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UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

RAFAEL ENRIQUE QUIROZ TIRADO, *Petitioner*, v. JEREMY CASEY, Facility administrator at the Imperial Regional Detention Facility, PATRICK DIVVER, Director of the U.S. Immigration and Customs Enforcement San Diego Field Office, TODD LYONS, acting Director of U.S. Immigration and Customs Enforcement, and MARKWAYNE MULLIN, Secretary of the U.S. Department of Homeland Security	**'26CV3307 TWR MSB** **VERIFIED EMERGENCY PETITION FOR A WRIT OF HABEAS CORPUS, ORDER TO SHOW CAUSE WITHIN THREE DAYS, AND COMPLAINT FOR DECLARATORY RELIEF**

INTRODUCTION

1. Petitioner Rafael Enrique Quiroz Tirado petitions for a writ of habeas corpus seeking his release from U.S. Immigration and Customs Enforcement (ICE) custody. ICE is a component agency of the Department of Homeland Security (DHS).

2. U.S. Customs and Border Protection (CBP), another component agency of DHS, released Mr. Quiroz Tirado on an order of release on recognizance on August 5, 2021.

3. Mr. Quiroz Tirado arrived in the U.S. seeking asylum, withholding of removal, or protection under the Convention Against Torture because he feared he will be persecuted by the Venezuelan government and associated groups if he returns to Venezuela.

4. Mr. Quiroz Tirado complied with all of the terms of his order of release on recognizance. He sought and received Temporary Protected Status ("TPS") from DHS in 2024. Ex. A. He has a valid employment authorization document through 2030. Ex. B. He has no criminal history.

5. On or about April 29, 2026, ICE officers arrested Mr. Quiroz Tirado. The officers did not provide him with prior notice that DHS was revoking his release or an opportunity to contest whether his re-detention was warranted.

6. The officers took Mr. Quiroz Tirado into custody and detained him at the Imperial Regional Detention Facility (IRDF), where he remains today.

7. 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. *See e.g. Ariza Garcia v. Mullin*, No. 3:26-CV-02241-RBM-MSB, 2026 WL 1142629, at *2 (S.D. Cal. Apr. 27, 2026); *Faizyan v. Casey*, No.: 3:25-cv-02884-RBM-JLB, 2025 WL 3208844, at *7 (S.D. Cal. Nov. 17, 2025).

8. Mr. Quiroz Tirado's re-detention therefore violated the Fifth

Amendment's Procedural Due Process guarantee. As such, this Court should order Respondents to immediately release him.

JURISDICTION AND VENUE

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

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

11. The Court should also reject any jurisdictional defenses the government may assert under 8 U.S.C. §§ 1252(g) and (b)(9), because this challenge does not seek review of any removal order and instead challenges re-detention. *See Ramirez-Bibiano v. LaRose*, No. 25-CV-3429-JLS (SBC), 2025 WL 3632748, at *2-3 (S.D. Cal. Dec. 15, 2025) (rejecting the government's challenges under 8 U.S.C. §§ 1252(g) and (b)(9) to habeas jurisdiction). The Court also should waive any exhaustion requirement as futile for the same reasons it did so in *Ramirez-Bibiano*. 2025 WL 3632748 at *3 (recognizing the Southern District of California finds exhaustion to be futile in this context such that immediate judicial review of habeas petitions challenging \re-detention is required). *Id.* at *2–3.

12. Venue is proper in the Southern District of California, pursuant to 28 U.S.C. §§ 1391 and 2241(d) because Mr. Quiroz Tirado is detained at IRDF in Calexico, California.

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

13. The Court must grant the petition for writ of habeas corpus or issue an

order to show cause ("OSC") to the respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require respondents to file a return "within three days unless for good cause additional time, not exceeding twenty days is allowed." *Id.*

14. 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

15. Petitioner Rafael Enrique Quiroz Tirado is currently detained by Respondents in the IRDF despite having been previously released by DHS on an order of recognizance.

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

17. 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. As such, Mr. Divver is a legal custodian of Mr. Quiroz Tirado. He is sued in his official capacity.

18. 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. He is sued in his official capacity.

19. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security (DHS), which is responsible for the administration of ICE and the implementation and enforcement of the immigration laws. As such, Mr. Mullin is a legal custodian of Petitioners. He is sued in his official capacity.

STATEMENT OF FACTS

20. Mr. Quiroz Tirado came to the U.S. seeking asylum on or around August 5, 2021. CBP arrested Mr. Quiroz Tirado and sent him to an ICE detention center.

21. Mr. Quiroz Tirado fled Venezuela because he fears that the government will harm or kill him.

22. On August 11, 2021, ICE released Mr. Quiroz Tirado and issued him Form I-220A, Order of Release on Recognizance.

23. As part of his Order of Release on Recognizance, ICE required Mr. Quiroz Tirado to attend a supervision appointment at ICE's office.

24. Mr. Quiroz Tirado ICE supervision appointments on August 31, 2021, August 31, 2022, August 29, 2023 and August 29, 2024.

25. At Mr. Quiroz Tirados's August 29, 2024 supervision appointment, he checked-in using an automated ICE system. At that time, the automated system displayed a message saying that he was no longer required to attend supervision appointments.

26. Mr. Quiroz Tirado applied to DHS for asylum and TPS for Venezuelans. DHS may grant TPS to citizens of certain countries who cannot safely return to those countries. DHS granted Mr. Quiroz Tirado TPS until April of 2025. Ex. A.

27. DHS granted him work authorization until January 23, 2030, on account of his pending asylum application. Ex. B.

28. Mr. Quiroz Tirado also attended all of his Immigration Court hearings until the Immigration Court dismissed removal proceedings against him.

29. During his time in the United States, Mr. Quiroz Tirado lived with the

expectation that he would not be subject to re-detention absent some material change in circumstances. He made every effort to comply with the law and follow the rules of the United States.

30. Despite his full compliance with all immigration laws while in the United States, ICE officers arrested Mr. Quiroz Tirado on or about April 29, 2026.

31. The ICE officer did not inform Mr. Quiroz Tirado as to why they detained him, nor did they provide Mr. Quiroz Tirado any notice or opportunity to contest the detain him at any point prior to this arrest. ICE has detained him at IRDF ever since.

LEGAL FRAMEWORK

32. "[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).

33. 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 interest in remaining out of custody; and (3) the government's interest in detaining

the petitioner without affording pre-deprivation notice, reasoning, and a hearing. *Ramirez-Bibiano*, 2025 WL 3632748 at *4–5.

34. Failure to provide notice and a hearing is a violation of the person's Fifth Amendment Due Process rights requiring immediate release "subject only to the conditions of his preexisting order of release on recognizance." *Sunil v. Casey*, No. 26CV1653-LL-DDL, 2026 WL 1021407, at *3 (S.D. Cal. Apr. 15, 2026); *see also Ariza Garcia*, 2026 WL 1142629, at *2; *Ruiz Diaz v. Larose*, No. 3:25-CV-3517-CAB-SBC, 2025 WL 3707051, at *2 (S.D. Cal. Dec. 22, 2025).

35. This Court also directs DHS not re-detain petitioners without a meaningful pre-deprivation hearing before a neutral arbiter. *Faizyan*, 2025 WL 3208844, at *7; *Vicky v. Casey*, No. 26-CV-949 JLS (JLB), 2026 WL 608589, at *3 (S.D. Cal. Mar. 4, 2026); *Ruiz Diaz*, 2025 WL 3707051, at *2.

A. Courts Have Regularly Found that Summary Revocation of Release and Re-Detention Deprives Petitioners of Procedural Due Process

36. Consistent with the traditional *Mathews* three-factor test, district courts in the Ninth Circuit have formulated a bright-line Due Process rule: if a noncitizen has been paroled into the U.S., the government may not revoke their parole or re-detain them without first affording pre-deprivation notice and a hearing establishing that the person is now a danger or flight risk—failure to provide this is a violation of the person's Fifth Amendment Due Process rights requiring immediate habeas relief. *See, e.g.*, *Ramirez-Bibiano*, 2025 WL 3632748 (ordering immediate habeas relief; holding the government's summary revocation of parole and re-detention without pre-deprivation notice or a hearing establishing present risk of danger or flight violates Fifth Amendment Due Process); *see also Noori v. LaRose,* 807 F. Supp. 3d. 1146 (S.D. Cal. 2025)(granting immediate habeas release; holding the government's summary revocation of parole and re-detention without pre-deprivation notice, reasons, and a hearing establishing present danger or flight risk violated due process under *Mathews*); *Ramirez Tesara v. Wamsley*, 800 F. Supp. 3d 1130 1135–39 (W.D.

Wash. 2025) (granting TRO and ordering immediate release; applying *Mathews* to hold that even though petitioner's parole had expired, because he had previously been paroled his re-detention without a pre-deprivation hearing establishing a justification for re-detention violated due process under *Mathews*); *Fernandez Lopez v. Wofford*, No. 1:25-CV-01226-KES-SKO (HC), 2025 WL 2959319, at *6 (E.D. Cal. Oct. 17, 2025) (ordering immediate habeas release; canvassing seven cases establishing the principle that re-detention of a previously paroled noncitizen without a pre-deprivation hearing establishing a change in the person's risk of danger or flight violates Due Process and requires immediate habeas relief).

37. Courts have applied this same rationale to individuals released from immigration detention. *See Maceo-Aguilera v. LaRose*, 26-CV-532-LL-MSB, 2026 WL 381633 (S.D. Cal. Feb. 11, 2026); *Escamilla Alvarado v. Casey,* No. 26-cv-2593-JO-BJW (S.D. Cal. May, 7, 2026), Dkt. No. 6; *Magana-Hernandez v. Casey,* No. 26-cv-2952-JLS (MSB) (S.C. Cal. May 18, 2026), Dkt. No. 5. Thus, Mr. Sanchez-Mendez's "release from ICE custody after [his] initial apprehension reflected a determination by the government that [he] was neither a flight risk nor a danger to the community, and [Petitioner] has a strong interest in remaining at liberty unless [he] no longer meets those criteria. *Pinchi v. Noem*, 792 F. Supp. 3d. 1025, 1034 (N.D. Cal. 2025).

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

Aug. 11, 2025); *Navarro Sanchez v. LaRose*, 2025 No. 25-CV-2396-JES-MMP, 2026 WL 2770629 (S.D. Cal. Sept. 26, 2025).

39. In *Noori*, an Afghan national paroled into the U.S. after assisting U.S. forces was arrested at a courthouse and re-detained following the government's summary revocation of his humanitarian parole, without any pre-deprivation notice, reasons provided, or opportunity to be heard, despite a clean record and consistent compliance. 807 F. Supp 3d. 1146. The Court held that the government's summary parole revocation and re-detention violated due process under *Mathews* given the lack of justification, notice, and an opportunity to be heard. *Id.* at *9–12. The Court granted the habeas petition, ordered that the government shall not re-detain the petitioner during the pendency of his removal proceedings, and granted attorneys' fees according to proof. *Id.* at *14.

40. In *Ramirez Tesara*, a Venezuelan asylum-seeker who had been paroled into the U.S. was re-detained as he appeared for a monitoring appointment, without any pre-deprivation notice or hearing. 800 F. Supp. 3d at 1134. That court assessed the petitioner's due process habeas claim under *Mathews* and concluded that because he had been previously paroled, ICE could only have re-detained the petitioner after a hearing before an immigration judge at which the government met its burden to justify detention. *Id.* at 1135–38. ICE's summary re-detention therefore violated Due Process and required the petitioner's immediate release. *Id.* at 1138–39.

41. In *Fernandez Lopez*, an asylum-seeker from Chile who had been paroled in 2021 was summarily re-detained by ICE in August 2025 after a credible-fear interview. 2025 WL 2959319 at *1. Once again, applying *Mathews*, and for the same reasons as the courts in *Ramirez-Bibiano*, *Ramirez Tesara*, and *Noori*, that court granted a preliminary injunction as well as the habeas petition at issue, and enjoined the government from re-detaining the petitioner absent a pre-deprivation bond hearing at which the government must prove current danger or flight risk by clear and convincing evidence. 807 F. Supp. 3d. 1146. That court also canvassed cases

from other district courts in the Ninth Circuit to state the *Mathews*-derived rule that if the government has previously paroled a noncitizen, it may not re-detain that person without first providing pre-deprivation notice and a hearing through which the government establishes a change in the person's risk of danger or flight. *Id.* at 1165-66. Failure to provide this pre-deprivation process is a violation of the person's Fifth Amendment Due Process rights and grounds for immediate habeas relief. *Id.* at 1166.

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

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

44. Accordingly, where the Court finds that a petitioner has been previously paroled and yet the government summarily revoked his parole or re-detained him, a step-by-step *Mathews* analysis is unnecessary; it is already incorporated into and

performed by the bright-line rule established by *Ramirez-Bibiano*, *Ramirez Tesara*, *Fernandez Lopez* and the many district court cases it cites, and *Mathews*.

B. Applying the *Mathews* Test to Petitioners Re-detained Without Process Results Confirms that the Government Violates the Fifth Amendment in Such Cases.

45. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty [the Due Process Clause] protects." *Zadvydas*, 533 U.S. at 690. A noncitizen released by DHS has a "significant liberty interest in remaining out of custody pursuant to his release." *Vicky,* 2026 WL 608589, at *2.

46. While "the initial decision to detain or release an individual may be within the government's discretion, the government's decision to release an individual from custody creates 'an implicit promise,' upon which that individual may rely, that their liberty 'will be revoked only if they fail to live up to the...conditions of release." *Pinchi v. Noem*, 792 F.Supp.3d 1025, 1032 (N.D. Cal. 2025) (alternation marks omitted); *see also Faizyan*, 2025 WL 3208844, at *7 (quoting *Pinchi*).

47. As to the first *Mathews* factor, Mr. Quiroz Tirado possesses a protected liberty interest in remaining out of custody, namely, "the most significant liberty interest there is – the interest in being free from imprisonment." *Velasco Lopez v. Decker*, 978 F.3d 842, 851 (2d Cir. 2020). "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty [the Due Process Clause] protects." *Zadvydas*, 533 U.S. at 690. While "the initial decision to detain or release an individual may be within the government's discretion, the government's decision to release an individual from custody creates 'an implicit promise,' upon which that individual may rely, that their liberty 'will be revoked only if they fail to live up to the...conditions of release." *Pinchi v. Noem*, 792 F.Supp.3d at 1032 (alternation marks omitted).

48. Here, as in *Ramirez-Bibiano*, Petitioner has a significant liberty interest

in remaining free of ICE custody under prior release conditions. His initial "release from ICE custody constituted an implied promise that [his] liberty would not be revoked unless [he] failed to live up to the conditions of [his] release." *Pinchi*, 792 F. Supp. 3d at 1034 (internal quotation marks omitted). In other words, Petitioner gained a protected liberty interest in remaining out of custody absent a showing that he is a flight risk or a danger to the community. *See, e.g., Fernández López*, 2025 WL 2959319 at *4-5 (finding that petitioner released from immigration detention on parole had protected liberty interest in remaining out of custody, including if the authority for petitioner's parole was § 1182(d)(5)(A)); *Noori v. Larose*, 807 F. Supp. 3d. 1146 (S.D. Cal. 2025)(finding that petitioner who was paroled from immigration detention under § 1182(d)(5)(A) had protected liberty interest in remaining out of custody).

49. As to the second *Mathews* factor, "the risk of an erroneous deprivation of such interest is high" where "Petitioner's release on his own recognizance was revoked without providing him a reason for revocation or giving him an opportunity to be heard. *Vicky,* 2026 WL 608589, at *3. Immigration detention serves only to prevent flight and danger to the community. *Zadvydas*, 533 U.S. at 690. As such, re-detention absent a material change in flight risk or danger, runs a high risk of depriving a non-dangerous petitioner that presents only a minimal risk of flight of their liberty. *See Vicky,* 2026 WL 608589, at *3; *Faizyan*, 2025 WL 3208844, at *7. When DHS grants a noncitizen TPS, it necessarily determines "that he was not flight risk or a danger to the community." *Majano Mendoza v. Andrews*, No. 1:26-CV-01976-DAD-CSK, 2026 WL 747344, at *2 (E.D. Cal. Mar. 17, 2026).

50. As to the third *Mathews* factor, "the Government's interest in detaining [a] Petitioner without notice, reasoning, and a hearing is 'low.'" *Vicky*, 2026 WL 608589, at *3. The government may always re-arrest a petitioner if it provides notice and a fair hearing. *Id.* (citing *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 970 (N.D. Cal. Nov. 22, 2019)); *Faizyan*, 2025 WL 3208844, at *7 (same). In addition, "[d]etention

for its own sake, to meet an administrative quota, or because the government has not yet established constitutionally required pre-detention procedures is not a legitimate government interest." *Singh v. Noem,* No. 3:26-CV-00261-RBM-MSB, 2026 WL 296656, at *2 (S.D. Cal. Feb. 4, 2026) (quoting *Pinchi*, 792 F. Supp. 3d at 1036). Finally, "[i]n immigration court, custody hearings are routine and impose a 'minimal' cost."). *Singh v. Andrews*, No. 25-cv-00801-KES-SKO (HC), 2025 WL 1918679, at *8 (E.D. Cal. July 11, 2025).

51. 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 a pre-deprivation process in this case. *See Ramirez-Bibiano* 2025 WL 3632748; *Mathews*, 424 U.S. at 335.

CLAIMS FOR RELIEF

COUNT ONE

VIOLATION OF DUE PROCESS REVOCATION OF RELEASE WITHOUT NOTICE

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

53. 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)).

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

55. 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); *Y-Z-L-H v. Bostock*, No. 3:25-CV-965-SI, 2025 WL 1898025, at *13 (D. Or. July 9, 2025).

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

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

58. DHS did not provide Mr. Quiroz Tirado any notice before re-detaining him.

COUNT TWO

VIOLATION OF DUE PROCESS REVOCATION OF RELEASE WITHOUT A PRE-DEPRIVATION HEARING

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

60. Under the Due Process Clause of the Fifth Amendment to the United States Constitution, no person shall be "deprived 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 Clause protects." *Zadvydas*, 533 U.S. at 690.

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

62. The liberty interest applies to individuals who are released into the United States 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).

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

64. Due Process requires that Petitioner be afforded a pre-deprivation hearing before a neutral adjudicator if the government is to re-detain Petitioner. *Ramirez-Bibiano*, 2025 WL 3632748, at *5; *Ramirez Tesara*, 800 F. Supp. 3d at 1136; *Fernandez Lopez v. Wofford*, 2025 WL 2959319, at *7.

65. . DHS did not provide Mr. Quiroz Tirado any pre-deprivation hearing before re-detaining him.

PRAYER FOR RELIEF

Petitioners pray that this Court grant the following relief:

1. Assume jurisdiction over this matter.

2. Order that Mr. Quiroz Tirado shall not be transferred outside the Southern District of California.

3. 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.

4. Declare that Mr. Quiroz Tirado's current detention is unlawful.

5. Issue a Writ of Habeas Corpus ordering Respondents to immediately release Mr. Quiroz Tirado under the terms and conditions of his original release.

6. Order that DHS may not re-detain Mr. Quiroz Tirado without proper notice of the reasons that form the basis for revocation of release.

7. Order that DHS may not re-detain Mr. Quiroz Tirado without a hearing before a neutral decision maker at which the government must prove dangerousness and irredeemable flight risk by clear and convincing evidence.

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

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

Respectfully submitted,

Cassandra Lopez

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Date: May 29, 2026

VERIFICATION BY ATTORNEY ACTING ON MR. QUIROZ TIRADO'S BEHALF PURSUANT TO 28 U.S.C. §2242

I am submitting this verification on behalf of Mr. Quiroz Tirado because I am his attorney. As Mr. Quiroz Tirado'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: May 29, 2026 By: /s/ Cassandra Lopez