

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Vikas Kumar v. Christopher LaRose, Warden, Otay Mesa Detention
Center, et al.

Case No. 25-CV-3796 JLS (DDL) (S.D. Cal. Jan. 6, 2026) · No. 25-CV-3796 JLS (DDL) · Decided January 6,
2026

SUMMARY

The United States District Court for the Southern District of California grants Vikas Kumar’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court holds that revoking Kumar’s conditional immigration parole without notice, reasons, or an opportunity for a hearing violated the Due Process Clause. The court orders his immediate release subject to the conditions of his preexisting parole and requires notice and a hearing before any redetention.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Janis L. Sammartino
JURISDICTION	United States District Court for the Southern District of California
DECIDED	January 6, 2026
DOCKET	25-CV-3796 JLS (DDL)
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention and the summary revocation of conditional parole.
STANDARD OF REVIEW	The court applied the Matthews v. Eldridge balancing factors to determine the procedures required before revocation of Petitioner's parole and reviewed the legality of detention through habeas corpus under 28 U.S.C. § 2241.
PRECEDENTIAL VALUE	Unpublished federal district court order; persuasive value only and generally nonprecedential.
PARTIES	Vikas Kumar v. Christopher LaRose, Warden, Otay Mesa Detention Center, et al.

TOPICS

immigration detention procedural due process federal habeas corpus removal proceedings
administrative procedure act

PRACTICE AREAS

immigration detention habeas corpus constitutional law administrative law civil rights

QUESTIONS PRESENTED

1. Whether the district court had habeas jurisdiction under 28 U.S.C. § 2241 over a challenge to immigration detention arising independently from the removal process.
2. Whether revoking Petitioner's conditional parole and detaining him without notice, reasons, or a pre-deprivation hearing violated the Fifth Amendment Due Process Clause.
3. What procedural protections are required before the government may re-detain Petitioner after revoking his parole.
4. Whether Petitioner may seek attorney's fees and costs under the Equal Access to Justice Act after judgment.

HOLDINGS

1. A federal district court retains habeas jurisdiction under 28 U.S.C. § 2241 over an ancillary or collateral challenge to immigration detention that arises independently from the removal process, even though challenges to final removal orders belong in the court of appeals.
2. A noncitizen released from custody on conditional parole has a protected liberty interest in remaining out of custody, and the government may not summarily revoke that parole and re-detain the noncitizen without constitutionally adequate procedural protections.
3. Before re-detaining Petitioner, the government must provide notice of the reasons for parole revocation and a hearing before a neutral decision maker; the government bears the burden of proving by clear and convincing evidence that Petitioner poses a danger to the community or a risk of flight.
4. The court will consider a timely application for reasonable attorney's fees and costs under the Equal Access to Justice Act if filed within thirty days after final judgment and satisfying the statutory requirements.

KEY QUOTATIONS

“Thus, even when ICE has the initial discretion to detain or release a noncitizen pending removal proceedings, after that individual is released from custody [he] has a protected liberty interest in remaining out of custody.” (at 3)

“The Due Process Clause requires procedural protections before he can be deprived of that interest.” (at 4)

“Rather, the federal agents must be able to present evidence of materially changed circumstances—namely, evidence that the noncitizen is in fact dangerous or has become a flight risk.” (at 5)

“The government shall bear the burden of establishing, by clear and convincing evidence, that Petitioner poses a danger to the community or a risk of flight.” (at 7)

FACTUAL BACKGROUND

Vikas Kumar, an Indian national, entered the United States without inspection or valid entry documents in March 2024 and told border officials that he feared returning to India. He was released on conditional parole after DHS determined that he was neither a flight risk nor a danger to the community, and he allegedly complied with the parole conditions, attended ICE check-ins, obtained work authorization and identification, and applied for asylum. ICE detained him on December 24, 2025, without providing notice, reasons for revocation, or a hearing.

PROCEDURAL HISTORY

Petitioner filed a § 2241 petition after ICE detained him following his release on conditional parole. Respondents filed a response, and Petitioner filed a traverse. The district court granted habeas relief, ordered immediate release subject to the existing parole conditions, and required notice and a hearing before any re-detention.

DISPOSITION

writ_granted

CASES CITED

- Alvarez-Barajas v. Gonzales, 418 F.3d 1050, 1052 (9th Cir. 2005)
- Nadarajah v. Gonzales, 443 F.3d 1069, 1076 (9th Cir. 2006)
- Jennings v. Rodriguez, 138 S. Ct. 830 (2018)
- Alvarez v. Sessions, 338 F. Supp. 3d 1042, 1048-49 (N.D. Cal. 2018)
- Zadvydas v. Davis, 533 U.S. 678, 690, 693 (2001)
- Reno v. Flores, 507 U.S. 292, 306 (1993)
- Zinermon v. Burch, 494 U.S. 113, 127 (1990)
- Pinchi v. Noem, No. 25-cv-5632-PCP, 2025 WL 2084921, at *3-*5 (N.D. Cal. July 25, 2025)
- Morrissey v. Brewer, 408 U.S. 471, 482 (1972)
- Romero v. Kaiser, No. 22-cv-20508, 2022 WL 1443250, at *2 (N.D. Cal. May 6, 2022)
- Noori, 2025 WL 2800149, at *10
- Matute v. Wofford, No. 25-cv-1206-KES-SKO (HC), 2025 WL 2817795, at *5-*6, *8 (E.D. Cal. Oct. 3, 2025)
- Mathews v. Eldridge, 424 U.S. 319, 335 (1976)
- Saravia v. Sessions, 280 F. Supp. 3d 1168, 1760 (N.D. Cal. 2017)
- Singh v. Andrews, No. 25-cv-801-KES-SKO (HC), 2025 WL 1918679, at *7 (E.D. Cal. July 11, 2025)
- Ortega v. Bonnar, 415 F. Supp. 3d 963, 970 (N.D. Cal. Nov. 22, 2019)
- Alegria Palma v. Larose et al., No. 25-cv-1942 BJC (MMP), slip op. at 14 (S.D. Cal. Aug. 11, 2025)

- Navarro Sanchez, 2025 WL 2770629, at *4-*5
- Doe v. Becerra, 787 F. Supp. 3d 1083, 1097 (E.D. Cal. 2025)
- Martinez Hernandez v. Andrews, No. 25-CV-1035 JLT HBK, 2025 WL 2495767, at *14 (E.D. Cal. Aug. 28, 2025)

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