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[redacted]

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JULIO CESAR CASTRO VALLE,

Petitioner,

v.

MARKWAYNE MULLIN, Secretary of the Department of Homeland Security, TODD BLANCHE, Acting Attorney General, TODD M. LYONS, Acting Director, Immigration and Customs Enforcement, JESUS ROCHA, Acting Field Office Director, San Diego Field Office, CHRISTOPHER LAROSE, Warden at Otay Mesa Detention Center,

Respondents.

CIVIL CASE NO.: 26-cv-3321 LL-MMP

Amended Petition for a Writ of Habeas Corpus

INTRODUCTION

Julio Cesar Castro Valle has lived in the United States for the last 30 years. He is a citizen of Nicaragua who was granted Temporary Protected Status ("TPS") for several years before the program was terminated in September 2025. *See infra* at 3. When he learned the TPS program was set to end, he immediately applied for asylum and was granted parole to continue his application out of custody. On May 1, 2026, even though there was no decision in Mr. Castro Valle's asylum case, and even though he had been allowed to remain out of DHS custody on parole, he was arrested and re-detained by a masked agent. ICE took him into custody without giving him any paperwork or any opportunity to contest his re-detention. He has been detained ever since.

While it is unclear whether the government has formally revoked their decision to grant Mr. Castro Valle parole, the government's actions are unlawful regardless. If the agency did not revoke this decision, then it violated that parole by detaining him. And if the agency *did* revoke their decision to release him, then it did so in violation of the statute and regulations, which require written notification and a determination that the purposes of the parole have been served, as well as the Constitution, which requires pre-deprivation notice and hearing. Either way, the agency's actions violated the Administrative Procedures Act and the Due Process Clause.

Alternatively, as someone who has lived in the United States for the last 30 years, Mr. Castro Valle can be detained only under 8 U.S.C. § 1226. And because respondents have apparently not "complied with the express terms of section 1226 when [they] detained" Mr. Castro Valle, through the "[i]ssuance of a[n administrative] warrant," this Court should order his "immediate release." *JACP v. Wofford*, No. 25-cv-1354-KES-SKO, 2025 WL 3013328, *8 (E.D. Cal. Oct. 27, 2025); *accord Diaz v. Albarran*, No. 25-cv-9837-JSC, 2025 WL 3214972 (N.D. Cal. Nov. 18, 2025); *R.D. v. Bondi*, No. 26-cv-1904-ECT-EMB, 2026 WL

788263, *2 (D. Minn. Mar. 20, 2026) (collecting cases ordering immediate release in the absence of a warrant issued under 8 U.S.C. § 1226(a) in similar cases).

Under either argument, this Court should order Mr. Castro Valle's immediate release.

STATEMENT OF FACTS

Mr. Castro Valle originally fled his native country of Nicaragua because he feared political persecution. Declaration of Julio Cesar Castro Valle, Exhibit A at ¶¶ 1–2. He came to the United States in 1996, when he was 21 years old, and has lived here for the past 30 years. *Id.* He originally entered without inspection. *Id.*

After he arrived, he applied for and was granted Temporary Protective Status ("TPS") because of his Nicaraguan citizenship. *Id.* at ¶ 3. Nicaragua had TPS designation from January 5, 1999, through September 8, 2025. *Temporary Protected Status Designated Country: Nicaragua*, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, (Feb. 11, 2026) https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-nicaragua. Mr. Castro Valle maintained his TPS and complied with all re-registration requirements through September 2025. Exh. A at ¶ 3.

While on TPS, Mr. Castro Valle built a life. He had a work permit and worked in construction. *Id.* at ¶ 4. He has lived in Florida since 2006. *Id.* In 2015, he started his own company that handled tile and porcelain installations. *Id.* He has never been convicted of a crime and had received his driver's license. *Id.* Mr. Castro Valle also has a family. *Id.* at ¶ 9. During his time in the United States, he married his wife and had two children, who are now 15 and 23 years old. *Id.* Both of his children are U.S. citizens. *Id.*

In 2025, Mr. Castro Valle learned the TPS designation for Nicaragua was going to end. *Id.* at ¶ 5. Before it ended, he applied for asylum and withholding of

removal so he could do everything he could to stay in the United States. *Id.* When he applied for asylum, he was never detained but allowed to remain out of custody on parole. *Id.* at ¶ 6. He was in the process of getting a new work permit before his current detention. *Id.* at ¶ 6. He had already been to multiple appointments and had his fingerprints taken for his work permit. *Id.*

On May 1, 2026, Mr. Castro Valle was pulled over by an undercover agent in an unmarked car while driving in Florida. *Id.* at ¶ 7. The person who arrested him was wearing a mask and did not identify himself. *Id.* The man asked Mr. Castro Valle if he was a citizen or a legal permanent resident. *Id.* When he answered that he was neither, the man detained Mr. Castro Valle. *Id.* Mr. Castro Valle was not told why he was being detained, and he was not shown a warrant or provided any paperwork related to his arrest. *Id.* He has been detained ever since. *Id.*

CLAIMS FOR RELIEF

I. ICE failed to comply with its own regulations in revoking Mr. Castro Valle's parole under 8 C.F.R. § 212.5, violating the Administrative Procedures Act and Due Process.

When Mr. Castro Valle was detained on May 1, 2026, no one told him his parole was revoked, so it is unclear whether a revocation occurred. *See* Exh. A at ¶ 7. Either way, the government's actions violated the Administrative Procedures Act and Due Process.

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

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

Here, regardless of whether the agency formally revoked Mr. Castro Valle's parole, it violated the APA. If the agency did *not* revoke his parole, then it inexplicably violated its own decision by illegally detaining Mr. Castro Valle on May 1, 2026. Doing so violated the APA because the agency did not "offer a rational connection between the facts found and the choice made"—i.e., the fact that Mr. Castro Valle was still on parole, yet the agency decided to detain him. *Motor Vehicle Mfrs,* 463 U.S. at 52. And nothing suggests that there *was* a "rational" reason for this choice, given that Mr. Castro Valle had filed an asylum application and complied with all the conditions of his parole. *See* Exh. A at ¶¶ 4–6. This was the epitome of an "arbitrary" and "capricious" act under the APA. 5 U.S.C. § 706(2)(A).

But assuming the agency *had* revoked his parole, it also violated the APA. Per ICE regulations, a person shall only be "returned to the custody from which he was paroled" when "the purposes of such parole . . . have been served." 8 U.S.C. § 1182(d)(5)(A); s*ee also* 8 C.F.R. § 212.5(e)(2)(i) (parole may only be terminated "upon accomplishment of the purpose for which parole was authorized"); *Y-Z-L-H*, 2025 WL 1898025, at *12 (same). Alternatively, the regulations permit revocation of parole when "neither humanitarian reasons nor public benefit warrants the [noncitizen's] continued presence." 8 C.F.R. § 212.5(e)(2)(i). But under either scenario, parole shall only be "terminated upon written notice to the alien." 8 C.F.R. § 212.5(e)(2)(i). So, under the statute and the regulations, the agency may only

revoke parole and re-detain a noncitizen when the parole's purpose is served or no humanitarian reasons warrant it *and* the noncitizen receives written notice.

None of this occurred here. Because "the purpose[ ] of [Mr. Castro Valle's] parole" was to allow him to apply for asylum, that purpose has not yet "been served" because his asylum claim is still pending. 8 U.S.C. § 1182(d)(5)(A). And the humanitarian reasons for parole—to avoid unnecessary detention when an asylum seeker poses no danger or flight risk—remains the same. Put differently, "upon Petitioner's entry into the United States, Respondents determined that Petitioner was suitable for parole. Respondents have not provided a reasoned explanation or any changed circumstances that would justify their current departure from their prior decision." *Y-Z-L-H v. Bostock*, 792 F. Supp. 3d 1123, 1146 (D. Or. 2025). Under the APA, "[i]t is Respondents' burden to provide a reasoned explanation for their action," which they will not be able to do. *Id.*

What's more, Mr. Castro Valle never received any written notification of a revocation under 8 C.F.R. § 212.5(e). If the agency did revoke his parole, this decision violated both the statute and the regulation and was "not in accordance with law" under the APA. 5 U.S.C. § 706(2)(A).

Several courts have released parolees on this basis. *See, e.g., Devilmar v. LaRose*, No. 3:26-CV-01748-JES-MSB, 2026 WL 1042439, at *2 (S.D. Cal. Apr. 17, 2026); *Perez v. Noem*, No. 3:25-CV-03777-CAB-JLB, 2026 WL 102643, at *2 (S.D. Cal. Jan. 14, 2026); *Arias v. Larose*, No. 3:25-CV-02595-BTM-MMP, 2025 WL 3295385, at *3 (S.D. Cal. Nov. 25, 2025); *Perez v. LaRose*, No. 25-cv-02620-RBM-JLB, 2025 WL 3171742 (S.D. Cal. Nov. 13, 2025); *Salazar v. Casey*, No. 25-cv-2784 JLS-VET, 2025 WL 3063629 (S.D. Cal. Nov. 3, 2025); *Noori v. LaRose*, No. 25-cv-1824-GPC-MSB, 2025 WL 2800149 (S.D. Cal. Oct. 1, 2025); *Y-Z-L-H v. Bostock*, No. 25-cv-965-SI, 2025 WL 1898025, at *13 (D. Or. July 9, 2025).

II. The Due Process Clause requires providing Mr. Castro Valle with notice and a chance to be heard before revoking his release.

Additionally, "the revocation of [Mr. Castro Valle's] parole without justification or consideration of his individualized circumstances violates the Due Process Clause." *Perez v. LaRose*, No. 3:25-CV-02620-RBM-JLB, 2025 WL 3171742, at *4 (S.D. Cal. Nov. 13, 2025). Mr. Castro Valle was "entitled to notice of the reasons for revocation of his parole and a hearing before an immigration judge to determine whether detention is warranted" before ICE revoked his parole. *Id.* at *7.

"The Fifth Amendment guarantees that '[n]o person shall be ... deprived of life, liberty, or property, without due process of law.'" *Salazar*, 2025 WL 3063629, at *3 (quoting U.S. Const. amend. V). "[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, 693 (9th Cir. 2001).

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

"First, Petitioner has a private interest in remaining free, which developed over the [months] he resided in the United States." *Id.* at *10. It does not matter that parole is temporary or discretionary. "For example, *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972)—though analyzing the criminal parole context—found that 'the liberty of a parolee, although indeterminate, includes many of the core values of unqualified liberty and its termination inflicts a grievous loss on the parolee and

often others ... [thus it] must be seen within the protection of the [Fifth] Amendment.'" *Id.*

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

"Third, the Government's interest in detaining Petitioner without notice, reasoning, and a hearing is low." *Salazar*, 2025 WL 3063629, at *5 (cleaned up). "Detention 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." *Pinchi v. Noem*, 792 F. Supp. 3d 1025, 1036 (N.D. Cal. 2025).

Thus, because Respondents did not provide "proper notice, reasoning, and a pre-deprivation hearing" before revoking parole, Mr. Castro Valle's re-detention violated the Due Process Clause. *Salazar*, 2025 WL 3063629, at *5.

III. Alternatively, the proper remedy in a case without the issuance of an administrative warrant is immediate release and an order that Petitioner cannot be re-detained absent the procedures of § 1226(a).

Even if Mr. Castro Valle weren't re-detained in violation of the APA and due process, his warrantless arrest and re-detention violated the procedures required in § 1226(a) and requires immediate release.

Mr. Castro Valle may be detained, if at all, pursuant to 8 U.S.C. § 1226(a). Under section 1226's plain text, "the '[i]ssuance of a warrant is a necessary condition to justify discretionary detention under section 1226(a).'" *Pedraza*, 2026

WL 1484326, at *2 (quoting *J.A.C.P. v. Wofford*, No. 1:25-CV-01354-KES-SKO (HC), 2025 WL 3013328, at *8 (E.D. Cal. Oct. 27, 2025)); *accord Chogllo Chafla v. Scott*, 804 F. Supp. 3d 247, 264 (D. Me. 2025). The statute provides that, *"[o]n a warrant issued by the Attorney General*, an alien may be arrested and detained." 8 U.S.C. § 1226(a) (emphasis added). "[I]t follows that absent a warrant a noncitizen may *not* be arrested and detained under section 1226(a)." *Chogllo Chafla*, 804 F. Supp. 3d at 264 (emphasis in original).

Here, Mr. Castro Valle has never been shown a warrant, and it appears he was arrested without one. Exh. A ¶ 7. Mr. Castro Valle even asked why he was being detained, and he received no response. *Id.* As a result, as courts have concluded for petitioners in Mr. Castro Valle's circumstances, his "arrest and detention are therefore unauthorized, and the appropriate remedy for detention that lacks a proper statutory basis under § 1226(a) is release." *Eslid. B.G. v. Bondi*, No. 26-cv-5020-RAL, 2026 WL 734992, *6 (D.S.D. Mar. 16, 2026) (collecting cases ordering release absent an administrative warrant under § 1226(a)); *see also Pedraza*, 2026 WL 1484326, at *2; *J.A.C.P.*, 2025 WL 3013328, *8 (same); *Juan R. v. Bondi*, No. 26-cv-252-SRN-DTS, 2026 WL 125255 (D. Minn. Jan. 16, 2025) (same).

That is because "[h]abeas is at its core a remedy for unlawful executive detention. The typical remedy for such detention is, of course, release." *Pedraza*, 2026 WL 1484326, at *2 (*Munaf v. Geren*, 553 U.S. 674, 693 (2008)). Furthermore, "[t]he language of § 1226(a)'s warrant requirement is unequivocal and does not afford the Government forgiveness simply by providing a bond hearing after the fact." *Jesus Emery M.F. v. Warden*, No. 26-cv-1374-TLN-CKD, 2026 WL 849762, *2 (E.D. Cal. Mar. 27, 2026).

This is particularly the case because the statute and regulations implement the due process protection that attends any civil detention. The Supreme Court has "repeatedly recognized that civil commitment for any purpose constitutes a

significant deprivation of liberty that requires due process protection." *Addington v. Texas*, 441 U.S. 418, 425 (1979); *see also United States v. Salerno,* 481 U.S. 739, 755 (1987); *Foucha v. Louisiana*, 504 U.S. 71, 81–83 (1992); *Kansas v. Hendricks*, 521 U.S. 346, 357 (1997).

Here, Mr. Castro Valle was arrested without a warrant. That violated the statute, regulations, and due process. This Court should therefore grant the petition and order his release. [1]

IV. Prayer for relief

For the above reasons, Petitioner respectfully requests that this Court order:

1. Respondents to immediately release Petitioner from custody;
2. Prior to any re-detention of Petitioner, 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. The government 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. If Respondents seek to re-detain Petitioner, they shall obtain a warrant and hold a pre-deprivation bond hearing before a neutral arbiter pursuant to section 1226(a) and its implementing regulations, at which

[1] It is Mr. Castro Valle's position that noncitizens who enter without inspection are entitled to the process outlined in 8 U.S.C. § 1226(a). Though the BIA concluded in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), that inadmissible immigrants (even those who have been in the country for years) are not eligible for bond under § 1226(a), courts repeatedly have rejected this post-hoc recharacterization of noncitizens who have lived in the United States for years. *See, e.g., Rodriguez*, 779 F. Supp. 3d at 1260; *Lopez Benitez v. Francis*, 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Leal-Hernandez v. Noem*, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Kostak v. Trump*, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Lopez-Campos v. Raycroft*, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Carmona-Lorenzo v. Trump*, No. 4:25CV3172, 2025 WL 2531521, at *5 (D. Neb. Sept. 3, 2025); *Zaragoza Mosqueda v. Noem*, 2025 WL 2591530, at *7 (C.D. Cal. Sept. 8, 2025); *Hernandez Nieves v. Kaiser*, 2025 WL 2533110 (N.D. Cal. Sept. 3, 2025); *Rosado v. Figueroa*, 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), including in this one, *Esquivel-Ipina*, 812 F. Supp. 3d 1073 (S.D. Cal. 2025). Those noncitizens who do fall under § 1226(a) are statutorily entitled to a bond hearing.

Respondents shall demonstrate the issuance of a warrant and at which petitioner's eligibility for bond must be considered, *see, e.g.*, *JACP*, 2025 WL 3013328 at *8; and

4. Respondents shall return to Petitioner any personal property; and
5. Order any other relief that the Court deems just and proper.

Respectfully submitted,

Dated: June 12, 2026

s/ Hannah Basalone

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