HOLLIE WEBB (SBS 326329)
AL OTRO LADO
511 E. San Ysidro Blvd. #333
San Ysidro, CA 92173
Telephone: 731-499-1863
Fax: 619-345-4693
Email: hollie@alotrolado.org

Attorneys for Mr. Garcia Jurado

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

JUAN CAMILO GARCIA JURADO, *Petitioner,* v. JEREMY CASEY, Facility Administrator at the Imperial Regional Detention Facility, GREGORY J. ARCHAMBEAULT, Director of the U.S. Immigration and Customs Enforcement San Diego Field Office, TODD LYONS, acting Director of U.S. Immigration and Customs Enforcement, MARKWAYNE MULLINS Secretary of the U.S. Department of Homeland Security, and TODD BLANCHE, U.S. Attorney General, *Respondents.*	Case No. '26CV4574 RFL DDL **EMERGENCY PETITION FOR A WRIT OF HABEAS CORPUS, ORDER TO SHOW CAUSE WITHIN THREE DAYS AND COMPLAINT FOR DECLARATORY RELIEF**

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. §2241

INTRODUCTION

1. Petitioner Juan Camilo Garcia Jurado is in the physical custody of Respondents at the Imperial Regional Detention Facility. He is being unlawfully detained because the Department of Homeland Security (DHS) and the Executive Office of Immigration Review have concluded that Petitioner is subject to mandatory detention.

2. Petitioner arrived in the United States on February 16, 2023. He received a credible fear interview early in March, but the determination from the asylum office was negative. However, upon review by an immigration judge on March 22, 2023, he was given a positive determination.

3. Petitioner was paroled from the custody of Immigration and Customs Enforcement ("ICE") on March 30, 2023. Ex. B.

4. Despite having been paroled, Petitioner was placed back into custody by ICE on April 28, 2026. He was transferred to Imperial Regional Detention Facility in Calexico, California in May 2026.

5. Because Mr. Garcia Jurado had previously been granted release, he possesses a protected liberty interest. *Fernandez Lopez v. Wofford*, Case. No. 25-cv-01226-KES-SKO (HC), 2025 WL 2959319, at *7 (E.D. Cal. Oct. 17, 2025). Due Process requires the government to provide noncitizens with notice

and a hearing prior to re-detention, and that re-detention without prior notice, a showing of changed circumstances, or a meaningful opportunity to respond, violates procedural due process under the Fifth Amendment. *See e.g. Ariza Garcia v. Mullin*, No. 3:26-CV-02241-RBM-MSB, 2026 WL 1142629, at *2 (S.D. Cal. Apr. 27, 2026); *Faizyan v. Casey*, No.: 3:25-cv-02884-RBM-JLB, 2025 WL 3208844, at *7 (S.D. Cal. Nov. 17, 2025); *Ramirez-Bibiano v. LaRose*, No. 25-CV-3429-JLS (SBC), 2025 WL 3632748, at *4–5 (S.D. Cal. Dec. 15, 2025) (ordering immediate release subject to conditions of petitioner's preexisting parole where DHS had summarily revoked parole and re-detained without notice or a hearing); *see also Maceo-Aguilera v. LaRose*, 26-CV-532-LL-MSB, 2026 WL 381633 (S.D. Cal. Feb. 11, 2026); *Escamilla Alvarado v. Casey* Case No. 26-cv-2593-JO-BJW (S.D. Cal. May, 7, 2026), Dkt. No. 6; *Magana-Hernandez v. Casey* Case No. 26-cv-2952-JLS (MSB) (S.C. Cal. May 18, 2026), Dkt. No. 5.

6. The regulations also provide that prior to termination of parole, the government must provide notice that it seeks to terminate parole. 8 C.F.R. 212.5(e)(2)(i).

7. Petitioner's re-detention violated the Immigration and Nationality Act, the accompanying regulations, and Due Process, and he therefore seeks habeas relief via this Petition. See *Ramirez-Bibiano v. LaRose*, No. 25-CV-3429-JLS (SBC), 2025 WL 3632748, at *4–5 (S.D. Cal. Dec. 15, 2025) (ordering

immediate release subject to conditions of petitioner's preexisting parole where DHS had summarily revoked parole and re-detained without notice or a hearing); see also *Maceo-Aguilera v. LaRose*, 26-CV-532-LL-MSB, 2026 WL 381633 (S.D. Cal. Feb. 11, 2026). As such, this Court should order Respondents to immediately release him.

JURISDICTION AND VENUE

8. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§ 2201-02 (declaratory relief), and art. I sec. 9, cl. 2 of the United States Constitution (Suspension Clause), as Petitioner is presently in custody under the authority of the United States and challenges his detention as in violation of the Constitution, laws, or treaties of the United States.
9. The federal district courts have jurisdiction under Section 2241 to hear habeas claims by individuals challenging the lawfulness of their detention by ICE. *See Jennings v. Rodriguez*, 583 U.S. 281, 290-92 (2018).
10. "A federal district court has habeas jurisdiction under 28 U.S.C. § 2241 to review bond hearing determinations for "constitutional claims and legal error." *Singh v. Holder*, 638 F.3d 1196, 1206 (9th Cir. 2011), 638 F.3d at 1200-01; *De La Cruz Sales v. Johnson,* 323 F. Supp. 3d 1131, 1139 (N.D. Cal. 2017)

(concluding that immigrant's claims were reviewable by district court where bond determination challenged as constitutionally flawed); *Martinez v. Clark*, 124 F.4th 775, 785 (9th Cir. 2024)(concluding that a federal court has discretion to review a bond denial when a "district court...ordered the bond hearing under the Due Process Clause"); *Hasratyan v. Bondi*, 2026 WL 288909 at *3-4 (C.D. Cal. Feb. 2, 2026)(ordering the release of an immigration detainee following the court's review of an IJ's bond denial that was based on procedural and legal error); *Mayancela v. FCI Berlin, Warden*, No. 25-cv-348-LM-TSM, 2025 WL 3215638, at *4 (D.N.H. Nov. 18, 2025) (If the government does not meet its burden and the IJ determines that the noncitizen must remain in custody, then "a petition for a writ of habeas corpus, filed in the appropriate district court, is the only mechanism by which a noncitizen may seek judicial review of an IJ's bond decision.") (citations omitted).

11. Venue is proper in the Southern District of California, pursuant to 28 U.S.C. §§ 1391 and 2241(d) because Petitioner is detained at the Imperial Regional Detention Facility in Calexico, California.

REQUIREMENTS OF 28 U.S.C. § 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 the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require

respondents to file a return "within three days unless for good cause additional time, not exceeding twenty days is allowed." *Id.*

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 and confinement. *Fay v. Noia*, 372 U.S. 391, 400 (1963) (overruled on other grounds by *Wainwright v. Sykes,* 433 U.S. 72 (1977)) (emphasis added). "The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application." *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

14. Petitioner Juan Camilo Garcia Jurado is currently detained by Respondents in the Imperial Regional Detention Facility.
15. Respondent Jeremy Casy is the facility administrator at the Imperial Detention Facility in Calexico, California where Mr. Garcia Jurado is currently detained. He is thus Petitioner's immediate custodian. He is sued in his official capacity.
16. Respondent Patrick Divver is the Director of ICE's San Diego Field Office, which has jurisdiction over ICE detention facilities in San Diego and Imperial

County, including the Imperial Regional Detention Center, and is thus Petitioner's immediate custodian. He is sued in his official capacity.

17. Respondent Todd Lyons is the Director of ICE. He is responsible for the administration of ICE and the implementation and enforcement of the immigration laws, including immigrant detention. As such, Mr. Lyons is a legal custodian of Petitioner. He is sued in his official capacity.

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

19. Respondent Todd Blanche is the Acting Attorney General of the United States and head of the Department of Justice, which encompasses the Board of Immigration Appeals and the Immigration Courts. Mr. Blanche shares responsibility for implementation and enforcement of the immigration laws with Respondent Mullin. Mr. Blanche is a legal custodian of Petitioner. He is sued in his official capacity.

LEGAL FRAMEWORK

20. "[T]he Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or

permanent." *Zadvydas v. Davis*, 533 U.S. 678 (2001). Accordingly, "[i]t is well established that the Fifth Amendment entitles aliens to due process of law in the context of removal proceedings." *Trump v. J.G.G.*, 604 U.S. 670, 673 (2025) (internal quotation marks omitted) (citing *Reno v. Flores*, 507 U.S. 292, 306 (1993)). Due process "requires some kind of a hearing before the State deprives a person of liberty or property." *Zinerman v. Burch*, 494 U.S. 113, 127 (1990).

21. Traditionally, to determine what protections due process demands in a given situation, courts consider three factors, the *Mathews* factors: (1) the private interest that will be affected by the official action; (2) the risk of erroneous deprivation of such interest through the procedures used, and the probable value of additional safeguards; and (3) the government's interest, including the function involved and that burdens that would be imposed by additional process. *See Mathews v. Eldridge*, 424 U.S. at 335. In applying these factors specifically to the context of a person challenging immigration detention, courts assess: (1) the petitioner's liberty interest in remaining out of custody; (2) the risk of erroneous deprivation of that interest in remaining out of custody; and (3) the government's interest in detaining the petitioner without affording pre-deprivation notice, reasoning, and a hearing. *Ramirez-Bibiano*, 2025 WL 3632748 at *4–5.

A. Summary Parole Revocation and Re-Detainment of a Previously Paroled Person is a Violation of Due Process Requiring Immediate Habeas Relief.

22. Consistent with the traditional *Mathews* three-factor test, district courts in the Ninth Circuit have formulated a bright-line Due Process rule: if a noncitizen has been paroled into the U.S., the government may not revoke their parole or re-detain them without first affording pre-deprivation notice and a hearing establishing that the person is now a danger or flight risk—failure to provide this is a violation of the person's Fifth Amendment Due Process rights requiring immediate habeas relief. *See, e.g.*, *Ramirez-Bibiano*, 2025 WL 3632748 (ordering immediate habeas relief; holding the government's summary revocation of parole and re-detention without pre-deprivation notice or a hearing establishing present risk of danger or flight violates Fifth Amendment Due Process); *see also Noori v. LaRose*, No. 25-CV-1824-GPC-MSB, 2025 WL 2800149 (S.D. Cal. Oct. 1, 2025) (Curiel, J.) (granting immediate habeas release; holding the government's summary revocation of parole and re-detention without pre-deprivation notice, reasons, and a hearing establishing present danger or flight risk violated due process under *Mathews*); *Ramirez Tesara v. Wamsley*, 800 F. Supp. 3d 1130 1135–39 (W.D. Wash. 2025) (granting TRO and ordering immediate release; applying *Mathews* to hold that even though petitioner's parole had expired, because he had previously been paroled

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

23. In *Ramirez-Bibiano*, a case from this district, a noncitizen who had been previously paroled into the U.S. was summarily re-detained after ICE revoked his parole without notice, reasons, or an opportunity to be heard. *Ramirez-Bibiano*, 2025 WL 3632748 at *1, *4–5. The Court applied *Mathews*, granted immediate habeas relief and attorneys' fees according to proof, and ordered that any future detention be supported at a hearing with the government bearing the burden to show by clear and convincing evidence that the petitioner was a present danger or flight risk. *Id.* at *4–5; *see also Maceo-Aguilera*, 26-CV-532-LL-MSB, 2026 WL 381633 (S.D. Cal. Feb. 11, 2026); *Alegria Palma v. LaRose et al.,* No. 25-CV-1942-BJC (MMP), (S.D. Cal. Aug. 11, 2025); *Navarro Sanchez v. LaRose*, 2025 No. 25-CV-2396-JES-MMP, 2026 WL 2770629 (S.D. Cal. Sept. 26, 2025).

24. In *Noori* (S.D. Cal.), an Afghan national paroled into the U.S. after assisting

U.S. forces was arrested at a courthouse and re-detained following the government's summary revocation of his humanitarian parole, without any pre-deprivation notice, reasons provided, or opportunity to be heard, despite a clean record and consistent compliance. *Noori*, 2025 WL 2800149 at *1–2. The Court held that the government's summary parole revocation and re-detention violated due process under *Mathews* given the lack of justification, notice, and an opportunity to be heard. *Id.* at *9–12. The Court granted the habeas petition, ordered that the government shall not re-detain the petitioner during the pendency of his removal proceedings, and granted attorneys' fees according to proof. *Id.* at *14.

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

26. In *Fernandez Lopez*, an asylum-seeker from Chile who had been paroled in

2021 was summarily re-detained by ICE in August 2025 after a credible-fear interview. 2025 WL 2959319 at *1. Once again, applying *Mathews*, and for the same reasons as the courts in *Ramirez-Bibiano*, *Ramirez Tesara*, and *Noori*, that court granted a preliminary injunction as well as the habeas petition at issue, and enjoined the government from re-detaining the petitioner absent a pre-deprivation bond hearing at which the government must prove current danger or flight risk by clear and convincing evidence. *Id.* at *5–8. That court also canvassed cases from other district courts in the Ninth Circuit to state the *Mathews*-derived rule that if the government has previously paroled a noncitizen, it may not re-detain that person without first providing pre-deprivation notice and a hearing through which the government establishes a change in the person's risk of danger or flight. *Id.* at *6. Failure to provide this pre-deprivation process is a violation of the person's Fifth Amendment Due Process rights and grounds for immediate habeas relief. *Id.* at *6–8.

27. Taken together, the district courts of the Ninth Circuit have developed the bright-line rule that **if a noncitizen has been paroled into the U.S., the government may not revoke that person's parole or re-detain them without first providing pre-deprivation notice and a hearing establishing a change in danger or flight risk by clear and convincing evidence.** To date, the courts to have considered habeas petitions in this context have each applied the

three-factor *Mathews* test to reach what has now coalesced into a uniform rule of law. The above rule incorporates and relies upon a *Mathews* analysis but streamlines the statement of law so as not to require a step-by-step in-depth inquiry of each *Mathews* factor.

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

29. Accordingly, where the Court finds that a petitioner has been previously paroled and yet the government summarily revoked his parole or re-detained him, a step-by-step *Mathews* analysis is unnecessary; it is already incorporated into and performed by the bright-line rule established by *Ramirez-Bibiano*, *Ramirez Tesara*, *Fernández López* and the many district court cases it cites, and *Mathews*.

30. Here, consistent with this line of cases, because Petitioner had previously been paroled from ICE detention, the government's summary parole-revocation and re-detention of him violated his Due Process Rights and he must therefore be immediately released pursuant to a writ of habeas corpus.

31. The Court should also reject any jurisdictional defenses the government may assert under 8 U.S.C. §§ 1252(g) and (b)(9), because this challenge does not seek review of any removal order and instead challenges re-detention. *Ramirez-Bibiano*, 2025 WL 3632748 at *2–3 (rejecting the government's challenges under 8 U.S.C. §§ 1252(g) and (b)(9) to habeas jurisdiction); *Noori*, 2025 WL 2800149 at *6–7 (same). The Court also should waive any exhaustion requirement as futile for the same reasons it did so in *Ramirez-Bibiano*. 2025 WL 3632748 at *3 (recognizing the Southern District of California finds exhaustion to be futile in this context such that immediate judicial review of habeas petitions challenging parole-revocation and re-detention is required). *Id.* at *2–3.

B. The *Mathews* Test Also Requires Petitioner's Immediate Release.

32. To the extent the Court finds it necessary to undertake the *Mathews* test step by step, each *Mathews* factor weighs in favor of Petitioner and the result is the same as if the Court were to apply the aforementioned *Mathews*-based

brightline rule.

33. Mr. Garcia Jurado possesses a protected liberty interest in remaining out of custody, namely, "the most significant liberty interest there is – the interest in being free from imprisonment." *Velasco Lopez v. Decker*, 978 F.3d 842, 851 (2d Cir. 2020). "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty [the Due Process Clause] protects." *Zadvydas*, 533 U.S. at 690. While "the initial decision to detain or release an individual may be within the government's discretion, the government's decision to release an individual from custody creates 'an implicit promise,' upon which that individual may rely, that their liberty 'will be revoked only if they fail to live up to the...conditions of release." *Pinchi v. Noem*, 792 F.Supp.3d 1025, 1032 (N.D. Cal. 2025) (alternation marks omitted).

34. Here, as in *Ramirez-Bibiano*, Petitioner has a significant liberty interest in remaining free of ICE custody under prior parole conditions. His initial "release from ICE custody constituted an implied promise that [his] liberty would not be revoked unless [he] failed to live up to the conditions of [his] release." *Pinchi*, 792 F. Supp. 3d at 1034 (internal quotation marks omitted). In other words, petitioner gained a protected liberty interest in remaining out of custody absent a showing that he is a flight risk or a danger to the community. *See, e.g.,*

Fernández López, 2025 WL 2959319 at *4-5 (finding that petitioner released from immigration detention on parole had protected liberty interest in remaining out of custody, including if the authority for petitioner's parole was § 1182(d)(5)(A)); *Noori v. Larose*, 2025 WL 2800149, *4, 9-10 (S.D. Cal. 2025) (Curiel, J.) (finding that petitioner who was paroled from immigration detention under § 1182(d)(5)(A) had protected liberty interest in remaining out of custody).

35. Here, as in *Ramirez-Bibiano*, "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." 2025 WL 3632748 at *4. The inquiry on the second factor may rightfully end there, as Mr. Garcia Jurado's parole was revoked, and he was detained without any prior notice, reasoning, or hearing. *See Ramirez Tesara*, 800 F. Supp. 3d at 1137 (granting habeas petition and TRO under similar circumstances because "re-detainment without a hearing results in a risk of erroneous deprivation of [a] protected interest."); *Rodriguez Cabrera v. Mattos*, No. 2:25-CV-01551-RFB-EJY, 2025 WL 3072687, at *12–13 (D. Nev. Nov. 3, 2025) (noting the government's arbitrary re-detention "creates an extreme risk of erroneous deprivation).

36. Under *Mathews*, the third factor examines the Government's interests,

including the function at issue and the administrative burdens of additional procedures. Here, the relevant function is DHS's administration of immigration parole and civil detention to ensure appearance at proceedings and protect public safety. Minimal procedural safeguards-notice of the reasons for revocation and a prompt opportunity to be heard before a neutral decisionmaker-impose little burden on that function. They rely on processes the Government already uses in custody determinations and post-parole supervision, and they enhance accuracy without materially impeding enforcement. *See Mathews*, 424 U.S. at 335.

37. As *Ramirez-Bibiano* recognized, where a noncitizen has been lawfully paroled and there is no change in circumstances indicating danger or flight risk, the Government's interest in immediate re-detention without notice or hearing is low, while the value of modest additional procedures is high. Applied here, the government has not identified any change in circumstances to justify summary revocation, and requiring notice and a brief hearing would not compromise its ability to manage parole or ensure attendance but would meaningfully reduce the risk of error. The third *Mathews* factor therefore weighs against detention without pre-deprivation process in this case. *See Ramirez-Bibiano*; *Mathews*, 424 U.S. at 335.

STATEMENT OF FACTS

38. Mr. Garcia Jurado was born in Colombia. He fled Colombia after being targeted for years by an organized criminal group after witnessing a crime and agreeing to testify. He arrived in the United States in February 2023 to seek asylum.

39. Initially, Mr. Garcia Jurado received a negative credible fear determination. However, upon IJ review, this was overturned and he received a positive determination. Shortly thereafter, he was paroled from detention on March 30, 2023.

40. After his release, he lived in Boston, Massachusetts for a year before moving to Miami, Florida. Since his release, he has attended all scheduled hearings and ICE check-ins.

41. Mr. Garcia Jurado was re-detained by ICE on April 28, 2026.

CLAIMS FOR RELIEF

COUNT ONE

VIOLATION OF PAROLE STATUTE

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

43. The parole statute at 8 U.S.C. §1182(d)(5)(A) permits the termination of parole only where there is a finding that the purpose of such parole has been served. *Y-Z-L-H v. Bostock*, 792 F. Supp. 3d 1123, 1133 (D. Or. 2025).

44. No finding has been made that the purpose of Petitioner's parole has been

served to warrant the termination of parole.

COUNT TWO

VIOLATION OF PAROLE REGULATION

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

46. The parole regulation, 8 C.F.R. §212.5(e), provides that upon written notice, DHS may terminate parole "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."

47. There is no evidence that any official found that humanitarian reasons do not warrant Petitioner's presence in the United States.

48. 8 C.F.R. §212.5(e)(2) also requires that DHS provide Petitioner with notice prior to revocation of parole. Mr. Garcia Jurado was never provided notice that the Department sought to terminate parole.

49. Petitioner is not a flight risk nor a danger to the public.

50. An agency's failure to follow its regulations that are meant to protect fundamental rights is a violation of due process. *Accardi v. Shaughnessy*, 347 U.S. 260, 267, 74 S.Ct. 499, 98 L.Ed. 681 (1954); *Sameena Inc. v. U.S. Air*

Force, 147 F.3d 1148, 1153 (9th Cir. 1998).

51. The arrest of Petitioner terminated his release on parole and violated the regulations and due process. *Bostock*, 792 F. Supp. 3d at 1145.

COUNT THREE

VIOLATION OF DUE PROCESS REVOCATION OF PAROLE WITHOUT NOTICE

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

53. The Due Process Clause of the Fifth Amendment forbids the government from depriving any person of liberty without due process of law. U.S. Const. amend. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty" that the Due Process Clause protects. *Zadvydas*, 533 U.S. at 690 (citing *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)).

54. An individual released from immigration custody has a constitutionally protected liberty interest in remaining free from detention. *Morrissey v. Brewer*, 408 U.S. 471, 482, 92 S. Ct. 2593, 2601, 33 L. Ed. 2d 484 (1972); *see also Sanchez v. LaRose*, 25-cv-2396; 2025 WL 2770629, at * 3 (S.D. Cal.). Thus, Petitioner has a fundamental interest in liberty and being free from official

restraint.

55. The liberty interest applies to individuals who are paroled into the United States and released to attend removal proceedings. *Garcia v. Andrews*, No. 1:25-CV- 01006 JLT SAB, 2025 WL 2420068, at *11 (E.D. Cal. Aug. 21, 2025); *Valencia Zapata v. Kaiser*, No. 25-CV-07492-RFL, 2025 WL 2578207, at *3 (N.D. Cal. Sept. 5, 2025); *Y-Z-L-H v. Bostock*, No. 3:25-CV-965-SI, 2025 WL 1898025, at *13 (D. Or. July 9, 2025).

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

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

COUNT FOUR

VIOLATION OF DUE PROCESS

REVOCATION OF PAROLE WITHOUT NEUTRAL DECISIONMAKER

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

59. Under the Due Process Clause of the Fifth Amendment to the United States

Constitution, no person shall be "deprived of life, liberty, or property, without due process of law." U.S. Const. amend. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects." *Zadvydas*, 533 U.S. at 690.

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

61. The liberty interest applies to individuals who are paroled into the United States and released to attend removal proceedings. *Garcia v. Andrews*, No. 1:25-CV- 01006 JLT SAB, 2025 WL 2420068, at *11 (E.D. Cal. Aug. 21, 2025); *Valencia Zapata v. Kaiser*, No. 25-CV-07492-RFL, 2025 WL 2578207, at *3 (N.D. Cal. Sept. 5, 2025); *Bostock*, No. 3:25-CV-965-SI, 2025 WL 1898025, at *13 (D. Or. July 9, 2025).

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

63. Due Process requires that Petitioner be afforded a bond determination before a neutral adjudicator if the government is to re-detain Petitioner. *Mathews v. Eldridge*, 424 U.S. 319 (1976); *Ramirez-Bibiano*, 2025 WL 3632748, at *5; *Ramirez Tesara*, 800 F. Supp. 3d at 1136; *Fernandez Lopez v. Wofford*, 2025 WL 2959319, at *7.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

1. Assume jurisdiction over this matter.
2. Order that Mr. Garcia Jurado shall not be transferred outside the Southern District of California.
3. Issue a Writ of Habeas Corpus ordering Respondents to immediately release Mr. Garcia Jurado because he was previously released and has remained at liberty in the United States since that time. If the Court is not prepared to order immediate release, in the alternative, the Court should order Respondents to provide Petitioner with a bond hearing pursuant to 8 U.S.C. §1226(a) within ten days where the burden of proof is on the government to establish through clear and convincing evidence that Mr. Garcia Jurado is a danger or a flight risk if released. *See Sadeqi v. LaRose* No. 25-cv-2587-RSH-BJW, 2025 WL 3154520, at *4 (S.D. Ca;. Nov. 12, 2025) (citing *Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011)) ("Petitioner is entitled to a prompt and individualized bond hearing, at which Respondents must justify his continued detention by a showing of clear and convincing evidence that Petitioner would likely flee or pose a danger to the community if released."). The Court should further require the government to provide him with a bond hearing before a "fair, neutral, and open-minded immigration judge." *Domingos v. Casey*, No. 3:26-cv-01151-BTM-JLB, 2026 LX 176120, at *9 (S.D. Cal. Mar. 23, 2026).

4. Issue an Order to Show Cause why this Petition should not be granted within three days and set a hearing on this Petition within five days of the return pursuant to 28 U.S.C. § 2243.
5. Enter preliminary and permanent injunctive relief enjoining Respondents from further unlawful detention of Mr. Garcia Jurado.
6. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412.
7. Grant such further relief as this Court deems just and proper.

Respectfully submitted,

Hollie Webb
Managing Attorney, Border Rights Project
AL OTRO LADO

Dated: August 6, 2026

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

I am submitting this verification on behalf of Mr. Garcia Jurado because I am his attorney. As Petitioner's attorney, I hereby verify that the factual statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: August 6, 2026 By: /s/ Hollie Webb