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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 MUNOZ PALACIOS,
11 Rosibel del Carmen
12 Petitioner,

13 v.

14 CHRISTOPHER J. LAROSE, Senior
15 Warden, Otay Mesa Detention Center;
16 PATRICK DIVVER, Field Office
17 Director, San Diego Office of Detention
18 and Removal, U.S. Immigration and
19 Customs Enforcement; TODD M.
20 LYONS, Acting Director, U.S.
21 Immigration and Customs Enforcement,
22 U.S. Department of Homeland Security;
23 and MARKWAYNE MULLIN,
24 Secretary, U.S.
25 Department of Homeland Security,

26 Respondents

CASE NO.: '26CV3534 JAO SBC



**PETITION FOR WRIT OF
HABEAS CORPUS AND ORDER
TO SHOW CAUSE WITHIN
THREE DAYS; COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

**Challenge to Unlawful
Incarceration; Request for
Declaratory and Injunctive Relief**

INTRODUCTION

1. Ms. Rosibel Del Carmen Munoz Palacios is a citizen of Venezuela who fled her home country so that she could seek asylum in the United States. Ms. Munoz Palacios entered the U.S. on or about May 22, 2023 requesting asylum. She was issued a conditional parole and released on her own recognizance.
2. She applied for asylum within 1 year of entry, on May 09, 2024, as required. She received a 5-year work permit, valid until December 25, 2029.
3. She was granted Temporary Protective Status on May 10, 2024, valid until April 02, 2025. She applied for a renewal of her TPS but then the Federal Government cancelled TPS for Venezuelans.
4. She worked and lived in the U.S. for approximately 3 years until she was re-detained on or around March 06, 2026.
5. She was detained on a traffic violation and then was transferred to ICE custody. She was later transferred to Otay Mesa Detention Center.
6. While it is unclear whether the government has formally revoked Ms. Munoz Palacios' conditional parole or release on her own recognizance, the government's actions are unlawful regardless. If the agency did not revoke her conditional parole or release, then it violated that by re-detaining her. And if the agency *did* revoke it, then it did so in violation

1 of the statute and regulations, which require written notification and a
 2 determination that the purposes of the parole or release have been
 3 served, as well as the Constitution, which requires pre-deprivation
 4 notice and hearing. Either way, the agency's actions violated the
 5 Administrative Procedures Act and the Due Process Clause. Thus, this
 6 Court should reinstate her release.
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 8

9 JURISDICTION

10 7. This action arises under the Constitution of the United States and the
 11 Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101, *et seq.*
 12

13 8. This court has subject matter jurisdiction under 28 U.S.C. § 2241
 14 (habeas corpus), 28 U.S.C. § 1331 (federal question jurisdiction), art. I,
 15 § 9, cl. 2 of the United States Constitution (Suspension Clause), and 28
 16 U.S.C. § 1346 (U.S. as defendant), and 28 U.S.C. § 1651 (All Writs Act).
 17

18 9. Federal district courts have jurisdiction to hear habeas claims brought
 19 by noncitizens challenging the lawfulness of their detention. *See*
 20 *Demore v. Kim*, 538 U.S. 510, 516-17 (2003) (recognizing habeas
 21 jurisdiction over immigration detention challenges); *Zadvydas v. Davis*,
 22 533 U.S. 678, 787 (2001) (same); *Y-Z-L-H v. Bostock*, No. 3:25-CV-
 23 965-SI, 2025 WL 1898025, at *3 (D. Or. July 9, 2025) (same); *Garcia*
 24 *v. Andrews*, No. 1:25-CV-01006 JLT SAB, 2025 WL 2420068, at *7
 25 (E.D. Cal. Aug. 21, 2025) (same).
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10. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241, *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201, *et seq.*, the All Writs Act, 28 U.S.C. § 1651, and the Court's inherent equitable powers.

VENUE

11. Venue is proper because Petitioner is in Respondents' legal and physical custody at Otay Mesa Detention Center in San Diego, California. Venue is further proper because a substantial part of the events or omissions giving rise to Petitioner's claims occurred in this District, where Petitioner is now in Respondents' legal and physical custody, including his current and ongoing detention under the legal and physical custody of Respondent LaRose, warden of Otay Mesa Detention Center. 28 U.S.C. § 1391(e); *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004) (habeas petition must be addressed to the federal district court of confinement); *Wairimu v. Dir., Dep't of Homeland Sec.*, No. 19-CV-174-BTM-MDD, 2019 WL 460561, at *2 (S.D. Cal. Feb. 5, 2019) (district of confinement is the preferable forum even if the Court otherwise has personal jurisdiction). For these same reasons, venue should be found proper under Local Civil Rule HC.1.

CUSTODY AND REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243

12. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (“OSC”) to the Respondents “forthwith,” unless 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.*

13. 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 or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963).

14. Ms. Munoz Palacios is “in custody” for the purpose of 28 U.S.C. § 2241 because she was arrested by Respondents and remains in their legal and physical custody at Otay Mesa Detention Center in San Diego, California. She is under Respondents’ and their agents’ direct control.

PARTIES

15. Ms. Munoz Palacios (“Petitioner”) is a 36-year-old citizen and national of Venezuela. She came to the USA with her CBP ONE Appointment on or about May 22, 2023, to seek asylum, withholding of removal, or protection under the Convention Against Torture after

1 fleeing persecution in Venezuela on account of her political opinion.
2 The persecution she fears includes being physically harmed, beaten,
3 kidnapped, tortured, and killed [REDACTED]
4

5 [REDACTED] She has had no departures since her arrival. She is
6 not married. She has no children.
7

8 16. Ms. Munoz Palacios is currently residing in Respondents' custody at
9 Otay Mesa Detention Center in San Diego, California, as of the time of
10 the filing of this petition.
11

12 17. Respondent Christopher LaRose ("LaRose") is the Senior Warden at
13 Otay Mesa Detention Center in San Diego, California, where Ms. Arias
14 Tovar is detained. LaRose is responsible for the day-to-day operations
15 and confinement of non-citizens detained at that facility. He acts at the
16 direction of Respondents Divver, Lyons, and Mullin. LaRose is a
17 custodian of Ms. Munoz Palacios and is named in his official capacity.
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20 18. Respondent Patrick Divver ("Divver") is the Field Office Director of
21 ICE in San Diego, California. He acts at the direction of Respondents
22 Lyons and Mullin. ICE is responsible for local custody decisions relating
23 to non-citizens charged with being removable from the U.S., including
24 the arrest, detention, custody status, and removal of non-citizens. The
25 San Diego Field Office's area of responsibility includes San Diego and
26 Imperial Counties in California. Respondent Divver is a custodian of
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28

1 Ms. Munoz Palacios and is named in his official capacity.

2
3 19. Respondent Todd Lyons (“Lyons”) is the Acting Director of ICE,
4 and he has authority over the actions of Respondents LaRose and
5 Divver. ICE is responsible for local custody decisions relating to non-
6 citizens charged with being removable from the U.S., including the
7 arrest, detention, custody status, and removal of non-citizens.
8 Respondent Lyons is a custodian of Ms. Munoz Palacios and is named
9 in his official capacity.
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11
12 20. Respondent Markwayne Mullin (“Mullin”) is the Secretary of DHS
13 and has authority over the actions of all other DHS Respondents in this
14 case, as well as all operations and federal agencies of DHS, including
15 ICE. In his capacity as Secretary of DHS, Respondent Mullin is charged
16 with faithfully administering the immigration and naturalization laws of
17 the United States. 8 U.S.C. § 1103(a). Respondent Mullin is a custodian
18 of Ms. Munoz Palacios and is named in his official capacity.
19

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21 21. Respondent ICE is responsible for local custody decisions relating to
22 non-citizens charged with being removable from the U.S., including the
23 arrest, detention, custody status, and removal of non-citizens.
24

25 22. Respondent DHS is the federal agency that has authority over the
26 actions of ICE and all other DHS Respondents.
27

28 23. This action is commenced against Respondents LaRose, Divver,

1 Lyons, and Mullin (collectively, “Respondents”) all in their official
2 capacities.
3

4 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

5 24. Petitioner has no administrative remedies to exhaust, as DHS will
6 argue mandatory detention and the immigration court concludes they
7 have no jurisdiction to offer bond.
8

9 25. Ms. Munoz Palacios received a NTA on May 22, 2023, which was
10 then filed before the before the Atlanta Immigration Court to initiate her
11 INA § 240 immigration proceedings. The NTA categorizes her as an
12 “arriving alien,” and therefore is ineligible for bond.
13

14 26. Petitioner was transferred to Otay Mesa Detention Center around June
15 of 2026.
16

17 27. Ms. Munoz Palacios is also challenging the unlawfulness of
18 Respondents’ decision to detain her, independent of any decision made
19 by any Immigration Judge in removal proceedings.
20

21 28. Therefore, a writ of habeas corpus is the sole avenue to vindicate Ms.
22 Munoz Palacios’ constitutional, statutory, and regulatory rights and
23 restore her liberty.
24

25 **LEGAL FRAMEWORK**

26 29. The Refugee Act of 1980, the cornerstone of the U.S. asylum system,
27 provides a right to apply for asylum to individuals seeking safe haven in
28

1 the United States. The purpose of the Refugee Act is to enforce the
2 “historic policy of the United States to respond to the urgent needs of
3 persons subject to persecution in their homelands.” Refugee Act of 1980,
4 § 101(a), Pub. L. No. 96-212, 94 Stat. 102 (1980).
5

6
7 30. The “motivation for the enactment of the Refugee Act” was the
8 United Nations Protocol Relating to the Status of Refugees, “to which
9 the United States had been bound since 1968.” *INS v. Cardoza-Fonseca*,
10 480 U.S. 421, 424, 432-33 (1987). The Refugee Act reflects a legislative
11 purpose “to give ‘statutory meaning to our national commitment to
12 human rights and humanitarian concerns.’” *Duran v. INS*, 756 F.2d
13 1338, 1340 n.2 (9th Cir. 1985).
14
15

16 31. The Refugee Act established the right to apply for asylum in the
17 United States and defines the standards for granting asylum. It is
18 codified in various sections of the INA.
19

20 32. The INA gives the Attorney General or the Secretary of Homeland
21 Security discretion to grant asylum to noncitizens who satisfy the
22 definition of “refugee.” Under that definition, individuals generally are
23 eligible for asylum if they have experienced past persecution or have a
24 well-founded fear of future persecution on account of race, religion,
25 nationality, membership in a particular social group, or political
26 opinions and if they are unable or unwilling to return to and avail
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28

1 themselves of the protection of their homeland because of that
2 persecution of fear. 8 U.S.C. § 1101(a)(42)(A).
3

4 33. Although a grant of asylum may be discretionary, the right to apply
5 for asylum is not. The Refugee Act broadly affords a right to apply for
6 asylum to any noncitizen “who is physically present in the United States
7 or who arrives in the United States[.]” 8 U.S.C. § 1158(a)(1).
8

9 34. Because of the life-or-death stakes, the statutory right to apply for
10 asylum is robust. The right necessarily includes the right to counsel, at
11 no expense to the government, see 8 U.S.C. §§ 1229a(b)(4)(A), 1362,
12 the right to notice of the right to counsel, *see* 8 U.S.C. § 1158(d)(4), and
13 the right to access information in support of an application, *see* §
14 1158(b)(1)(B) (placing the burden on the applicant to present evidence
15 to establish eligibility.).
16
17

18 35. Noncitizens seeking asylum are guaranteed Due Process under the
19 Fifth Amendment to the U.S. Constitution. *Reno v. Flores*, 507 U.S. 292,
20 306 (1993).
21

22 36. Noncitizens who are applicants for asylum are entitled to a full
23 hearing in immigration court before they can be removed from the
24 United States. 8 U.S.C. § 1229a. Consistent with due process,
25 noncitizens may seek administrative appellate review before the Board
26 of Immigration Appeals of removal orders entered against them and
27
28

1 judicial review in federal court upon a petition for review. 8 U.S.C. §
2 1252(a) *et seq.*
3

4 37. Asylum is not an admission to the United States and an applicant for
5 asylum, while they must be physically present in the United States to
6 apply, need not apply for or seek admission to the United States. *Matter*
7 *of V-X-*, 26 I&N Dec. 147 (BIA 2013).
8

9 38. Moreover, following enactment of the IIRIRA, EOIR drafted
10 regulations explaining that, in general, non-citizens who entered the
11 country without inspection were not considered detained under 8 U.S.C.
12 § 1225. *See* Inspection and Expedited Removal of Aliens, Detention and
13 Removal of Aliens, Conduct of Removal Proceedings, Asylum
14 Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997). Rather, such
15 non-citizens were instead detained under § 1226(a). *See id.*
16
17

18 39. Immigration detention should not be used as a punishment and
19 should only be used when, under an individualized determination, a
20 noncitizen is a flight risk because they are unlikely to appear for
21 immigration court or a danger to the community. *Zadvydas v. Davis*, 533
22 U.S. 678, 690 (2001).
23
24

25 40. On January 20, 2025, President Donald Trump issued several
26 executive actions relating to immigration, including “Protecting the
27 American People Against Invasion,” an executive order (EO) setting out
28

1 a series of interior immigration enforcement actions. The Trump
2 administration, through this and other actions, has outlined sweeping,
3 executive branch-led changes to immigration enforcement policy,
4 establishing a formal framework for mass deportation. The “Protecting
5 the American People Against Invasion” EO instructs the DHS Secretary
6 “to take all appropriate action to enable” ICE, CBP, and USCIS to
7 prioritize civil immigration enforcement procedures including through
8 the use of mass detention.
9

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12 41. On information and belief, Respondents are using the immigration
13 detention system, including extra-territorial transfer and detention, as a
14 means to punish individuals for asserting rights under the Refugee Act.
15

16 **FACTUAL BACKGROUND**

- 17 42. Ms. Munoz Palacios was born in Venezuela . She
18 came to the United States on or around May 22, 2023 with a CBP ONE
19 Appointment, presenting herself for asylum. She was released that same
20 day on parole and was issued an I-94, valid until May 20, 2025.
21

- 22 43. Ms. Munoz Palacios filed her I-589 on May 09, 2024, within 1 year
23 of her entry to the U.S., as required by law. She received a 5-year work
24 permit valid until 2029.
25

- 26 44. Ms. Munoz Palacios was granted Temporary Protective Status for
27 Venezuelans on May 10, 2024, valid until April 02, 2025. She applied
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1 for a renewal of her TPS but then the Federal Government cancelled
2 TPS for Venezuelans.

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4 45. Ms. Munoz Palacios attended all her immigration court hearings and
5 had already been scheduled for her final Individual Hearing in
6 Immigration Court, scheduled for April 27, 2027 in the Atlanta, Georgia
7 Immigration Court.
8

9 46. She worked and lived in the U.S. for approximately 3 years until she
10 was re-detained on or around March 06, 2026.
11

12 47. Ms. Munoz Palacios does not pose a danger to the community as she
13 has no crimes of violence, CIMTs, or aggravated felonies. She has no
14 intention of fleeing. Her continued detention is unnecessary and
15
16 Petitioner respectfully requests that the petition be granted and she be
17 released while her immigration proceedings continue.
18

19 **CLAIMS FOR RELIEF**

20 **I. Count 1: ICE failed to comply with its own regulations in revoking Ms.**
21 **Munoz Palacios' conditional parole release under 8 C.F.R. § 212.5,**
22 **violating the Administrative Procedures Act and Due Process.**
23

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25 48. When ICE detained Ms. Munoz Palacios on or about March 06, 2026, it
26 did not say that it was revoking her conditional parole, so it is unclear
27 whether a revocation occurred. Either way, the government's actions
28

1 violate the Administrative Procedures Act and Due Process.

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

18 50. Here, regardless of whether the agency formally revoked Ms. Munoz
19 Palacios’ release, it violated the APA. If the agency did *not* revoke her
20 release, then it inexplicably violated its own release decision by
21 detaining Petitioner. Doing so violated the APA because the agency did
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1 not “offer a rational connection between the facts found and the choice
2 made”—i.e., the fact that Ms. Munoz Palacios already had a final
3 individual hearing set in immigration court, yet the agency decided to
4 detain her. *Motor Vehicle Mfrs*, 463 U.S. at 52. And nothing suggests
5 that there *was* a “rational” reason for this choice, given that Ms. Munoz
6 Palacios filed an asylum application and complied with all the
7 conditions of her release and was attending her court hearings and had
8 her final hearing already scheduled. This was the epitome of an
9 “arbitrary” and “capricious” act under the APA. 5 U.S.C. § 706(2)(A).

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13 51. But assuming the agency *had* revoked her release, it also violated the
14 APA. Per ICE regulations, a person shall only be “returned to the
15 custody from which he was paroled” when “the purposes of such parole
16 . . . have been served.” 8 U.S.C. § 1182(d)(5)(A); *see also* 8 C.F.R. §
17 212.5(e)(2)(i) (parole may only be terminated “upon accomplishment of
18 the purpose for which parole was authorized”); *Y-Z-L-H*, 2025 WL
19 1898025, at *12 (same). Alternatively, the regulations permit revocation
20 of parole when “neither humanitarian reasons nor public benefit
21 warrants the [noncitizen’s] continued presence.” 8 C.F.R.
22 § 212.5(e)(2)(i). But under either scenario, parole shall only be
23 “terminated upon written notice to the alien.” 8 C.F.R. § 212.5(e)(2)(i).
24
25 So under the statute and the regulations, the agency may only revoke
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1 parole and re-detain a noncitizen when the parole's purpose is served or
2 no humanitarian reasons warrant it *and* the noncitizen receives written
3 notice.
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5 52. None of this occurred here. Because "the purpose of Ms. Munoz
6 Palacios' release" was to allow her to apply for asylum, that purpose has
7 not yet "been served" because her asylum claim is still pending. 8
9 U.S.C. § 1182(d)(5)(A). And the humanitarian reasons for release—to
10 avoid unnecessary detention when an asylum seeker poses no danger or
11 flight risk—remains the same. Put differently, "upon Petitioner's entry
12 into the United States, Respondents determined that Petitioner was
13 suitable for release. Respondents have not provided a reasoned
14 explanation or any changed circumstances that would justify their
15 current departure from their prior decision." *Y-Z-L-H v. Bostock*, 792 F.
16 Supp. 3d 1123, 1146 (D. Or. 2025). Under the APA, "[i]t is
17 Respondents' burden to provide a reasoned explanation for their action".
18 *Id.* Again, Ms. Munoz Palacios was only stopped for a traffic violation.
19

20 53. What's more, Ms. Munoz Palacios never received any written
21 notification of a revocation under 8 C.F.R. § 212.5(e). So if the agency
22 revoked her release, this decision violated both the statute and the
23 regulation and was "not in accordance with law" under the APA. 5
24 U.S.C. § 706(2)(A).
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1 54. Several courts have released petitioners on this basis. *See Faizyan v.*
2 *Casey*, Case No.: 3:25-cv-02884-RBM-JLB, 2025 WL 3208844, at *7
3 (S.D. Cal. Nov. 17, 2025) (reaching the same conclusion as to the
4 revocation of a petitioner's release on his own recognizance); *Lopez v*
5 *Marrero*, 3:26-cv-2077-JES-VET. ALSO *See Arias v. Larose*, No. 3:25-
6 CV-02595-BTM-MMP, 2025 WL 3295385, at *3 (S.D. Cal. Nov. 25,
7 2025); *Noori v. LaRose*, No. 25-cv-1824-GPC-MSB, 2025 WL 2800149
8 (S.D. Cal. Oct. 1, 2025); *Salazar v. Casey*, No. 25-cv-2784 JLS-VET,
9 2025 WL 3063629 (S.D. Cal. Nov. 3, 2025); *Perez v. LaRose*, No. 25-
10 cv-02620-RBM-JLB, 2025 WL 3171742 (S.D. Cal. Nov. 13, 2025); *Y-*
11 *Z-L-H v. Bostock*, No. 25-cv-965-SI, 2025 WL 1898025, at *13 (D. Or.
12 July 9, 2025);

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17 **II. Count 2: The Due Process Clause required notice and a chance to be**
18 **heard before release was revoked.**
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20 55. Additionally, "the revocation of Ms. Munoz Palacios' release without
21 justification or consideration of her individualized circumstances violates
22 the Due Process Clause." *Perez v. LaRose*, No. 3:25-CV-02620-RBM-
23 JLB, 2025 WL 3171742, at *4 (S.D. Cal. Nov. 13, 2025). Petitioner was
24 "entitled to notice of the reasons for revocation of her release and a
25 hearing before an immigration judge to determine whether detention is
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1 warranted” before ICE revoked her release. *Id.* at *7. Due process
2 demands a hearing prior to the government’s decision to terminate a
3 person’s liberty. By failing to provide such a hearing, Respondents have
4 violated Ms. Munoz Palacios’ constitutional right to due process.
5 Accordingly, this Court should grant the instant petition for a writ of
6 habeas corpus, and order Petitioner’s immediate release. A post-
7 deprivation hearing cannot serve as an adequate procedural safeguard
8 because it is after the fact and cannot prevent an erroneous deprivation of
9 liberty.
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13 56.“The Fifth Amendment guarantees that ‘[n]o person shall be ... deprived
14 of life, liberty, or property, without due process of law.’” *Salazar*, 2025
15 WL 3063629, at *3 (quoting U.S. Const. amend. V). “[T]he Due Process
16 Clause applies to all ‘persons’ within the United States, including aliens,
17 whether their presence here is lawful, unlawful, temporary, or
18 permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (9th Cir. 2001).
19
20

21 57.“Generally, due process protections depend on the situation and must
22 account for (1) the private interest at issue, (2) the risk of erroneous
23 deprivation of that interest through the procedures used, and (3) the
24 Government’s interest.” *Noori v. LaRose*, No. 25-cv-1824-GPC-MSB,
25 2025 WL 2800149 (S.D. Cal. Oct. 1, 2025); (citing *Mathews v. Eldridge*,
26 424 U.S. 319 (1976)). Weighing those considerations here, Respondents
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28

1 violated the Due Process Clause by revoking release with no notice or
2 hearing.

3
4 58.First, Petitioner has a private interest in remaining free, which developed
5 over the 33 months she resided in the United States. It does not matter
6 that release is temporary or discretionary. “For example, *Morrissey v.*
7 *Brewer*, 408 U.S. 471, 482 (1972)—though analyzing the criminal parole
8 context—found that ‘the liberty of a parolee, although indeterminate,
9 includes many of the core values of unqualified liberty and its termination
10 inflicts a grievous loss on the parolee and often others ... [thus it] must be
11 seen within the protection of the [Fifth] Amendment.’” *Id.*

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14 59.“Second, the risk of an erroneous deprivation of such interest is high as
15 Petitioner's release was revoked without providing [her] a reason for
16 revocation or giving [her] an opportunity to be heard.” *Salazar*, 2025 WL
17 3063629, at *4. “Civil immigration detention is permissible only to
18 prevent flight or protect against danger to the community.” *Perez*, 2025
19 WL 3171742, at *5. But here, “[s]ince DHS's initial determination that
20 Petitioner should be released because [she] posed no danger to the
21 community and was not a flight risk, there is no evidence that these
22 findings have changed.” *Id.*

23
24 60.“Third, the Government's interest in detaining Petitioner without notice,
25 reasoning, and a hearing is low.” *Salazar*, 2025 WL 3063629, at *5

1 (cleaned up). “Detention for its own sake, to meet an administrative quota,
2 or because the government has not yet established constitutionally
3 required pre-detention procedures is not a legitimate government
4 interest.” *Pinchi v. Noem*, 792 F. Supp. 3d 1025, 1036 (N.D. Cal. 2025).
5
6 61. Thus, because Respondents did not provide “proper notice, reasoning, and
7 a pre-deprivation hearing” before revoking release, Ms. Munoz Palacios’
8 detention violated the Due Process Clause. *Salazar*, 2025 WL 3063629,
9 at *5.
10
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12 **III. This Court must hold an evidentiary hearing on any disputed facts.**
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14 62. Resolution of a detention-based habeas petition may require an
15 evidentiary hearing. *Owino v. Napolitano*, 575 F.3d 952, 956 (9th Cir.
16 2009). Ms. Munoz Palacios hereby requests such a hearing on any
17 material, disputed facts.
18

19 **IV. Prayer for relief**
20

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

- 22 1. Order Respondents to immediately release Petitioner from custody,
23 subject to the conditions of her preexisting release;
24
25 2. Order that prior to any re-detention of Petitioner, that Petitioner is entitled
26 to notice of the reasons for revocation of her release and a hearing before
27 an immigration judge to determine whether detention is warranted.
28

1 Respondents should bear the burden of establishing, by clear and
2 convincing evidence, that Petitioner poses a danger to the community or
3 a risk of flight at that hearing; and
4

5 3. Order any other relief that the Court deems just and proper.
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8 Respectfully submitted,

9 Dated: June 12, 2026

/s/ David Szeles

10 David Szeles,
11 Attorney for Petitioner
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