FILED
U.S. District Court
District of Kansas
05/01/2026
Clerk, U.S. District Court
By: SND Deputy Clerk

UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS

Jose Angel POLANCO ROJAS,

Petitioner,

v.

Markwayne Mullin, Secretary, Department of Homeland Security; SAMUEL OLSON, Acting Director for the Chicago Field Office of Immigration and Customs Enforcement; TODD BLANCHE, U.S. Attorney General; CoreCivic, Inc., facility operators.

Respondents.

Case No. 26-3114-JWL

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner JOSE ANGEL POLANCO ROJAS is in the physical custody of Respondents at the Midwest Regional Reception Center in Leavenworth, Kansas. He now faces unlawful detention because the Department of Homeland Security (DHS) have concluded Petitioner is subject to mandatory detention.

2. This petition arises from the sudden and inexplicable re-detention of Petitioner by ICE agents on April 2, 2026.

3. Petitioner was previously detained and paroled into the country in January of 2023, when he arrived in the United States.

4. Petitioner was subsequently re-detained on April 2, 2026 without notice or opportunity to be heard.

5. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be immediately released from custody and be provided with notice and an opportunity to be heard before being re-detained.

JURISDICTION

6. Petitioner is a resident of Minnesota, in the physical custody of Respondents. Petitioner is detained at the Midwest Regional Reception Center at 100 Highway Terrace, Leavenworth, KS 66048.

7. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

8. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

9. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the District of Kansas, the judicial district in which Petitioner currently is detained.

10. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the District of Kansas.

REQUIREMENTS OF 28 U.S.C. § 2243

11. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Respondents must file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

12. Habeas corpus is "perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (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 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 JOSE ANGEL POLANCO ROJAS is a citizen of Nicaragua who has been in immigration detention since April 2, 2026. After arresting Petitioner in Kansas, ICE did not set bond. Petitioner has resided in the United States since he arrived in or around 2023.

14. Respondent, Samuel Olson, is the Director of the Chicago Field Office of ICE's Enforcement and Removal Operations Division. As such, Samuel Olson is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.

15. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security. He is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Mr. Mullin has ultimate custodial authority over Petitioner and is sued in his official capacity.

16. Respondent Todd Blance is the Attorney General of the United States. He is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates is a component agency. He is sued in his official capacity.

17. Respondent Executive Office for Immigration Review (EOIR) is the federal agency responsible for implementing and enforcing the INA in removal proceedings, including for custody redeterminations in bond hearings.

18. Respondent CoreCivic, Inc. is the private entity under contract with ICE operating the Midwest Regional Reception Center, where Petitioner is detained. They have immediate physical custody of Petitioner. They are sued in their official capacity.

LEGAL FRAMEWORK

A. Respondent's Revocation of Parole Was Contrary to Statute and Regulation and Violates the APA.

19. Once paroled into the United States, under the statute, a noncitizen may not be "returned to the custody from which he was paroled" unless, in the Secretary's opinion, "the purposes of such parole … have been served." 8 U.S.C § 1182(d)(5)(A).

20. Revocation of parole is also governed by regulations. 8 C.F.R. § 212.5(e).

21. Those regulations require written notice.

22. Those regulations further require that to terminate parole, either the purposes of the parole have been accomplished, or an individual decision has been made that neither a humanitarian reason nor public benefit warrants continued parole.

23. Thus, "both common sense and the words of the statute require parole revocation to be analyzed on a case-by-case basis and [] a decision to revoke parole must attend to the reasons an individual noncitizen received parole." *Velasquez v. Kurzdorfer*, No. 25-CV-493-LJV, 2025 U.S. Dist. LEXIS 135986, at *29 (W.D.N.Y July 16, 2025).

24. Respondents, in failing to make a determination that the purpose of Petitioner's parole had been accomplished, violated the statutory and regulatory provisions of 8 U.S.C. § 1182(d)(5)(A) and 8 C.F.R. § 212.5(e). *Orellana v. Francis*, No. 25-CV-04212 (OEM), 2025 U.S. Dist. LEXIS 196589, at *9 (E.D.N.Y. Oct. 3, 2025).

25. In this context, the parole of a noncitizen is in the 'public benefit' when that noncitizen is neither a flight risk nor a danger to the community. *Mons v. McAleenan*, 2019 U.S. Dist. LEXIS 151174, 2019 WL 4225322, at *2 (D.D.C. Sept. 5, 2019).

26. In this context, it is *not* in the public interest to re-detain parolees who are not flight risks or dangers to the community.

27. No analysis of Petitioner's parole or the reasons it was granted occurred here and his re-detention is not in the public interest. As such, Respondents have violated the INA and the APA.

B. Petitioner's Re-Detention Violates the Fifth Amendment.

28. Individuals who have been conditionally released from detention have a protected interest in their "continued liberty." *Herrera v. Tate*, No. H-25-3364, 2025 U.S. Dist. LEXIS 189999, at *31 (S.D. Tex. Sep. 26, 2025) (quoting *Young v. Harper*, 520 U.S. 143, 147 (1997)).

29. Petitioner's re-detention, almost two years after being paroled into the United States following an initial detention, was without prior notice, a showing of changed circumstances, or a meaningful opportunity to object, and therefore he was not afforded the procedural requirements of the Fifth Amendment. *Rosado v. Figueroa*, No. CV25-02157 PHX DLR (CDB), 2025 U.S. Dist. LEXIS 156344, at *36 (D. Ariz. Aug. 11, 2025); *Rosales-Garcia v. Holland*, 322 F.3d 386, 409 (6th Cir. 2003) ("Excludable aliens-like all aliens- are clearly protected by the Due Process Clauses of the Fifth and Fourteenth Amendments") *citing Yick Wo v. Hopkins*, 118 U.S. 356, 6 S.Ct. 1064, 30 L.Ed. 220 (1886).

30. The government therefore does not have the authority to arrest a noncitizen who has been granted parole without properly terminating that parole. *Velasquez v. Kurzdorfer*, No. 25-CV-493-LJV, 2025 U.S. Dist. LEXIS 135986, at *26 (W.D.N.Y. July 16, 2025); *Y-Z-L-H v. Bostock*, 2025 U.S. Dist. LEXIS 130216, 2025 WL 1898025, at *13 (D. Or. July 9, 2025), or unless there is some other valid reason to arrest him.

31. Due process then "requires a hearing before an immigration judge before re-detention. *Mejia v. Woosley*, Civil Action No. 4:25-cv-82-RGJ, 2025 U.S. Dist. LEXIS 203256, at *11 (W.D. Ky. Oct. 15, 2025) (internal citation and internal quotation marks omitted).

FACTS

32. Petitioner has resided in the United States since 2023 and lives in Minnesota. He is married to a U.S. citizen and is eligible to adjust status to that of a permanent resident.

33. On or about April 2, 2026, Petitioner was detained in Kansas after being released from police custody following a traffic infraction. He was processed at an ICE processing facility before being transferred to the Midwest Regional Reception Center in Leavenworth, KS. He is being held at the ICE Detention center in Leavenworth, Kansas, operated by CoreCivic, Inc.

34. Petitioner last entered the United States in 2023 and has lived continuously in this country since then. During that time, he has built meaningful connections within his community. Petitioner has maintained consistent employment, paid taxes, and contributed positively through his community. He has no criminal history, has complied with all prior immigration requirements to the best of his ability, and poses neither a flight risk nor any danger to the community.

35. Following Petitioner's arrest and transfer to the Midwest Regional Reception Center, ICE issued a custody determination to continue Petitioner's detention without an opportunity to post bond or be released on other conditions.

36. Petitioner remains in detention. Without relief from this court, he faces the prospect of months, or even years, in immigration custody, separated from his community.

CLAIMS FOR RELIEF

COUNT I

Violation of the INA and APA

37. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

38. Petitioner's re-detention without notice and without an individualized determination regarding his parole status violates the INA and the APA.

COUNT II

Violation of Due Process

39. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

40. The government may not deprive a person of life, liberty, or property 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 Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001).

41. Petitioner has a fundamental interest in liberty and being free from official restraint.

42. Petitioner's re-detention without a pre-arrest hearing violates his right to due process.

43. The government's detention of Petitioner without a bond redetermination hearing to determine whether he is a flight risk or danger to others violates his right to due process.

PRAYER FOR RELIEF

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

a. Assume jurisdiction over this matter;

b. Issue a writ of habeas corpus requiring that Respondents release Petitioner from custody immediately and provide notice and a hearing before an immigration judge prior to re-detaining Petitioner;

c. Enjoin Respondents from transferring the Petitioner from the jurisdiction of this District pending these proceedings,

d. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and

e. Grant any other and further relief that this Court deems just and proper.

Dated: May 1 2026

Respectfully Submitted by:

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