious, an abuse of discretion, or otherwise not in
10 accordance with law.” 5 U.S.C. § 706(2)(a); *see also LUZ LOAIZA ARIAS, Petitioner, v.*
11 *CHRISTOPHER LAROSE, Warden, Otay Mesa Det. Ctr., et al*, No. 3:25-CV-02595-
12 BTM-MMP, 2025 WL 3295385, at *2 (S.D. Cal. Nov. 25, 2025).

13
14 81. DHS must “articulate[] a satisfactory explanation for its action, including” providing a
15 “rational connection between” their decision to grant Mr.. Mumaev parole for two years
16 in May of 2023 and subsequently revoke Mr. Mumaev’s parole in April of 2025. *Perez v.*
17 *LaRose*, No. 3:25-CV-02620-RBM-JLB, 2025 WL 3171742, at *6 (S.D. Cal. Nov. 13,
18 2025); *LUZ LOAIZA ARIAS, Petitioner, v. CHRISTOPHER LAROSE, Warden, Otay*
19 *Mesa Det. Ctr., et al*, No. 3:25-CV-02595-BTM-MMP, 2025 WL 3295385, at *2 (S.D.
20 Cal. Nov. 25, 2025), quoting *Altera Corp. & Subsidiaries v. Comm’r of Internal*
21 *Revenue*, 926 F.3d 1061, 1080 (9th Cir. 2019).

22
23
24 82. As discussed *supra* in paragraphs 64-72, Mr. Mumaev’s parole was revoked without
25 explanation and without an individualized assessment. Furthermore, Mr. Mumaev was
26 still pursuing his asylum application, which was the purpose for which he was paroled
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1 into the United States. *Perez v. LaRose*, No. 3:25-CV-02620-RBM-JLB, 2025 WL
2 3171742, at *6 (S.D. Cal. Nov. 13, 2025)(“Petitioner’s asylum proceedings were
3 ongoing when Respondents issued and executed the revocation of Petitioner’s parole.
4 Accordingly, the purpose of Petitioner’s parole had not been served.”)

5
6 83. Mr. Mumeav’s parole also could not be revoked because it no longer served the public
7 benefit or humanitarian reasons. *Perez v. LaRose*, No. 3:25-CV-02620-RBM-JLB, 2025
8 WL 3171742, at *6 (S.D. Cal. Nov. 13, 2025). There is no evidence that since he was
9 granted parole in May of 2023, Mr. Mumaev became a flight risk or a danger to the
10 public. “According to the ‘Parole Directive’ issued by DHS in 2009, if an asylum-seeker
11 establishes her identity and that she presents neither a flight risk nor a danger to the
12 public, her detention is not in the public interest, and thus ICE should, absent additional
13 factors ... parole the [noncitizen].” *Perez v. LaRose*, No. 3:25-CV-02620-RBM-JLB,
14 2025 WL 3171742, at *6 (S.D. Cal. Nov. 13, 2025), *quoting Mons v. McAleenan*, Civil
15 Action No. 19-1593 (JEB), 2019 WL 4225322, at *2 (D.D.C. Sept. 5, 2019)(internal
16 quotations omitted for clarity).
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18

19 84. Because the purpose of Mr. Mumaev’s parole had not been completed and no changed
20 circumstances existed that would support a finding that he poses a danger to the public
21 or a flight risk, DHS cannot “articulate[] a satisfactory explanation for [their] action to
22 revoke [Mr. Mumaev’s] parole. Moreover, by denying [Mr. Mumaev] the required
23 procedure before purporting to terminate his parole, Respondents acted arbitrarily and
24 capriciously and violated the APA.” *Perez v. LaRose*, No. 3:25-CV-02620-RBM-JLB,
25 2025 WL 3171742, at *7 (S.D. Cal. Nov. 13, 2025), *quoting Altera Corp. & Subsidiaries*
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1 v. *Comm'r*, 926 F.3d 1061, 1080 (9th Cir. 2019) and *Y-Z-L-H v. Bostock*, 792 F. Supp. 3d
2 1123, 1137–38 (D. Or. 2025).

3 VII. CLAIMS FOR RELIEF

4 COUNT ONE

5 **Petitioner's Detention Violates Due Process Under the Fifth Amended of the U.S.** 6 **Constitution**

7 85. Petitioner restates and realleges all paragraphs as if fully set forth here.

8 86. The Due Process Clause of the Fifth Amendment forbids the government from depriving
9 any person of liberty without due process of law. U.S. Const. amend. V. See generally
10 *Reno v. Flores*, 507 U.S. 292 (1993); *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Demore v.*
11 *Kim*, 538 U.S. 510 (2003).

12 87. Petitioner is currently being detained by DHS/ICE authorities without cause and in
13 violation of his constitutional rights to due process of law.

14 88. Respondents' unlawful actions have caused and continue to cause Petitioner significant
15 prejudice by depriving him of his liberty and exercise of his statutory and constitutional
16 due process rights.

17 89. Petitioner's continued detention serves no legitimate governmental purpose. He has a
18 pending application for asylum, no criminal history, strong family and community ties,
19 and has demonstrated compliance with immigration laws.

20 90. For these reasons, Petitioner's detention violates the Due Process Clause of the Fifth
21 Amendment to the United States Constitution.

22 91. Petitioner has no adequate or complete remedy at law to address the wrongs described
23 herein. The injunctive and declaratory relief sought by Petitioner is necessary to prevent
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1 continued and future irreparable injury.

2 **COUNT TWO**

3 **Petitioner's Detention Violates the Immigration and Nationality Act and Applicable**
4 **Regulations**

5 92. Petitioner restates and realleges all paragraphs as if fully set forth here.

6 93. Respondents' re-detention of Petitioner after he was paroled, without affording him a
7 hearing to determine whether his re-detention serves statutory or regulatory purposes
8 violated Respondents' authority under the Immigration and Nationality Act. 8 *U.S.C. §*
9 *1357(a)(2); BACHITAR SINGH, v. KRISTI NOEM, et al., No. CV 25-1110 JB/KK, 2025*
10 *WL 3254727 (D.N.M. Nov. 21, 2025); Loa Caballero v. Baltazar, No. 25-CV-03120-*
11 *NYW, 2025 WL 2977650 (D. Colo. Oct. 22, 2025).*

12
13 94. Respondents' unlawful actions have caused and continue to cause Petitioner significant
14 prejudice by depriving him of his liberty and exercise of his statutory and constitutional
15 due process rights.
16

17
18 95. As a proximate result of Respondents' statutory violations, Petitioner is suffering and
19 will continue to suffer a significant deprivation of his liberty without due process of law.

20 96. Petitioner has no adequate or complete remedy at law to address the wrongs described
21 herein. The injunctive and declaratory relief sought by Petitioner is necessary to prevent
22 continued and future irreparable injury.
23

24 **COUNT THREE**

25 **Revocation of Petitioner's Parole is in violation of the Immigration and Nationality Act**
26 **and Applicable Regulations**
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1 97. Petitioner restates and realleges all paragraphs as if fully set forth here.

2 98. Respondents' revocation of Petitioner's parole, without an individualized assessment in
3 his case and prior to completion of the purpose of his parole, violated Respondents'
4 authority under the Immigration and Nationality Act. 8 U.S.C. § 1182(d)(5)(A);

5
6 99. Respondents' unlawful actions have caused and continue to cause Petitioner significant
7 prejudice by depriving him of his liberty and exercise of his statutory and constitutional
8 due process rights.

9
10 100. As a proximate result of Respondents' statutory violations, Petitioner is suffering and
11 will continue to suffer a significant deprivation of his liberty without due process of law.

12
13 101. Petitioner has no adequate or complete remedy at law to address the wrongs described
14 herein. The injunctive and declaratory relief sought by Petitioner is necessary to prevent
15 continued and future irreparable injury.

16
17 **COUNT FOUR**

18 **Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A)**
19 **Abuse of Discretion Violation of 8 U.S.C. § 1226(b), 8 C.F.R. § 1236.1(c)(9)**

20 102. Petitioner restates and realleges all paragraphs as if fully set forth here.

21 103. Respondents' revocation of Petitioner's parole, their arrest and re-detention of Petitioner
22 without a warrant or an individualized assessment are all violations of the
23 Administrative Procedure Act.

24
25 104. Under the APA, a court shall "hold unlawful and set aside agency action" that is an
26 abuse of discretion. 5 U.S.C. § 706(2)(A).

1 105. An action is an abuse of discretion if the agency “entirely failed to consider an
2 important aspect of the problem, offered an explanation for its decision that runs counter
3 to the evidence before the agency, or is so implausible that it could not be ascribed to a
4 difference in view or the product of agency expertise.” *Nat’l Ass’n of Home Builders v.*
5 *Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle Mfrs. Ass’n of U.S.,*
6 *Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)).

8 106. To survive an APA challenge, the agency must articulate “a satisfactory explanation”
9 for its action, “including a rational connection between the facts found and the choice
10 made.” *Dep’t of Com. v. New York*, 139 S. Ct. 2551, 2569 (2019) (citation omitted).

12 107. By deciding to revoke Petitioner’s parole and release without consideration of his
13 individualized facts and circumstances, Respondents have violated the APA.

14 108. By choosing to categorically detain the Petitioner, Respondents have further abused
15 their discretion because there have been no changes to his facts or circumstances since
16 the agency made its initial custody determinations that support the revocation of his
17 release from custody.

19 109. Respondents have previously considered Petitioner’s facts and circumstances and
20 determined that he was not a flight risk or danger to the community. There have been no
21 changes to the facts that justify this revocation.

23 110. “Respondents’ actions are arbitrary, fail to adhere to the law, and therefore, violate the
24 APA.” *Noori v. LaRose*, No. 25-CV-1824-GPC-MSB, 2025 WL 2800149, at *14 (S.D.
25 Cal. Oct. 1, 2025).

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

1. Assume jurisdiction over this matter;
2. Issue an Order to Show Cause requiring Respondents to show why the writ should not be granted within three (3) days, and set a hearing on this Petition within five (5) days of the return, as required by 28 U.S.C. 2243;
3. Issue a Writ of Habeas Corpus ordering Respondents to release him immediately under reasonable conditions of supervision, or in the alternative, to provide him with a bond hearing before an Immigration Judge at which the Government bears the burden of justifying continued detention;
4. Declare that Petitioner's arrest and detention violate the Due Process Clause of the Fifth Amendment, the Fourth Amendment, the Administrative Procedure Act and the Immigration and Nationality Act.
5. Enjoin Respondents from transferring Petitioner outside this District or deporting Petitioner pending these proceedings;
6. Enjoin Respondents from re-detaining Petitioner unless her re-detention is ordered at a custody hearing before a neutral arbiter in which the government bears the burden of proving, by clear and convincing evidence, that Petitioner is a flight risk or danger to the community;
7. Set aside Respondents' unlawful practice pursuant to 5 U.S.C. §706(2) as contrary to law, contrary to constitutional right, and in excess of statutory authority;

1 8. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice

2 Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412; and

3 9. Grant such further relief as this Court deems just and proper.

4
5 Respectfully Submitted

DATED: December 26, 2025

6
7 /s/ Inna Parizher
8 InnaParizher

9 California SBN 270581
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11 PO Box 43097
12 Los Angeles CA 90043
13 Tel: (310) 630-9499
14 InnaParizher@ParizherImmigration.com
15 Attorney for Petitioner

16
17 VERIFICATION PURSUANT TO 28 U.S.C. § 2242

18 I, Inna Parizher, do depose and state:

19 I represent Petitioner Magomed Mumaev in these habeas corpus proceedings. Mr.
20 Mumaev is currently being held in detention at the Adelanto ICE Processing Center and
21 cannot appear in my office to sign this Verification. I hereby verify that the factual statements
22 made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of
23 my knowledge and belief.

24 Dated: December 26, 2025
25 Los Angeles, California

RESPECTFULLY SUBMITTED,

26 /s/Inna Parizher
27 Inna Parizher
28