

1 Roland MBEPDEM TONGWA

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3 Otay Mesa Detention Center
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5 Pro Se
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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 ROLAND MBEPDEM TONGWA,

11 Petitioner,

12 v.

13 MARKWAYNE MULLIN, Secretary
14 of the Department of
15 Homeland Security, PAMELA
16 JO BONDI, Attorney General,
17 TODD M. LYONS, Acting
18 Director, Immigration and
19 Customs Enforcement, JESUS
ROCHA, Acting Field Office
Director, San Diego Field
Office, CHRISTOPHER LAROSE,
Warden at Otay Mesa
Detention Center,

20 Respondents.
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FILED

APR 10 2026

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY COV DEPUTY

Case No. '26CV2345 BJC GC

PRO SE Petition
for a
Writ of Habeas Corpus

1 INTRODUCTION

2 I am a citizen of Cameroon. On April 13, 2023, an
3 immigration judge dismissed removal proceedings against
4 me so I can pursue asylum. I was released on
5 conditions.

6 On February 8, 2026, I accidentally drove into
7 Mexico and tried to come back to the United States. I
8 have been detained since and it is unclear why.

9 CLAIMS FOR RELIEF

10 I. Count One: ICE failed to comply with its own
11 regulations in revoking my parole under 8 C.F.R.
12 § 212.5, violating the Administrative Procedures
13 Act and Due Process.

14 Whether the government revoked my parole or merely
15 detained me without cause (in clear violation of his
16 parole), it contravened the APA and the Fifth
17 Amendment's Due Process Clause.

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

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

9 Here, regardless of whether the agency formally
10 revoked my parole, it violated the APA. First, if the
11 agency did not revoke parole, then it inexplicably
12 violated *its own parole decision* by detaining me in
13 June 2025. That was because the agency did not "offer a
14 rational connection between the facts found and the
15 choice made"—i.e., the fact that I was still on parole,
16 yet the agency decided to detain him, contrary to the
17 terms of parole. *Motor Vehicle Mfrs*, 463 U.S. at 52.
18 And nothing suggests that there was a "rational" reason
19 for this choice, given that Petitioner had filed an
20 asylum application and complied with all the conditions
21 or his parole. This was the epitome of an "arbitrary"
22 and "capricious" act under 5 U.S.C. § 706(2)(A).

23 But even assuming that the agency had revoked his
24 parole, it still violated the APA. Per ICE regulations,
25 a person shall only be "returned to the custody from
26 which he was paroled" when "the purposes of such parole
27 . . . have been served." 8 U.S.C. § 1182(d)(5)(A); see
28 also 8 C.F.R. § 212.5(e)(2)(i) (parole may only be

1 terminated "upon accomplishment of the purpose for
2 which parole was authorized"); Y-Z-L-H, 2025 WL
3 1898025, at *12 (same). Alternatively, the regulations
4 permit revocation of parole when "neither humanitarian
5 reasons nor public benefit warrants the [noncitizen's]
6 continued presence." 8 C.F.R. § 212.5(e)(2)(i). Under
7 either scenario, parole shall only be "terminated upon
8 written notice to the alien." 8 C.F.R. §
9 212.5(e)(2)(i). So, under the statute and the
10 regulations, the agency may only revoke parole and re-
11 detain a noncitizen when the parole's purpose is served
12 or no humanitarian reasons warrant it and the
13 noncitizen receives written notice. Either way, notice
14 is non-negotiable.

15 Yet none of that occurred here. Because "the
16 purpose[] of [Petitioner's] parole" was to allow him
17 to apply for asylum, that purpose has not yet "been
18 served" because his asylum claim remains pending. 8
19 U.S.C. § 1182(d)(5)(A). And the humanitarian reasons
20 for parole—to avoid unnecessary detention when an
21 asylum seeker poses no danger or flight risk—remains
22 the same. Put differently, "upon Petitioner's entry
23 into the United States, Respondents determined that
24 Petitioner was suitable for parole. Respondents have
25 not provided a reasoned explanation or any changed
26 circumstances that would justify their current
27 departure from their prior decision." Y-Z-L-H v.
28 *Bostock*, 792 F. Supp. 3d 1123, 1146 (D. Or. 2025).

1 Under the APA, "[i]t is Respondents' burden to provide
2 a reasoned explanation for their action." *Id.* This,
3 they cannot do.

4 What is more, Petitioner never received any
5 written notification of a revocation under 8 C.F.R. §
6 212.5(e). So if the agency revoked his parole, this
7 decision violated both the statute and the regulation
8 and was "not in accordance with law" under the APA. 5
9 U.S.C. § 706(2)(A).

10 Several courts have released parolees on this
11 basis. See *Arias v. Larose*, No. 3:25-CV-02595-BTM-MMP,
12 2025 WL 3295385, at *3 (S.D. Cal. Nov. 25, 2025); *Noori*
13 *v. LaRose*, No. 25-cv-1824-GPC-MSB, 2025 WL 2800149
14 (S.D. Cal. Oct. 1, 2025); *Salazar v. Casey*, No. 25-cv-
15 2784 JLS-VET, 2025 WL 3063629 (S.D. Cal. Nov. 3, 2025);
16 *Perez v. LaRose*, No. 25-cv-02620-RBM-JLB, 2025 WL
17 3171742 (S.D. Cal. Nov. 13, 2025); *Y-Z-L-H v. Bostock*,
18 No. 25-cv-965-SI, 2025 WL 1898025, at *13 (D. Or. July
19 9, 2025). This Court should join them and order
20 Petitioner's immediate release.

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

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

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

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

11 *Zadvydas v. Davis*, 533 U.S. 678, 693 (9th Cir. 2001).

12 "Generally, due process protections depend on the
13 situation and must account for (1) the private interest
14 at issue, (2) the risk of erroneous deprivation of that
15 interest through the procedures used, and (3) the
16 Government's interest." *Noori v. LaRose*, No. 25-cv-
17 1824-GPC-MSB, 2025 WL 2800149 (S.D. Cal. Oct. 1, 2025)
18 (citing *Mathews v. Eldridge*, 424 U.S. 319 (1976)).
19 Weighing those considerations here, Respondents
20 violated the Due Process Clause by revoking parole with
21 no notice or hearing.

22 "First, Petitioner has a private interest in
23 remaining free, which developed over the [months] he
24 resided in the United States." *Id.* at *10. It does not
25 matter that parole is temporary or discretionary. "For
26 example, *Morrissey* [*v. Brewer*, 408 U.S. 471, 482
27 (1972)]—though analyzing the criminal parole context—
28 found that 'the liberty of a parolee, although

1 indeterminate, includes many of the core values of
2 unqualified liberty and its termination inflicts a
3 grievous loss on the parolee and often others . . .
4 [thus it] must be seen within the protection of the
5 [Fifth] Amendment.'" *Id.* (omission in original).

6 "Second, the risk of an erroneous deprivation of
7 such interest is high as Petitioner's parole was
8 revoked without providing [him] a reason for revocation
9 or giving [him] an opportunity to be heard." *Salazar*,
10 2025 WL 3063629, at *4. "Civil immigration detention is
11 permissible only to prevent flight or protect against
12 danger to the community." *Perez*, 2025 WL 3171742, at
13 *5. But here, "[s]ince DHS's initial determination that
14 Petitioner should be paroled because [he] posed no
15 danger to the community and was not a flight risk,
16 there is no evidence that these findings have
17 changed." *Id.*

18 "Third, the Government's interest in detaining
19 Petitioner without notice, reasoning, and a hearing is
20 low." *Salazar*, 2025 WL 3063629, at *5 (cleaned up).
21 "Detention for its own sake, to meet an administrative
22 quota, or because the government has not yet
23 established constitutionally required pre-detention
24 procedures is not a legitimate government interest."
25 *Pinchi v. Noem*, 792 F. Supp. 3d 1025, 1036 (N.D. Cal.
26 2025).

27 Thus, because the government did not provide "proper
28 notice, reasoning, and a pre-deprivation hearing" before

1 revoking parole, Petitioner's detention violated the Due
2 Process Clause. *Salazar*, 2025 WL 3063629, at *5.

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

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

10 **IV.** Prayer for relief

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

- 13 1. Order Respondents to immediately release
14 Petitioner from custody, subject to the
15 conditions of his preexisting parole;
- 16 2. Order that prior to any re-detention of
17 Petitioner, that Petitioner is entitled to
18 notice of the reasons for revocation of his
19 parole and a hearing before an immigration judge
20 to determine whether detention is warranted.
21 Respondents bear the burden of establishing, by
22 clear and convincing evidence, that Petitioner
23 poses a danger to the community or a risk of
24 flight at that hearing; and
- 25 3. Order at a minimum that Petitioner receive a
26 bond hearing where Respondents should bear the
27 burden of establishing, by clear and convincing
28

1 evidence, that Petitioner poses a danger to the
2 community or a risk of flight;

3 4. Order any other relief that the Court deems just
4 and proper.
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7 Respectfully submitted,

8 Dated: APRIL 6, 2026 ROLAND TONGWA
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