Kara Hartzler
Federal Defenders of San Diego, Inc.
225 Broadway, Suite 900
San Diego, California 92101-5030
Telephone: (619) 234-8467
Facsimile: (619) 687-2666
Kara_hartzler@fd.org

Attorneys for Petitioner

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CHRISTIAN NTEH SAMGWAA,[1]

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, JEREMY CASEY, Warden at Imperial Regional Detention Facility,

Respondents.

Civil Case No.: 26-cv-3324-BAS-MSB

Amended Petition for a Writ of Habeas Corpus

[1] Although Mr. Samgwaa's name on his original petition was entered as "Samgwaa Christain Nteh," undersigned counsel has confirmed that his correct name is "Christian Nteh Samgwaa."

INTRODUCTION

Christian Nteh Samgwaa is a citizen of Cameroon who fled for his life. He was paroled into the United States on February 22, 2023, and was applying for asylum in removal proceedings. But on October 30, 2025, ICE agents told him to come in for a check in and arrested him without any notice or explanation.

Respondents have revoked Mr. Samgwaa's parole in violation of the statute and regulations, which require written notification and a determination that the purposes of the parole have been served. Alternatively, the Due Process Clause of the Fifth Amendment of the Constitution requires redeprivation notice and hearing. Either way, the agency's actions violated the Administrative Procedures Act and the Due Process Clause, and this Court should order his immediate release.

STATEMENT OF FACTS

Mr. Samgwaa was born in Cameroon. Exhibit A, Declaration of Christian Nteh Samgwaa, at ¶ 1. He fled Cameroon because the military was looking for him, and he feared for his life. *Id.* at ¶ 1.

Mr. Samgwaa crossed into the United States on about February 19, 2023, and was immediately arrested by Border Patrol. *Id.* at ¶ 2. Three days later, they paroled him into the United States to allow him to apply for asylum. *Id.* at ¶ 2.

Mr. Samgwaa went to Baltimore, Maryland and began to live with family. *Id.* at ¶ 3. He hired an immigration lawyer and applied for asylum, and he was attending all his court hearings and check-in appointments. *Id.* at ¶ 3. He received a work permit and a Social Security number. *Id.* at ¶ 3. Mr. Samgwaa has no criminal history. *Id.* at ¶ 3.

On October 29, 2025, Mr. Samgwaa received a call from ICE telling him that he needed to come and check in the next day. *Id.* at ¶ 4. When he went to this check-in, they arrested him. *Id.* at ¶ 4. Mr. Samgwaa kept asking why they were arresting him, but they wouldn't say. *Id.* at ¶ 4. Finally they said that he had

committed a "violation," but they wouldn't tell him what this violation was. *Id.* at ¶ 4. They didn't give Mr. Samgwaa any paperwork or an informal interview at which he could contest his detention. *Id.* at ¶ 4.

Mr. Samgwaa was transferred to New Jersey, then Texas, then Louisiana, then Florida. *Id.* at ¶ 5. In Florida, on December 10, 2025, an immigration judge ordered him removed. *Id.* at ¶ 5. He timely filed an appeal to the Board of Immigration Appeals, which is currently pending. *Id.* at ¶ 5.

After the immigration judge ordered Mr. Samgwaa removed, he was transferred to Otay Mesa Detention Center, where he has remained ever since. *Id.* at ¶ 6.

CLAIMS FOR RELIEF

I. Count One: ICE failed to comply with its own regulations and the Administrative Procedures Act in revoking Mr. Samgwaa's parole.

When ICE took Mr. Samgwaa into custody on October 30, 2026, it did not say whether it was revoking his parole. Exh. A at ¶ 4. Either way, the government's actions violated the regulations and the Administrative Procedures Act.

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. Samgwaa's parole, it violated the APA. If the agency did *not* revoke his parole, then it inexplicably violated its own parole decision by detaining Mr. Samgwaa. 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. Samgwaa 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. Samgwaa had filed an asylum application and complied with all the conditions or his parole. 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); *see 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. Samgwaa'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. Samgwaa never received any written notification of a revocation under 8 C.F.R. § 212.5(e). So if the agency revoked 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).

Numerous courts have released parolees on this basis. *See, e.g., Arias v. Larose*, No. 3:25-CV-02595-BTM-MMP, 2025 WL 3295385, at *3 (S.D. Cal. Nov. 25, 2025); *Noori v. LaRose*, No. 25-cv-1824-GPC-MSB, 2025 WL 2800149 (S.D. Cal. Oct. 1, 2025); *Salazar v. Casey*, No. 25-cv-2784 JLS-VET, 2025 WL 3063629 (S.D. Cal. Nov. 3, 2025); *Perez v. LaRose*, No. 25-cv-02620-RBM-JLB, 2025 WL 3171742 (S.D. Cal. Nov. 13, 2025); *Y-Z-L-H v. Bostock*, No. 25-cv-965-SI, 2025 WL 1898025, at *13 (D. Or. July 9, 2025). Because Mr. Samgwaa is in the same position as these individuals, this Court should do the same and order his immediate release.

II. Count Two: The Due Process Clause required notice and a chance to be heard before parole was revoked.

Additionally, "the revocation of [Mr. Samgwaa'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. Samgwaa 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. Samgwaa's redetention violated 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. Samgwaa 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 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; and

3. Order any other relief that the Court deems just and proper.

Respectfully submitted,

Dated: June 10, 2026

s/ Kara Hartzler

Kara Hartzler
Federal Defenders of San Diego, Inc.
Attorneys for Mr. Samgwaa
Email: kara_hartzler@fd.org