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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

DANIEL CALDERON CASTRO, *Petitioner*, v. **CHARLOTTE COLLINS**, Facility Warden of T. Don Hutto Detention Center, **MARKWAYNE MULLIN,** Secretary of the U.S. Department of Homeland Security; and **TODD BLANCHE,** Attorney General of the United States, in their official capacities, *Respondents*.	Case No. 1:26-cv-1800 **PETITION FOR WRIT OF HABEAS CORPUS**

INTRODUCTION

1. Petitioner, Daniel Calderon Castro, is in the physical custody of Respondents at T. Don Hutto Detention Center in Taylor, Texas. **Exh. 1 - ICE Detainee Locator Results.**
2. Petitioner was paroled into the United States on July 22, 2024, after presenting himself at the Brownsville Port of Entry with an appointment using the CBP One App. Petitioner was granted parole until July 21, 2026. **Exh. 2 - CBP Home App Appointment Confirmation. Exh. 3 - I-94s Showing Parole[1].**
3. In addition to being paroled, Petitioner was issued a Notice to Appear (NTA) and placed into removal proceedings under 8 U.S.C. § 1229a. **Exh. 4 - Notice to Appear.**
4. On or about April 2025, DHS attempted to unilaterally terminate Petitioner's parole.
5. On March 31, 2026, U.S. District Court Judge Allison D. Burroughs of the U.S. District Court District of Massachusetts certified a class of "All individuals who (i) scheduled their appointments for entry to the United States using the CBP One app; (ii) were paroled into the United States between May 16, 2023 and January 19, 2025; (iii) had their parole terminated in April 2025 pursuant to an email substantially similar to the one reproduced at paragraph 38 of the Complaint without any further explanation; and (iv) remain in the United States."
6. District Court Judge Burroughs also that the termination of class members' parole status announced by the April 2025 termination email were VACATED pursuant to 5 U.S.C. §

[1] Petitioner entered the United States at the same time and with his common-law wife, Ms. YSM, and their children. All four individuals are listed on the CBP One App Appointment.

Petitioner did not keep a copy of his original I-94 with the end parole date of July 21, 2026, however, Ms. SM did. As such, we respectfully submit as Exhibit 3a Petitioner's modified I-94, which shows a parole expiration date of April 24, 2026, and modified I-94, which shows a parole expiration date of April 18, 2025. As Exhibit 3b, we submit Ms. SM's modified I-94, which shows a parole expiration date of April 24, 2026, and original I-94, which shows a parole expiration date of July 21, 2026. Neither Petitioner or Ms. SM have departed or left the United States since their only entry on July 22, 2024, when they were paroled by DHS.

706, and ordered Defendants to return class members to the parole status that they held prior to the April 2025 Termination Email.

7. April 21, 2026, DHS filed a status report with the court describing its understanding that "the order vacated the original termination notices, and restored class members to the parole status they would have had if the original termination notices were never issued. Accordingly, DHS will update the parole end dates in the systems of record to reflect the revocation of the April 2025 termination notices." DHS further indicated that the commissioner of U.S. Customs and Border Protection (CBP) issued a memorandum explaining why the purpose of CBP One parole had been met and the paroles were no longer appropriate. DHS stated that, "individualized notices of termination will be sent to members of the class whose paroles have not otherwise ended." Finally, DHS indicated that it will "update the parole end dates in the systems of record to reflect the revocation of the April 2025 termination notices."
8. Petitioner's current I-94 currently reflects an end date of April 24, 2026, although Petitioner did not receive an individualized notice of termination at any time. **Exh. 3 - I-94 Showing Parole.**
9. On June 18, 2026, Petitioner was taken back into custody by the Department of Homeland Security Immigration and Customs Enforcement (DHS ICE) after he was stopped for a presumptive traffic violation by the Caldwell County Sheriff office in Lockhart, Texas. He has remained detained since that date.
10. DHS detained the Petitioner without terminating his parole in accordance with 8 C.F.R. § 212.5(e)(2)(i). His detention without the proper individualized assessment necessary for parole termination is a violation of the Immigration and Nationality Act (INA) provision

found at 8 U.S.C. 1182(d)(5) and its associated regulations. DHS's detention of Petitioner under these circumstances also violates Petitioner's right to Due Process pursuant to the Fifth Amendment of the U.S. Constitution.

11. Accordingly, to preserve Petitioner's statutory and constitutional rights, this Court should grant the instant petition for a Writ of Habeas Corpus for the reasons stated *infra*. Absent an order from this Court, Petitioner will continue to suffer an unconstitutional deprivation of his right to liberty, as well as extreme irreparable harm given the personal facts of his situation. Petitioner asks this Court to find that his detention is unlawful and order him immediate release from detention.

JURISDICTION

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

13. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

14. 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*., and the All Writs Act, 28 U.S.C. § 1651.

15. Here, Petitioner challenges the legality of his detention, asserting that he is held in violation of both the Constitution and federal immigration statutes. Such claims fall squarely within the habeas jurisdiction of federal district courts. None of the jurisdiction stripping provisions found at 8 U.S.C. § 1252(a)(2)(A), § 1252(g) and § 1252(b)(9) apply.

16. Federal district courts have consistently held that these jurisdictional bars do not preclude

habeas review of the proper application of INA detention provisions. *See Vieira v. De Anda-Ybarra*, No. EP-25-CV-00432-DB, 2025 WL 2937880, at *2-4 (W.D. Tex. Oct. 16, 2025) (finding a case 'falls squarely outside' the jurisdictional bars where Petitioner was only 'challenging whether certain INA provisions require his detention without a bond hearing'); *Lopez-Arevelo v. Ripa*, No. EP-25-CV-337-KC, 2025 WL 2691828, at *4 (W.D. Tex. Sept. 22, 2025) (rejecting government's jurisdictional arguments in nearly identical case); *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299, at *4 (D. Mass. July 7, 2025) (same); *Castellanos v. Kaiser*, No. 25-CV-07962, 2025 WL 2689853, at *4 (N.D. Cal. Sept. 18, 2025) (same). As these courts have recognized, habeas jurisdiction exists to review whether the government is detaining a noncitizen under the correct statutory authority and with adequate procedural protections. That is precisely the question presented here.

VENUE

17. Venue is proper with this Court because Petitioner is detained at the T. Don Hutto Detention Center in Taylor, Texas, which is within the jurisdiction of this District.

REQUIREMENTS OF 28 U.S.C. § 2243

18. 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 order to show cause 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.* (emphasis added).

19. 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) (emphasis added).

PARTIES

20. Petitioner, Daniel Calderon Castro, is currently detained at T. Don Hutto Detention Center in Taylor, Texas. He is in the custody, and under the direct control, of Respondents and their agents.

21. Respondent Charlotte Collins is the Warden of the T. Don Hutto Detention Center and has immediate physical custody of Petitioner pursuant to the facility's contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner.

22. Respondent Markwayne Mullin is sued in his official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Mullin is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner's detention / custody. Respondent Mullin is a legal custodian of Petitioner.

23. Respondent Todd Blanche is sued in his official capacity as the Acting Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, he has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent Blanche is a legal custodian of Petitioner.

STATEMENT OF FACTS

24. The Petitioner is a thirty four year old native and citizen of Mexico. **Exh. 6 - Passport.** He entered the United States on about July 22, 2024 after scheduling an appointment for entry using the CBP Home App. **Exh. 2 - CBP Home App Appointment Confirmation.** At the time of his entry, he was inspected, paroled, and placed into removal proceedings pursuant to 8 U.S.C. 1229a. **Exh. 3 - I-94; Exh. 4 - NTA.**

25. Petitioner subsequently filed a timely application for asylum protections with the San Antonio Immigration Court on July 22, 2025. That application is still pending.

26. In spite of his parole being valid until July 21, 2026, he was re-detained by DHS on June 18, 2026 without notice and without being given any legally cognizable reason for his detention.

27. On the evening of June 18, 2026, in Lockhart, Texas, Petitioner was driving his pickup truck on the way home from work. Approximately two miles from his home, a Caldwell County Sheriff's vehicle initiated a traffic stop. The sheriff officers informed Petitioner that he was pulled over for an alleged traffic violation of not having his license plate illuminated and the appearance of paint over a part of his license plate. When asked if he had a driver's license, Petitioner presented a Mexican driver's license. He was subsequently informed that he was being arrested for driving without a valid state license. Petitioner was then placed into the Caldwell County Sheriff's vehicle. **Exh. 7 - Caldwell County Incident Report.**

28. About this same time, Petitioner's family members arrived at the scene and asked the sheriff's official why Petitioner was being arrested. The sheriff informed Petitioner's family that he was being arrested for driving without a valid driver's license. **Exh. 8 -**

Emailed Letter from Petitioner's Family Member; Exh. 9 - Photos of Petitioner's Vehicle's License Plate.

29. Approximately five minutes later, a second, unmarked vehicle, arrived on the scene. The two individuals who disembarked from the vehicle later identified themselves as immigration agents. After briefly confirming his identify, the immigration agents took Petitioner into their custody, moving him from the sheriff's vehicle into their vehicle.

30. Petitioner's family member then asked the immigration officers why Petitioner was being arrested and where he was being taken. The immigration officers said they could not tell her anything but that he was being taken to San Antonio.

31. Petitioner is currently detained in the T. Don Hutto Detention Center.

32. Petitioner has been detained by DHS since this date and will not be released by DHS pursuant to the Respondents' position that Petitioner's parole was legally terminated either in April 2025 or again in April 2026.

33. DHS has affirmatively detained Petitioner in spite of his valid parole status at the time of his re-detention, and as such he cannot appeal to DHS for his release. Due to his current predicament as stated, any attempt at remedial exhaustion through DHS or the EOIR would be futile.

LEGAL FRAMEWORK

34. Two statutes principally govern the detention of noncitizens pending removal proceedings: 8 U.S.C. §§ 1225 and 1226. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard non-expedited removal proceedings before an immigration judge (IJ). *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while

noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c). Second, § 1225 applies to "applicants for admission," who are, as relevant here, noncitizens "present in the United States who [have] not been admitted." 8 U.S.C. § 1225(a)(1). All applicants for admission must be inspected by an immigration officer. Id. § 1225(a)(3). DHS can elect to place certain applicants for admission into expedited removal proceedings. *See* 8 U.S.C. § 1225(b)(1); *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 108-09 (2020). In other cases, if the examining immigration officer determines that an applicant for admission is not "clearly and beyond a doubt entitled to be admitted," Section 1225(b)(2) provides that the applicant for admission "shall be detained for" standard removal proceedings. 8 U.S.C. § 1225(b)(2)(A); *see Jennings v. Rodriguez*, 583 U.S. 281, 287-88 (2018). A noncitizen detained under Section 1225(b)(2) may be released only if he is paroled "for urgent humanitarian reasons or significant public benefit" under 8 U.S.C. § 1182(d)(5)(A). *Jennings*, 583 U.S. at 300 ("That express exception to detention implies that there are no other circumstances under which aliens detained under § 1225(b) may be released.").

35. The INA "establishes the framework governing noncitizens' entry into and removal from the United States, with regulations promulgated by the enforcing agencies providing further governance." *See Y-Z-L-H v. Bostock*, 792 F. Supp. 3d 1123, 1132 (D. Or. 2025). "Noncitizens who arrive at a port of entry without a visa or other entry document, like Petitioner, are deemed 'inadmissible' under 8 U.S.C. § 1182(a)(7)" due to their lack of entry documents. Id. at 1132 & n.7 (noting that "[d]epending on the circumstances, other categories of inadmissibility may also apply, but § 1182(a)(7) applies for noncitizens

without proper documentation"). Once a noncitizen is deemed inadmissible, "the immigration officer must order the noncitizen's removal unless the noncitizen indicates an intention to apply for asylum or fear of prosecution." *Id.* (citing 8 U.S.C.§ 1225(b)(1)(A)(i)). The government may place the noncitizen into expedited removal proceedings, see 8 U.S.C. § 1225(b)(1), or the government may place the noncitizen into regular removal proceedings under 8 U.S.C. § 1229(a). *See Y-Z-L-H*, 792 F. Supp. 3d at 1132–33 (citing 8 U.S.C. § 1225(b)(2)).

36. Section 1225(b)(2)(A) provides that "in the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a proceeding under section 1229a of this title." 8 U.S.C. § 1225(b)(2)(A). However, "applicants for admission may be temporarily released on parole [into the United States] 'for urgent humanitarian reasons or significant public benefit,'" as set forth in 8 U.S.C. § 1182(d)(5)(A). *Jennings v. Rodriguez*, 583 U.S. 281, 288 (2018) (quoting 8 U.S.C. § 1182(d)(5)(A)). The decision to grant parole pursuant to 8 U.S.C. § 1182(d)(5)(A) is determined "on a case-by-case basis." 8 U.S.C. § 1182(d)(5)(A). Then, "when the purpose of the parole has been served," § 1182(d)(5)(A) provides that "the alien shall forthwith return or be returned to the custody from which he was paroled and thereafter his case shall continue to be dealt with in the same manner as that of any other applicant for admission to the United States." *Jennings*, 583 U.S. at 288 (quoting 8 U.S.C. § 1182(d)(5)(A)).

37. To terminate the previously granted parole, the agency must comply with the applicable

regulatory and statutory requirements. As set forth in 8 C.F.R. § 212.5(e)(2)(i), which governs the"[t]ermination of parole," "In cases not covered by paragraph (e)(1) of this section, upon accomplishment of the purpose for which parole was authorized or when in the opinion of one of the officials listed in paragraph (a) of this section, neither humanitarian reasons nor public benefit warrants the continued presence of the alien in the United States, parole shall be terminated upon written notice to the alien and he or she shall be restored to the status that he or she had at the time of parole." 8 C.F.R. § 212.5(e)(2)(i). That is, "[u]nder the governing regulation, [§ 1182(d)(5)(A)] parole may be terminated only if the purpose of parole is accomplished, or humanitarian reasons and the public benefit no longer warrant parole." *See Loaiza Arias v. LaRose*, No. 3:25-cv-02595-BTM-MMP, 2025 WL 3295385, at *3 (S.D. Cal. Nov. 25, 2025) (citing 8 C.F.R. § 212.5(e)).

38. In the present case, Respondents have failed to follow the applicable statutory and regulatory provisions to terminate Petitioner's parole. *See Coal. for Humane Immigrant Rts. v. Noem*, No. 25-cv-872 (JMC), 2025 WL 2192986, at *2 (D.D.C. Aug. 1, 2025) (holding that the government failed to follow the applicable statutory and regulatory provisions and that paroled noncitizens cannot be subject to expedited removal proceedings); *see also Salgado Bustos v. Raycraft*, No. 25-13202, 2025 WL 3022294, at *5–7 (E.D. Mich. Oct. 29, 2025).

39. This was affirmed by District Court Judge Allison D. Burroughs in her March 31, 2025 order in *Doe v. DHS*, 1:25-cv-12245 (D. Mass), when she vacated the April 2025 parole

termination and ordered Respondents to return Petitioner[2] to the parole status that he held prior to the April 2025 Termination Email.

40. Despite Respondents' assurances in response to the *Doe* decision, Petitioner did not receive an individualized notice of subsequent termination, nor is there any such basis for termination.

41. In the present case, the purpose of Petitioner's parole has not been accomplished. He applied for asylum on July 22, 2025, based on his fear of being harmed if he were to be returned to Mexico. **Exh 5 - I-589 Application for Asylum and for Withholding of Removal (page 1, showing date filed with the San Antonio Immigration Court)**. That application is still pending. Indeed, the purpose of the grant of Petitioner's parole was pending a final decision in his exclusion/deportation proceedings. As of the date of this petition, Petitioner has not received a final decision in his proceedings.

42. District Courts that have addressed the termination of § 1182(d)(5)(A) parole "have found that just as a grant of parole requires an individualized review, revocation of parole requires a case-by-case assessment to comply with the statute." *See Mata Velasquez v. Kurzdorfer*, 794 F. Supp. 3d 128, 146 (W.D.N.Y. 2025) (citations omitted) (addressing this issue, and granting the petitioner's motion for preliminary injunction and ordering that the petitioner be released).

43. In the present case, as Respondents did not follow the applicable statutory and regulatory requirements to revoke Petitioner's parole, they did not have the authority to arrest and re-detain Petitioner, unless there was some other valid reason to arrest him. *See Mata*

[2] Petitioner asserts that he is a member of the class certified by Judge Burroughs as he (i) scheduled his appointment for entry to the United States using the CBP One app; (ii) was paroled into the United States on July 22, 2024, which fell between May 16, 2023 and January 19, 2025; (iii) had his parole terminated in April 2025 pursuant to an email substantially similar to the one in the *Doe* case; and (iv) remains in the United States.

Velasquez, 794 F. Supp. 3d at 145, *and see Norfolk S. Ry. Co. v. U.S. Dep't of Lab.*, No. 21-3369, 2022 WL 17369438, at *6 (6th Cir. 2022) (discussing that "an agency's action that fails to observe the procedures required by its own regulations should be set aside" (citation omitted)); *Wilson v. Comm'r of Soc. Sec.*, 378 F.3d 541, 545 (6th Cir. 2004) ("It is an elemental principle of administrative law that agencies are bound to follow their own regulations[,] . . . [and] '[a]n agency's failure to follow its own regulations tends to cause unjust discrimination and deny adequate notice and consequently may result in a violation of an individual's constitutional right to due process.'" (additional internal quotation marks omitted) (quoting *Sameena, Inc. v. U.S. Air Force*, 147 F.3d 1148, 1153 (9th Cir. 1998))).

44. Respondents did not indicate to Petitioner the reasons for his re-detention. Rather, it is the Respondents' position that *any noncitizen*, regardless of whether they are already present and residing in the United States, is "an alien seeking admission" subject to mandatory detention under § 1225.

45. Petitioner anticipates that the Respondents will argue that he is subject to 8 U.S.C. 1225(b)(2). However, any imposition of § 1225(b)(2) on the Petitioner ignores the fact that he was in valid parole status at the time of his re-detention. As such, his re-detention violates his right to Due Process. Noncitizens are entitled to Due Process of the law under the Fifth Amendment. *Demore v. Kim*, 538 U.S. 510, 523 (2003). "To determine whether a civil detention violates a detainee's due process rights, courts apply the three-part test set forth in *Mathews v. Eldridge*, 424 U.S. 319 (1976)." *Martinez v. Noem*, No. 5:25-cv-1007-JKP, 2025 WL 2598379, at *2 (W.D. Tex. Sept. 8, 2025). These factors are: (1) "the private interest that will be affected by the official action"; (2) "the risk of an

erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards"; and (3) "the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail." *Mathews*, 424 U.S. at 335, 96 S.Ct. 893.

46. The first *Mathews* factor clearly weighs in favor of Petitioner. Here, Respondents granted Petitioner parole into the United States after he applied for admission using a government created and sponsored process, the CBP One app, indicating an individualized determination that Petitioner's release on parole was warranted. **Exh 3 - I-94 Showing Parole.** Respondents have now re-detained Petitioner, and there is no dispute that Petitioner has a significant private interest in avoiding detention, as one of the "most elemental of liberty interests" is to be free from detention. *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004) (citation omitted). The Court may also consider Petitioner's conditions of confinement, i.e., "whether a detainee is held in conditions indistinguishable from criminal incarceration." *See Günaydin v. Trump*, 784 F. Supp. 3d 1175, 1187 (D. Minn. 2025) (citing *Hernandez-Lara v. Lyons*, 10 F.4th 19, 28 (1st Cir. 2021); *Velasco Lopez v. Decker*, 978 F.3d 842, 851 (2d Cir. 2020)). Based on his pending application for asylum, Petitioner was granted employment authorization, allowing him to work in the United States. As he has currently been detained for approximately two weeks, he is "experiencing [many of] the deprivations of incarceration, including loss of contact with friends and family, loss of income earning, . . . lack of privacy, and, most fundamentally, the lack of freedom of movement." *See Günaydin*, 784 F. Supp. 3d at 1187.

47. The second *Mathews* factor also weighs in Petitioner's favor. Clearly, there is a high risk of erroneously depriving Petitioner of his freedom if Petitioner does not receive an individualized determination regarding the revocation of his parole. "To mitigate the risk of erroneous deprivation, due process would require, 'at [a] minimum, the opportunity for [Petitioner] to submit evidence relevant to whether [the government] should revoke [his parole] before [it] make[s] a revocation decision.'" *Mata Velasquez v. Kurzdorfer*, 794 F. Supp. 3d 128, 153 (W.D.N.Y. 2025).

48. Under the third *Mathews* factor, the Respondents will most likely cite the interest in ensuring noncitizens' appearance at removal proceedings and preventing harm to the community. *See Sampiao v. Hyde*, No. 1:25-cv-11981-JEK, 2025 WL 2607924, at *12 (D. Mass. Sep. 9, 2025). However, Respondents do not have a significant interest in Petitioner's continued detention because there is no indication that he is a flight risk or a danger to the community at large. Indeed, continuing Petitioner's detention would impose more costs upon the Government, as it would be required to continue to pay for Petitioner's continued detention.

49. "The appropriate relief for an immigration detainee held in violation of their right to due process is their immediate release from custody, and to be provided with relief returning them to status quo ante, i.e., the last uncontested status which preceded the pending controversy." *Cardin Alvarez v. Rivas*, No. CV 25-02943 PHX GMS (CDB), 2025 WL 2898389, at *21 (D. Ariz. Oct. 7, 2025). "With regard to the specifics of the relief that might be ordered, in recent weeks many federal district courts" –including the Western District of Texas– "have ordered the immediate release of immigration habeas petitioners held in custody in violation of their due process rights." *Id; See Santiago v. Noem*, No.

25-cv-361, 2025 WL 2792588, at *13 (W.D. Tex. Oct. 1, 2025); *See also J.U. v. Maldonado*, No. 25-cv-4836, 2025 WL 2772765, at *10 (E.D.N.Y. Sept. 29, 2025); *Zumba v. Bondi*, No. 25-cv-14626, 2025 WL 2753496, at *11 (D.N.J. Sept. 26, 2025); *Sampiao v. Hyde*, No. 25-cv-11981, 2025 WL 2607924, at *12 (D. Mass. Sept. 9, 2025); *Rosado v. Figueroa*, 2025 WL 2337099, at *19 (D. Ariz. Aug. 11, 2025); *M.S.L. v. Bostock*, 2025 WL 2430267, at *1(D. Or. Aug. 21, 2025); *Bermeo Sicha v. Bernal*, No. 1:25-CV-00418-SDN, 2025 WL 2494530, at *7 (D. Me. Aug. 29, 2025).

CAUSES OF ACTION

COUNT ONE
Violation of Fifth Amendment Right to Due Process

50. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

51. The government may not deprive a person 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 the Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001).

52. Petitioner has a fundamental interest in liberty and being free from official restraint.

53. The government's arbitrary subjection of Petitioner to mandatory detention pursuant to 8 U.S.C. § 1225, in spite of the fact that he was in valid parole status at the time of re-detention, and without affording him any opportunity to contest his detention within the agency, violates his right to Due Process pursuant to the Fifth Amendment.

COUNT TWO
Violation of 8 U.S.C. § 1182(d)(5) and 8 C.F.R. 212.5
Unlawful Re-detention without an individualized termination of parole

54. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

55. The re-detention of Petitioner without properly terminating her parole status pursuant to the INA and the procedures outlined in the governing regulations violates the statute and the concomitant sections of the Code of Federal Regulations.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

56. Assume jurisdiction over this matter and maintain jurisdiction to the extent necessary to ensure Respondents' compliance with any order this Court may issue;

57. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.

58. Declare that the re-detention of the Petitioner violates the INA, the CFR, and the Due Process Clause of the Fifth Amendment of the U.S. Constitution.

59. Issue a Writ of Habeas Corpus requiring that Respondents immediately release the Petitioner in order to restore her to the *status quo ante.*

60. Instruct the Respondents that they may not re-detain the Petitioner without providing adequate procedural safeguards to protect the Petitioner's statutory and constitutional rights.

61. Order further relief as this Court deems just and appropriate.

Respectfully submitted,

/s/ Cristina Zambrano
Cristina Zambrano, Esq.
The Law Office of Mark Kinzler, P.C.
Attorney for Petitioner

Dated: July 2, 2026

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Daniel Calderon Castro, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 2nd day of July, 2026.

/s/ Cristina Zambrano
Cristina Zambrano, Esq.
Attorney for Petitioner

CERTIFICATE OF SERVICE
Calderon Castro v. Collins, et al
Case No.: 1:26-cv-1800

I hereby certify that on July 2, 2026, I mailed by United States Postal Service the Verified Petition for Writ of Habeas Corpus by certified mail to the following:

Stephanie Rico
Civil Process Clerk Office of the United States Attorney for the Western District of Texas
601 N.W. Loop 410, Suite 600
San Antonio, Texas 78216-5597

Charlotte Collins, Warden
T. Don Hutto Detention Center
1001 Welch St.
Taylor, TX 76574

Secretary of Homeland Security Markwayne Mullin
2707 Martin Luther King Jr., Ave., SE
Washington, DC 20528-0485

Acting U.S. Attorney General Todd Blanche
950 Pennsylvania Ave NW
Washington, DC 20530

The above respondents were also named in the CM/ECF habeas corpus filing with the Western District of Texas court

/s/ Cristina Zambrano