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

12 **VEYSI ARAS,**

13 Petitioner,

14 v.

15 **TODD BLANCE, Acting Attorney**
16 **General, MARKWAYNE MULLIN,**
17 **Secretary of the Department of Homeland**
18 **Security, TODD M. LYONS, Acting**
19 **Director, Immigration and Customs**
20 **Enforcement, and CHRISTOPHER**
21 **LAROSE, Warden of the Otay Mesa**
22 **Detention Facility,**

23 Respondents.

CIVIL CASE NO.: 26-cv-2821-LL

Amended¹ Petition
for a
Writ of Habeas Corpus

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27 ¹ Federal Rule of Civil Procedure 15(a)(1)(A) permits a party to “amend its pleading
28 once as a matter of course no later than 21 days after serving it.” Fed. R. Civ. Pro.
15(a)(1)(A) (punctuation altered). It is less than 21 days since service. Mr. Aras
therefore files this amended petition as of right.

INTRODUCTION

Veysi Aras is a citizen of Türkiye who was released so that he could seek asylum in the United States. But though Mr. Aras's asylum case remains pending, ICE rearrested him at a check in. ICE did not provide written notice of revocation or a chance to contest his redetention. The government therefore revoked parole in violation of the statute and regulations, which require written notification, as well as the Constitution, which requires pre-deprivation notice and hearing. Because the agency's actions violated the Administrative Procedures Act and the Due Process Clause, this Court should reinstate his release.

STATEMENT OF FACTS

Mr. Aras, at citizen of Türkiye, came to the United States for asylum, entering on December 28, 2023. Exh. A at ¶ 1. He immediately turned himself in to border patrol. *Id.* After two days, border patrol released him. *Id.*

Mr. Aras's release required him to file for asylum within one year, which he did. *Id.* at ¶ 2. He stayed on release waiting for a court date. In August 2025, ICE put him on an ankle monitor. *Id.* He never missed an appointment with ICE. *Id.*

In December 2025, Mr. Aras was arrested on domestic violence charges. *Id.* at ¶ 3. Mr. Aras has not been convicted, *id.*, and his wife maintains that he is not guilty of these charges. Exh. B at ¶ 1.²

Two or three months later, ICE contacted Mr. Aras through the ISAP app, telling him to come to the downtown San Diego office on February 20, 2026. Exh. A at ¶ 4. ICE said that they were going to remove his ankle monitor. *Id.* When he got there, however, ICE saw that he had been arrested in Culver City, and they detained him. *Id.* He does not remember receiving any paperwork saying that his parole had been revoked. *Id.* at ¶ 5. ICE did not give him a chance to explain why

² On the advice of undersigned counsel, petitioner and his wife have not provided detailed statements about the circumstances leading up to arrest to avoid any prejudice in the pending criminal matter.

1 he should not be arrested. *Id.* Mr. Aras is still going to court for his asylum case.
 2 *Id.* at ¶ 6.

3 Mr. Aras's detention has been very difficult for his wife. She has a heart
 4 problem. *Id.* at ¶ 7. At one point, she became so upset about the situation that she
 5 passed out. *Id.* She went to the hospital, and they gave her a heart monitor. *Id.*; *see*
 6 *also* Exh. B at ¶ 2.

7 CLAIMS FOR RELIEF

8 **I. Count 1: ICE failed to comply with its own regulations in revoking Mr.** 9 **Aras's parole under 8 C.F.R. § 212.5, violating the Administrative** 10 **Procedures Act and Due Process.**

11 The government's actions in redetaining Mr. Aras on February 20, 2026,
 12 violates the Administrative Procedures Act and Due Process.

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

27 The revocation here violated the APA. Per ICE regulations, a person shall
 28 only be "returned to the custody from which he was paroled" when "the purposes

1 of such parole . . . have been served.” 8 U.S.C. § 1182(d)(5)(A); *see also* 8 C.F.R.
2 § 212.5(e)(2)(i) (parole may only be terminated “upon accomplishment of the
3 purpose for which parole was authorized”); *Y-Z-L-H*, 2025 WL 1898025, at *12
4 (same). Alternatively, the regulations permit revocation of parole when “neither
5 humanitarian reasons nor public benefit warrants the [noncitizen’s] continued
6 presence.” 8 C.F.R. § 212.5(e)(2)(i). But under either scenario, parole shall only
7 be “terminated upon written notice to the alien.” 8 C.F.R. § 212.5(e)(2)(i). So
8 under the statute and the regulations, the agency may only revoke parole and re-
9 detain a noncitizen when the parole’s purpose is served or no humanitarian
10 reasons warrant it *and* the noncitizen receives written notice.

11 Here, at a minimum, Mr. Aras never received any written notification of a
12 revocation under 8 C.F.R. § 212.5(e). Exh. A at ¶ 5. So if the agency revoked his
13 parole, this decision violated both the statute and the regulation and was “not in
14 accordance with law” under the APA. 5 U.S.C. § 706(2)(A).

15 Several courts have released parolees when ICE failed to follow regulations
16 in revoking parole. *See Arias v. Larose*, No. 3:25-CV-02595-BTM-MMP, 2025 WL
17 3295385, at *3 (S.D. Cal. Nov. 25, 2025); *Noori v. LaRose*, No. 25-cv-1824-GPC-
18 MSB, 2025 WL 2800149 (S.D. Cal. Oct. 1, 2025); *Salazar v. Casey*, No. 25-cv-
19 2784 JLS-VET, 2025 WL 3063629 (S.D. Cal. Nov. 3, 2025); *Perez v. LaRose*, No.
20 25-cv-02620-RBM-JLB, 2025 WL 3171742 (S.D. Cal. Nov. 13, 2025); *Y-Z-L-H v.*
21 *Bostock*, No. 25-cv-965-SI, 2025 WL 1898025, at *13 (D. Or. July 9, 2025).
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1 **II. Count 2: The Due Process Clause required notice and a chance to be**
 2 **heard before parole was revoked.**

3 Additionally, under the Due Process Clause, Mr. Aras was “entitled to notice
 4 of the reasons for revocation of his parole and a hearing before an immigration
 5 judge to determine whether detention is warranted” before ICE revoked his parole.
 6 *Perez v. LaRose*, No. 3:25-CV-02620-RBM-JLB, 2025 WL 3171742, at *7 (S.D.
 7 Cal. Nov. 13, 2025).

8 “The Fifth Amendment guarantees that ‘[n]o person shall be ... deprived of
 9 life, liberty, or property, without due process of law.’” *Salazar*, 2025 WL 3063629,
 10 at *3 (quoting U.S. Const. amend. V). “[T]he Due Process Clause applies to all
 11 ‘persons’ within the United States, including aliens, whether their presence here is
 12 lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693
 13 (9th Cir. 2001).

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

21 “First, Petitioner has a private interest in remaining free, which developed
 22 over the [months] he resided in the United States.” *Id.* at *10. It does not matter that
 23 parole is temporary or discretionary. “For example, *Morrissey v. Brewer*, 408 U.S.
 24 471, 482 (1972)—though analyzing the criminal parole context—found that ‘the
 25 liberty of a parolee, although indeterminate, includes many of the core values of
 26 unqualified liberty and its termination inflicts a grievous loss on the parolee and
 27 often others ... [thus it] must be seen within the protection of the [Fifth]
 28 Amendment.’” *Id.*

1 “Second, the risk of an erroneous deprivation of such interest is high as
2 Petitioner's parole was revoked without providing [him] a reason for revocation or
3 giving [him] an opportunity to be heard.” *Salazar*, 2025 WL 3063629, at *4. “Civil
4 immigration detention is permissible only to prevent flight or protect against danger
5 to the community.” *Perez*, 2025 WL 3171742, at *5. But here, “[s]ince DHS's initial
6 determination that Petitioner should be paroled because [he] posed no danger to the
7 community and was not a flight risk,” it is not clear absent a hearing “that these
8 findings have changed.” *Id.*

9 “Third, the Government's interest in detaining Petitioner without notice,
10 reasoning, and a hearing is low.” *Salazar*, 2025 WL 3063629, at *5 (cleaned up).
11 “Detention for its own sake, to meet an administrative quota, or because the
12 government has not yet established constitutionally required pre-detention
13 procedures is not a legitimate government interest.” *Pinchi v. Noem*, 792 F. Supp.
14 3d 1025, 1036 (N.D. Cal. 2025).

15 Here, the biggest problem with Mr. Aras's redetention was the court's failure
16 to hold a pre-deprivation hearing. Exh. A at ¶ 5. At that hearing, Mr. Aras and his
17 wife could have made the case that they've been making all along: that Mr. Aras
18 did not commit the crime of which he is charged. Exh. B at ¶ 1. That opportunity
19 was particularly here, where the charge remains pending and Mr. Aras is still
20 fighting his case. Exh. A at ¶ 3. Mr. Aras would also have needed sufficient notice
21 to compile evidence, e.g., to call his wife as a witness, so the failure to give notice
22 ahead of time also violated due process.

23 Thus, because Respondents did not provide “proper notice, reasoning, and a
24 pre-deprivation hearing” before revoking parole, Mr. Aras's redetention violated
25 the Due Process Clause. *Salazar*, 2025 WL 3063629, at *5.

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

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

IV. Prayer for relief

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

1. Order Respondents to immediately release Petitioner from custody, subject to the conditions of his preexisting parole;
2. Order that prior to any re-detention of Petitioner, that Petitioner is entitled to notice of the reasons for revocation of his parole and a hearing before an immigration judge to determine whether detention is warranted. Respondents should bear the burden of establishing, by clear and convincing evidence, that Petitioner poses a danger to the community or a risk of flight at that hearing;
3. In the alternative—if and only if this Court rejects the parole-based arguments—order a bond hearing at which the government bears the burden to prove danger or flight by clear and convincing evidence, and stipulate that the government must make a record of the bond hearing available to counsel upon request; and
4. Order any other relief that the Court deems just and proper.

Respectfully submitted,

Dated: May 14, 2026

s/ Katie Hurrelbrink

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