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9
10 **'26CV2580 BAS AHG**

11 UNITED STATES DISTRICT COURT
12 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
13

14 YIMMY JOSUE DEPABLOS
15 CARRILLO,

16 *Petitioner,*

17 v.

18 JEREMY CASEY, Facility
19 administrator at the Imperial
20 Regional Detention Facility,
21 PATRICK DIVVER, Director of the
22 U.S. Immigration and Customs
23 Enforcement San Diego Field
24 Office, TODD LYONS, acting
25 Director of U.S. Immigration and
26 Customs Enforcement,
27 MARKWAYNE MULLIN,
28 Secretary of the U.S.
Department of Homeland
Security, and TODD BLANCHE,
Acting U.S. Attorney General.

**VERIFIED EMERGENCY
PETITION FOR A WRIT OF
HABEAS CORPUS, ORDER TO
SHOW CAUSE WITHIN THREE
DAYS, AND COMPLAINT FOR
DECLARATORY RELIEF**

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

INTRODUCTION

1. Petitioner Yimmy Josue DePablos Carrillo files this petition for writ of habeas corpus seeking his release from the custody of the Department of Homeland Security, U.S. Immigration and Customs Enforcement (ICE). Petitioner is detained at the Imperial Regional Detention Facility.

2. Petitioner applied for admission into the United States via CBP One at the Nogales Arizona Port of Entry in El Paso, Texas on March 21, 2024. Ex. A. Mr. DePablos Carillo was paroled into the United States on that date. *Id.*

3. Originally from Venezuela, Mr. DePablos Carillo arrived in the U.S. seeking asylum, withholding of removal, or protection under the Convention Against Torture because he fears he will be persecuted and harmed by armed groups affiliated with the Venezuelan government if he is returned to his country. Ex. C.

4. Despite having been paroled into the United States, Mr. DePablos Carillo was detained by ICE on or about April 18, 2026, and taken into immigration custody at the Imperial Regional Detention Facility (IRDF). He was not told why he was being detained.

5. Due Process requires the government to provide noncitizens with notice and a hearing prior to re-detention, and that re-detention without prior notice, a showing of changed circumstance, or a meaningful opportunity to respond, violates procedural due process under the Fifth Amendment.

6. The regulations also provide that prior to termination of parole, the government must provide notice that it seeks to terminate parole. 8 C.F.R. 212.5(e)(2)(i).

7. Petitioner's re-detention violated the Immigration and Nationality Act, the accompanying regulations, and Due Process, and he therefore seeks habeas relief

1 via this Petition. *See Ramirez-Bibiano v. LaRose*, No. 25-CV-3429-JLS (SBC), 2025
2 WL 3632748, at *4–5 (S.D. Cal. Dec. 15, 2025) (ordering immediate release subject
3 to conditions of petitioner’s preexisting parole where DHS had summarily revoked
4 parole and re-detained without notice or a hearing); *see also Maceo-Aguilera v.*
5 *LaRose*, 26-CV-532-LL-MSB, 2026 WL 381633 (S.D. Cal. Feb. 11, 2026).

6 JURISDICTION AND VENUE

7
8 8. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28
9 U.S.C. § 1331 (federal question), 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§
10 2201-02 (declaratory relief), and art. I sec. 9, cl. 2 of the United States Constitution
11 (Suspension Clause), as Petitioner is presently in custody under the authority of the
12 United States and challenges his detention as in violation of the Constitution, laws,
13 or treaties of the United States.

14 9. The federal district courts have jurisdiction under Section 2241 to hear
15 habeas claims by individuals challenging the lawfulness of their detention by ICE.
16 *See Jennings v. Rodriguez*, 583 U.S. 281, 290-92 (2018).

17 10. Venue is proper in the Southern District of California, pursuant to 28
18 U.S.C. §§ 1391 and 2241(d) because Mr. DePablos Carillo is detained at the Imperial
19 Regional Detention Facility in Calexico, California.

20 REQUIREMENTS OF 28 U.S.C. § 2243 (IMMEDIATE ISSUANCE OF 21 WRIT OF HABEAS CORPUS OR OSC THEREON)

22 11. The Court must grant the petition for writ of habeas corpus or issue an
23 order to show cause (“OSC”) to the respondents “forthwith,” unless the petitioner is
24 not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require
25 respondents to file a return “within three days unless for good cause additional time,
26 not exceeding twenty days is allowed.” *Id.*

12. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in all cases of illegal restraint and confinement. *Fay v. Noia*, 372 U.S. 391, 400 (1963) (overruled on other grounds by *Wainwright v. Sykes*, 433 U.S. 72 (1977)) (emphasis added). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him [or her] within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

13. Petitioner Yimmy Josue DePablos Carillo is currently detained by Respondents in the Imperial Regional Detention Facility despite having been previously paroled into the United States.

14. Respondent Jeremy Casey in the facility administrator at the Imperial Regional Detention Facility in Calexico, California where Mr. DePablos Carillo is currently detained. He is thus Petitioner's immediate custodian. He is sued in his official capacity.

15. Respondent Patrick Divver is the Director of ICE's San Diego Field Office, which has jurisdiction over ICE detention facilities in San Diego and Imperial County, including the Imperial Regional Detention Center, and is thus Petitioner's immediate custodian. He is sued in his official capacity.

16. Respondent Todd Lyons is the Director of ICE. He is responsible for the administration of ICE and the implementation and enforcement of the immigration laws, including noncitizen detention. As such, Mr. Lyons is a legal custodian of Petitioner. He is sued in his official capacity.

17. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security (DHS), which is responsible for the administration of ICE and

1 the implementation and enforcement of the immigration laws. As such, Mr. Mullin
2 is the ultimate legal custodian of Mr. DePablos Carillo. He is sued in his official
3 capacity.

4 18. Respondent Todd Blanche is the Acting Attorney General of the United
5 States and head of the Department of Justice, which encompasses the Board of
6 Immigration Appeals and the Immigration Courts. Mr. Blanche shares responsibility
7 for implementation and enforcement of the immigration laws with Respondent
8 Mullin. Mr. Blanche is a legal custodian of Mr. DePablos Carillo. He is sued in his
9 official capacity.

10 STATEMENT OF FACTS

11 19. Mr. DePablos Carillo came to the U.S. seeking asylum. He applied
12 through CBP One and was paroled into the United States through the Nogales,
13 Arizona on March 21, 2024. Ex. A. CBP One is a mobile application through which
14 noncitizens could request an appointment to present themselves at designated ports
15 of entry.

16 20. Mr. DePablos Carillo fled Venezuela after being threatened and extorted
17 by an armed group [REDACTED] He
18 came to the United States in search of safety and a chance at a future. He fears that
19 he will be harmed or killed if he returns to Venezuela. *Id.*

20 21. Petitioner was issued a Notice to Appear (NTA) on March 21, 2024,
21 charging him with being subject to removal as an arriving alien. Ex. A. He was given
22 an immigration court date of September 15, 2025. *Id.* His next court date is April 24,
23 2026.

24 22. Mr. DePablos Carillo applied for asylum on July 18, 2025. Ex. C.

25 23. Despite being on parole, Mr. DePablos Carillo was detained by ICE in
26 California on or about April 18, 2026. There were no allegations that he had violated
27 the terms of parole.
28

24. During his time in the U.S., Petitioner lived with the expectation that he would not be subject to re-detention if he did not violate the law. He was living with his cousin and working in the home remodeling industry. He has a valid work permit and is skilled as a painter, roofer, and remodeler. He made every effort to comply with the law and follow the rules of the United States.

25. Petitioner did not receive any notice of termination of his parole status as required by 8 C.F.R. 215(e)(2)(i), nor was he provided the opportunity for a hearing on whether he is a danger or a flight risk as required by Due Process and *Mathews v. Eldridge*, 424 U.S. 319 (1976).

LEGAL FRAMEWORK

26. “[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 (2001). Accordingly, “[i]t is well established that the Fifth Amendment entitles aliens to due process of law in the context of removal proceedings.” *Trump v. J.G.G.*, 604 U.S. 670, 673 (2025) (internal quotation marks omitted) (citing *Reno v. Flores*, 507 U.S. 292, 306 (1993)). Due process “requires some kind of a hearing before the State deprives a person of liberty or property.” *Zinerman v. Burch*, 494 U.S. 113, 127 (1990).

27. Traditionally, to determine what protections due process demands in a given situation, courts consider three factors, the *Mathews* factors: (1) the private interest that will be affected by the official action; (2) the risk of erroneous deprivation of such interest through the procedures used, and the probable value of additional safeguards; and (3) the government's interest, including the function involved and that burdens that would be imposed by additional process. *See Mathews v. Eldridge*, 424 U.S. at 335. In applying these factors specifically to the context of a person challenging immigration detention, courts assess: (1) the petitioner's liberty interest in remaining out of custody; (2) the risk of erroneous deprivation of that

1 interest in remaining out of custody; and (3) the government's interest in detaining
 2 the petitioner without affording pre-deprivation notice, reasoning, and a hearing.
 3 *Ramirez-Bibiano*, 2025 WL 3632748 at *4–5.

4 **A. Summary Parole Revocation and Re-Detainment of a Previously**
 5 **Paroled Person is a Violation of Due Process Requiring Immediate**
 6 **Habeas Relief.**

7 28. Consistent with the traditional *Mathews* three-factor test, district courts
 8 in the Ninth Circuit have formulated a bright-line Due Process rule: if a noncitizen
 9 has been paroled into the U.S., the government may not revoke their parole or re-
 10 detain them without first affording pre-deprivation notice and a hearing establishing
 11 that the person is now a danger or flight risk—failure to provide this is a violation of
 12 the person's Fifth Amendment Due Process rights requiring immediate habeas relief.
 13 *See, e.g., Ramirez-Bibiano*, 2025 WL 3632748 (ordering immediate habeas relief;
 14 holding the government's summary revocation of parole and re-detention without
 15 pre-deprivation notice or a hearing establishing present risk of danger or flight
 16 violates Fifth Amendment Due Process); *see also Noori v. LaRose*, No. 25-CV-1824-
 17 GPC-MSB, 2025 WL 2800149 (S.D. Cal. Oct. 1, 2025) (Curiel, J.) (granting
 18 immediate habeas release; holding the government's summary revocation of parole
 19 and re-detention without pre-deprivation notice, reasons, and a hearing establishing
 20 present danger or flight risk violated due process under *Mathews*); *Ramirez Tesara*
 21 *v. Wamsley*, 800 F. Supp. 3d 1130 1135–39 (W.D. Wash. 2025) (granting TRO and
 22 ordering immediate release; applying *Mathews* to hold that even though petitioner's
 23 parole had expired, because he had previously been paroled his re-detention without
 24 a pre-deprivation hearing establishing a justification for re-detention violated due
 25 process under *Mathews*); *Fernandez Lopez v. Wofford*, No. 1:25-CV-01226-KES-
 26 SKO (HC), 2025 WL 2959319, at *6 (E.D. Cal. Oct. 17, 2025) (ordering immediate
 27 habeas release; canvassing seven cases establishing the principle that re-detention of
 28 a previously paroled noncitizen without a pre-deprivation hearing establishing a

1 change in the person's risk of danger or flight violates Due Process and requires
2 immediate habeas relief).

3 29. In *Ramirez-Bibiano*, a case from this district, a noncitizen who had been
4 previously paroled into the U.S. was summarily re-detained after ICE revoked his
5 parole without notice, reasons, or an opportunity to be heard. *Ramirez-Bibiano*, 2025
6 WL 3632748 at *1, *4–5. The Court applied *Mathews*, granted immediate habeas
7 relief and attorneys' fees according to proof, and ordered that any future detention be
8 supported at a hearing with the government bearing the burden to show by clear and
9 convincing evidence that the petitioner was a present danger or flight risk. *Id.* at *4–
10 5; *see also Maceo-Aguilera*, 26-CV-532-LL-MSB, 2026 WL 381633 (S.D. Cal. Feb.
11 11, 2026); *Alegria Palma v. LaRose et al.*, No. 25-CV-1942-BJC (MMP), (S.D. Cal.
12 Aug. 11, 2025); *Navarro Sanchez v. LaRose*, 2025 No. 25-CV-2396-JES-MMP, 2026
13 WL 2770629 (S.D. Cal. Sept. 26, 2025).

14 30. In *Noori* (S.D. Cal.), an Afghan national paroled into the U.S. after
15 assisting U.S. forces was arrested at a courthouse and re-detained following the
16 government's summary revocation of his humanitarian parole, without any pre-
17 deprivation notice, reasons provided, or opportunity to be heard, despite a clean
18 record and consistent compliance. *Noori*, 2025 WL 2800149 at *1–2. The Court held
19 that the government's summary parole revocation and re-detention violated due
20 process under *Mathews* given the lack of justification, notice, and an opportunity to
21 be heard. *Id.* at *9–12. The Court granted the habeas petition, ordered that the
22 government shall not re-detain the petitioner during the pendency of his removal
23 proceedings, and granted attorneys' fees according to proof. *Id.* at *14.

24 31. In *Ramirez Tesara*, a Venezuelan asylum-seeker who had been paroled
25 into the U.S. was re-detained as he appeared for a monitoring appointing, without
26 any pre-deprivation notice or hearing. 800 F. Supp. 3d at 1134. That court assessed
27 the petitioner's due process habeas claim under *Mathews* and concluded that because
28 he had been previously paroled, ICE could only have re-detained the petitioner after

1 a hearing before an immigration judge at which the government met its burden to
2 justify detention. *Id.* at 1135–38. ICE’s summary re-detention therefore violated Due
3 Process and required the petitioner’s immediate release. *Id.* at 1138–39.

4 32. In *Fernandez Lopez*, an asylum-seeker from Chile who had been paroled
5 in 2021 was summarily re-detained by ICE in August 2025 after a credible-fear
6 interview. 2025 WL 2959319 at *1. Once again, applying *Mathews*, and for the same
7 reasons as the courts in *Ramirez-Bibiano*, *Ramirez Tesara*, and *Noori*, that court
8 granted a preliminary injunction as well as the habeas petition at issue, and enjoined
9 the government from re-detaining the petitioner absent a pre-deprivation bond
10 hearing at which the government must prove current danger or flight risk by clear
11 and convincing evidence. *Id.* at *5–8. That court also canvassed cases from other
12 district courts in the Ninth Circuit to state the *Mathews*-derived rule that if the
13 government has previously paroled a noncitizen, it may not re-detain that person
14 without first providing pre-deprivation notice and a hearing through which the
15 government establishes a change in the person’s risk of danger or flight. *Id.* at *6.
16 Failure to provide this pre-deprivation process is a violation of the person’s Fifth
17 Amendment Due Process rights and grounds for immediate habeas relief. *Id.* at *6–
18 8.

19 33. Taken together, the district courts of the Ninth Circuit have developed
20 the bright-line rule that **if a noncitizen has been paroled into the U.S., the**
21 **government may not revoke that person’s parole or re-detain them without first**
22 **providing pre-deprivation notice and a hearing establishing a change in danger**
23 **or flight risk by clear and convincing evidence.** To date, the courts to have
24 considered habeas petitions in this context have each applied the three-factor
25 *Mathews* test to reach what has now coalesced into a uniform rule of law. The above
26 rule incorporates and relies upon a *Mathews* analysis but streamlines the statement
27 of law so as not to require a step-by-step in-depth inquiry of each *Mathews* factor.
28

1 34. This rule is grounded in the acknowledgment that the government's
2 initial decision to grant parole "reflects a determination by the government that the
3 noncitizen is not a danger to the community or a flight risk." *Fernández López*, 2025
4 WL 2959319 at *2. Absent "evidence that the noncitizen is in fact dangerous or has
5 become a flight risk," "there is no evidence that these findings have changed" and
6 there is therefore no justification for re-detention. *Ramirez-Bibiano*, 2025 WL
7 3632748 at *4. Without establishing a change in circumstances via notice, a hearing,
8 and evidence, parole-revocation or re-detention of a previously paroled person
9 violates Fifth Amendment Due Process. *See id.*

10 35. Accordingly, where the Court finds that a petitioner has been previously
11 paroled and yet the government summarily revoked his parole or re-detained him, a
12 step-by-step *Mathews* analysis is unnecessary; it is already incorporated into and
13 performed by the bright-line rule established by *Ramirez-Bibiano*, *Ramirez Tesara*,
14 *Fernández López* and the many district court cases it cites, and *Mathews*.

15 36. Here, consistent with this line of cases, because Petitioner had
16 previously been paroled into the U.S., the government's summary parole-revocation
17 and re-detention of him violated his Due Process Rights and he must therefore be
18 immediately released pursuant to a writ of habeas corpus.

19 37. The Court should also reject any jurisdictional defenses the government
20 may assert under 8 U.S.C. §§ 1252(g) and (b)(9), because this challenge does not
21 seek review of any removal order and instead challenges re-detention. *Ramirez-*
22 *Bibiano*, 2025 WL 3632748 at *2–3 (rejecting the government's challenges under 8
23 U.S.C. §§ 1252(g) and (b)(9) to habeas jurisdiction); *Noori*, 2025 WL 2800149 at
24 *6–7 (same). The Court also should waive any exhaustion requirement as futile for
25 the same reasons it did so in *Ramirez-Bibiano*. 2025 WL 3632748 at *3 (recognizing
26 the Southern District of California finds exhaustion to be futile in this context such
27 that immediate judicial review of habeas petitions challenging parole-revocation and
28 re-detention is required). *Id.* at *2–3.

1 **B. The *Mathews* Test Also Requires Petitioner’s Immediate Release.**

2 38. To the extent the Court finds it necessary to undertake the *Mathews* test
3 step by step, each *Mathews* factor weighs in favor of Petitioner and the result is the
4 same as if the Court were to apply the aforementioned *Mathews*-based brightline rule.

5 **1. $\textit{Mathews}$ Factor 1: Mr. DePablos Carrillo possesses a**
6 **protected liberty interest in remaining out of custody.**

7 39. Mr. DePablos Carrillo possesses a protected liberty interest in remaining
8 out of custody, namely, “the most significant liberty interest there is – the interest in
9 being free from imprisonment.” *Velasco Lopez v. Decker*, 978 F.3d 842, 851 (2d Cir.
10 2020). “Freedom from imprisonment—from government custody, detention, or other
11 forms of physical restraint—lies at the heart of the liberty [the Due Process Clause]
12 protects.” *Zadvydas*, 533 U.S. at 690. While “the initial decision to detain or release
13 an individual may be within the government’s discretion, the government’s decision
14 to release an individual from custody creates ‘an implicit promise,’ upon which that
15 individual may rely, that their liberty ‘will be revoked only if they fail to live up to
16 the...conditions of release.” *Pinchi v. Noem*, 792 F.Supp.3d 1025, 1032 (N.D. Cal.
17 2025) (alternation marks omitted).

18 40. Here, as in *Ramirez-Bibiano*, Petitioner has a significant liberty interest
19 in remaining free of ICE custody under prior parole conditions. His initial “release
20 from ICE custody constituted an implied promise that [his] liberty would not be
21 revoked unless [he] failed to live up to the conditions of [his] release.” *Pinchi*, 792
22 F. Supp. 3d at 1034 (internal quotation marks omitted). In other words, petitioner
23 gained a protected liberty interest in remaining out of custody absent a showing that
24 he is a flight risk or a danger to the community. *See, e.g., Fernández López*, 2025
25 WL 2959319 at *4-5 (finding that petitioner released from immigration detention on
26 parole had protected liberty interest in remaining out of custody, including if the
27 authority for petitioner’s parole was § 1182(d)(5)(A)); *Noori v. Larose*, 2025 WL
28 2800149, *4, 9-10 (S.D. Cal. 2025) (Curiel, J.) (finding that petitioner who was

1 paroled from immigration detention under § 1182(d)(5)(A) had protected liberty
2 interest in remaining out of custody).

3 **2. Mathews Factor 2: The Risk of Erroneous Deprivation Here**
4 **Under the Procedure Used, Namely No Procedure at All, is**
5 **High.**

6 41. Here, as in *Ramirez-Bibiano*, “the risk of an erroneous deprivation of
7 such interest is high as Petitioner’s parole was revoked without providing him a
8 reason for revocation or giving him an opportunity to be heard.” 2025 WL 3632748
9 at *4. The inquiry on the second factor may rightfully end there, as Mr. DePablos
10 Carillo’s parole was revoked, and he was detained without any prior notice,
11 reasoning, or hearing. *See Ramirez Tesara*, 800 F. Supp. 3d at 1137 (granting habeas
12 petition and TRO under similar circumstances because “re-detainment without a
13 hearing results in a risk of erroneous deprivation of [a] protected interest.”);
14 *Rodriguez Cabrera v. Mattos*, No. 2:25-CV-01551-RFB-EJY, 2025 WL 3072687, at
15 *12–13 (D. Nev. Nov. 3, 2025) (noting the government’s arbitrary re-detention
16 “creates an extreme risk of erroneous deprivation”).

17 **3. Mathews Factor 3: The Government’s Interest and the**
18 **Burdens of Additional Process.**

19 42. Under *Mathews*, the third factor examines the Government’s interests,
20 including the function at issue and the administrative burdens of additional
21 procedures. Here, the relevant function is DHS’s administration of immigration
22 parole and civil detention to ensure appearance at proceedings and protect public
23 safety. Minimal procedural safeguards-notice of the reasons for revocation and a
24 prompt opportunity to be heard before a neutral decisionmaker-impose little burden
25 on that function. They rely on processes the Government already uses in custody
26 determinations and post-parole supervision, and they enhance accuracy without
27 materially impeding enforcement. *See Mathews*, 424 U.S. at 335.

28 43. As *Ramirez-Bibiano* recognized, where a noncitizen has been lawfully
paroled and there is no change in circumstances indicating danger or flight risk, the

Government's interest in immediate re-detention without notice or hearing is low, while the value of modest additional procedures is high. Applied here, the government has not identified any change in circumstances to justify summary revocation, and requiring notice and a brief hearing would not compromise its ability to manage parole or ensure attendance but would meaningfully reduce the risk of error. The third *Mathews* factor therefore weighs against detention without pre-deprivation process in this case. *See Ramirez-Bibiano; Mathews*, 424 U.S. at 335.

CLAIMS FOR RELIEF

COUNT ONE

VIOLATION OF PAROLE STATUTE

44. Petitioner re-alleges and incorporates by reference each allegation contained above.

45. The parole statute at 8 U.S.C. §1182(d)(5)(A) permits the termination of parole only where there is a finding that the purpose of such parole has been served. *Y- Z-L-H v. Bostock*, 792 F. Supp. 3d 1123, 1133 (D. Or. 2025).

46. No finding has been made that the purpose of Petitioner's parole has been served to warrant the termination of parole.

COUNT TWO

VIOLATION OF PAROLE REGULATION

47. Petitioner re-alleges and incorporates by reference each allegation contained above.

48. The parole regulation, 8 C.F.R. §212.5(e), provides that upon written notice, DHS may terminate parole "upon accomplishment of the purpose for which parole was authorized or when in the opinion of one of the officials listed in paragraph (a) of this section, neither humanitarian reasons nor public benefit warrants the continued presence of the alien in the United States."

49. There is no evidence that any official found that humanitarian reasons do not warrant Petitioner's presence in the United States.

50. 8 C.F.R. §212.5(e)(2) also requires that DHS provide Petitioner with notice prior to revocation of parole. Mr. DePablos Carrillo was never provided notice that the Department sought to terminate parole.

51. Petitioner is not a flight risk nor a danger to the public.

52. An agency's failure to follow its regulations that are meant to protect fundamental rights is a violation of due process. *Accardi v. Shaughnessy*, 347 U.S. 260, 267, 74 S.Ct. 499, 98 L.Ed. 681 (1954); *Sameena Inc. v. U.S. Air Force*, 147 F.3d 1148, 1153 (9th Cir. 1998).

53. The arrest of Petitioner terminated his release on parole and violated the regulations and due process. *Bostock*, 792 F. Supp. 3d at 1145.

COUNT THREE

VIOLATION OF DUE PROCESS REVOCATION OF PAROLE WITHOUT NOTICE

54. Petitioner re-alleges and incorporates by reference each allegation contained above.

55. The Due Process Clause of the Fifth Amendment forbids the government from depriving any person of liberty without due process of law. U.S. Const. amend. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty" that the Due Process Clause protects. *Zadvydas*, 533 U.S. at 690 (citing *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)).

56. An individual released from immigration custody has a constitutionally protected liberty interest in remaining free from detention. *Morrissey v. Brewer*, 408 U.S. 471, 482, 92 S. Ct. 2593, 2601, 33 L. Ed. 2d 484 (1972); *see also Sanchez v. LaRose*, 25-cv-2396; 2025 WL 2770629, at * 3 (S.D. Cal.). Thus, Petitioner has a

1 fundamental interest in liberty and being free from official restraint.

2 57. The liberty interest applies to individuals who are paroled into the
3 United States and released to attend removal proceedings. *Garcia v. Andrews*, No.
4 1:25-CV- 01006 JLT SAB, 2025 WL 2420068, at *11 (E.D. Cal. Aug. 21, 2025);
5 *Valencia Zapata v. Kaiser*, No. 25-CV-07492-RFL, 2025 WL 2578207, at *3 (N.D.
6 Cal. Sept. 5, 2025); *Y-Z-L-H v. Bostock*, No. 3:25-CV-965-SI, 2025 WL 1898025, at
7 *13 (D. Or. July 9, 2025).

8 58. While DHS has discretion to revoke parole, it may not do so in a manner
9 that is inconsistent with constitutional protections.

10 59. Due process requires notice before Petitioner is detained by immigration
11 authorities. *Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306, 320, 70 S. Ct.
12 652, 660, 94 L. Ed. 865 (1950); *Ramirez-Bibiano*, 2025 WL 3632748, at *3; *Ramirez*
13 *Tesara*, 800 F. Supp. 3d at 1135; *Fernandez Lopez v. Wofford*, 2025 WL 2959319,
14 at *3.

15 COUNT FOUR

16 VIOLATION OF DUE PROCESS

17 REVOCATION OF PAROLE WITHOUT NEUTRAL DECISIONMAKER

18
19 60. Petitioner re-alleges and incorporates by reference each allegation
20 contained above.

21 61. Under the Due Process Clause of the Fifth Amendment to the United
22 States Constitution, no person shall be “deprived of life, liberty, or property, without
23 due process of law.” U.S. Const. amend. V. “Freedom from imprisonment— from
24 government custody, detention, or other forms of physical restraint—lies at the heart
25 of the liberty that Clause protects.” *Zadvydas*, 533 U.S. at 690.

26 62. An individual released from immigration custody has a liberty interest
27 in remaining free from detention. *Morrissey*, 408 U.S. at 482.

63. The liberty interest applies to individuals who are paroled into the United States and released to attend removal proceedings. *Garcia v. Andrews*, No. 1:25-CV- 01006 JLT SAB, 2025 WL 2420068, at *11 (E.D. Cal. Aug. 21, 2025); *Valencia Zapata v. Kaiser*, No. 25-CV-07492-RFL, 2025 WL 2578207, at *3 (N.D. Cal. Sept. 5, 2025); *Bostock*, No. 3:25-CV-965-SI, 2025 WL 1898025, at *13 (D. Or. July 9, 2025).

64. While DHS has discretion to revoke parole, it may not do so in a manner that is inconsistent with constitutional protections.

65. Due Process requires that Petitioner be afforded a bond determination before a neutral adjudicator if the government is to re-detain Petitioner. *Mathews v. Eldridge*, 424 U.S. 319 (1976); *Ramirez-Bibiano*, 2025 WL 3632748, at *5; *Ramirez Tesara*, 800 F. Supp. 3d at 1136; *Fernandez Lopez v. Wofford*, 2025 WL 2959319, at *7.

PRAYER FOR RELIEF

Petitioner prays that this Court grant the following relief:

1. Assume jurisdiction over this matter.
2. Order that Petitioner shall not be transferred outside the Southern District of California.
3. Issue a Writ of Habeas Corpus ordering Respondents to immediately release Mr. DePablos Carrillo under the terms and conditions of his original parole.
4. Issue an Order to Show Cause why this Petition should not be granted within three days and set a hearing on this Petition within five days of the return pursuant to 28 U.S.C. § 2243.
5. Declare that Petitioner's current detention is unlawful.
6. Order that Petitioner may not be re-detained absent proper notice of the reasons that form the basis for revocation of parole.
7. Order that Petitioner is entitled to a bond hearing before an immigration judge if DHS revokes parole with proper notice.

1 8. Award reasonable attorney's fees and costs pursuant to the Equal Access
2 to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412.

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

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6 Respectfully submitted,

7 Cassandra Lopez

8 Litigation Director

9 AL OTRO LADO

10 Telephone: 619.730.5891

11 Email: Cassandra.l@alotrolado.org

12 Date: April 23, 2026
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VERIFICATION BY ATTORNEY ACTING ON MR. DEPABLOS
CARRILLO'S BEHALF PURSUANT TO 28 U.S.C. §2242

I am submitting this verification on behalf of Mr. DePablos Carrillo because I am his attorney. As Mr. DePablos Carrillo's attorney, I hereby verify that the factual statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: April 23, 2026

By: /s/ Cassandra Lopez