

**UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
MISSOURI, SOUTHERN DIVISION**

Santo Alberto Bumbila Iza v. Sheriff Jim C. Arnott, et al.

Santo Alberto Bumbila Iza v. Sheriff Jim C. Arnott, No. 6:25-cv-3392-MDH (W.D. Mo. Jan. 8, 2026) · No.
6:25-cv-3392-MDH · Decided January 8, 2026

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI SOUTHERN DIVISION SANTO ALBERTO BUMBILA IZA,)) Petitioner,)) v.) Case No. 6:25-cv-3392-MDH) SHERIFF JIM C. ARNOTT, et. al.,)) Respondents.) ORDER GRANTING PETITION FOR WRIT OF HABEAS CORPUS Petitioner has been detained by the Department of Homeland Security (“DHS”) and parole has been terminated without prior written notice.

Pending is his Verified Petition for Writ of Habeas Corpus in which he argues federal statutes and the Due Process Clause require that he be released or granted a hearing. The Court agrees with Petitioner’s statutory arguments, and on that basis, it concludes the Petition for Writ of Habeas Corpus should be GRANTED. BACKGROUND Petitioner is an Ecuadorian Citizen who last entered the United States on April 23, 2024, with his long-term partner and two children.

He fled to the U.S. after witnessing the murder of his partner’s uncle; the murderer then began to threaten his life as an eyewitness. Upon his arrival, he was contacted by Customs and Border Patrol a Notice to Appear was issued and released from custody on an Order of Recognizance. (Doc. 1-1). Released on his own recognizance from immigration custody over a year ago by the Respondents, Mr. Bumbila Iza has complied with every request, demand, and requirement imposed by the Respondents, in addition to complying with all the court and legal timelines for his asylum case.

Mr. Bumbila Iza filed his asylum application on September 23, 2024, within the one-year filing deadline. Mr. Bumbila has a valid work authorization document and a driver’s license as a result of his timely filings. His employment authorization document is valid from August 2025 to August 2030. (Doc. 1-2). Mr. Bumbila Iza appeared at his immigration court hearing as scheduled, and the case was continued until July 2026.

On December 2, 2025, without notice, while Mr. Bumbila Iza was at a Walmart in Bloomington, MN, waiting to pick up a delivery, 7 or so ICE agents approached his vehicle and began demanding that Mr. Bumbila show them his “papers”. When he showed them his work authorization document and driver’s license, the officers advised him those “did not mean anything”, smashed in his window, and pulled him out of the vehicle, throwing him to the ground.

Petitioner brought this proceeding, seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2241, against (1) the acting assistant field office director for ICE Kansas City, (2) the Secretary of DHS, (3) DHS, (4) the U.S. Attorney General, (5) EOIR, and (6) the Greene County Sheriff, all in their official capacities.¹ He asserts his detention violates the Administrative Procedure Act and the Due Process Clause.

Respondents argue that Petitioner is not entitled to be considered for release, and the Court resolves the parties' arguments below. DISCUSSION I. Jurisdiction Respondents argue that three statutory provisions—8 U.S.C. §§ 1252(e)(3), 1252(g) and (b)(9) deprive this Court of jurisdiction to consider Petitioner's claims.

The Court disagrees. 1 Petitioner's Petition lists Sheriff Arnott as a party by virtue of his administration of the Greene County Jail where Petitioner is currently detained. While Sheriff Arnott was not served in this case as of the date of this Order, the Court construes the proper party holding Petitioner in custody as the Department of Homeland Security through Immigration and Customs Enforcement.

As DHS and ICE are utilizing the Greene County Jail to hold Petitioner and other detainees, the Court expects its ruling to apply to the Government and those aiding the Government regarding this specific case. Section 1252(e)(3), entitled "Challenges on validity of the system," limits the scope of judicial review of "orders under Section 1225(b)(1)" and limits venue to the U.S. District Court for the District of Columbia.

Petitioner is "not challenging the lawfulness of any particular statute, regulation, or written policy or procedure." Thus, § 1252(e)(3) does not strip this Court of jurisdiction. See *Munoz Materano v. Arteta*, 2025 WL 2630826 (S.D.N.Y. Sept. 12, 2025), at *10. Further, this statute only bars jurisdiction based on those held under 8 U.S.C. § 1225.

However, the Court adopts its ruling in similar cases² and finds that Petitioner is being held under 8 U.S.C. § 1226. Therefore, 8 U.S.C. § 1252(e)(3) does not deprive the Court of Jurisdiction. Sections 1252(g) and (b)(9) apply narrowly to systemic challenges to regulations implementing expedited removal, review of an order of removal, the decision to seek removal, or the process by which removability will be determined, not to constitutional or statutory claims which precede and are collateral to that process, including, as relevant here, unlawful arrest or detention.

See *Mata Velasquez v. Kurzdorfer*, No. 25-CV-493-LJV, 2025 U.S. Dist. LEXIS 135986, 2025 WL 1953796, at *7 (W.D.N.Y. July 16, 2025); see also *Hernandez-Cuevas v. Olson*, No. 4:25-cv-00830-BP, at 3 (W.D. Mo. Nov. 05, 2025) (citing 8 U.S.C. § 1252(b)(2)); *Cifuentes Rivera v. Arnott, et al*, 25-cv-00570-RK1, Doc.19 at 7 (W.D. Mo. Oct. 07, 2025) ("the narrow scope of § 1252(g) does not cover "claims [that] are collateral to the Government's decision to execute the final order of removal," for instance, claims seeking relief based upon the Government's alleged

failure to comply with its own regulations regarding the required administrative processes after an 2 Andres v. Noem, et al., No. 25-03321-CV-S-MDH, Eshdavlatov v. Olson, et al. No. 25-00844-CV-S-MDH, Hernandez-Cuevas v. Olson, et al., No. 25-00830-CV-W-BP, Ifante v. Noem, et al., No. 25-03322-CV-S-MDH, Mairena-Munguia v. Arnott, et al., No. 25-03318-CV-S-MDH, Morales-Rodriguez v. Arnott, et al., No. 25-00836- CV-S-MDH, Pozos-Ramirez v. Noem, et al., No. 25-03316-CV- S-MDH. alien is detained.”).

Petitioner is challenging his unlawful detention, not any removal decisions or actions, so the above provisions do not deprive the Court of jurisdiction. Respondents rely on Tazu v. AG United States, 975 F.3d 292 (3d Cir. 2020), for the proposition that § 1252(g) strips the court of jurisdiction of any “decision or action...to execute [a] removal order.” (Doc.

6 at 7). The Court agrees with Petitioner that in Tazu, the plaintiff brought a petition for habeas relief directly challenging the timing of the execution of a removal order. See Tazu at 297 (“Though the Attorney General admittedly has discretion to execute his removal order later, Tazu claims, he allegedly lacks the authority to exercise that discretion now.”).

Moreover, Mr. Tazu was re-detained because his removal was imminent and he sought a stay of that removal from the court to complete his immigration process. This, the Tazu Court determined, was barred under § 1252(g).

The Court agrees with Petitioner that Tazu is unpersuasive under the facts of this case. For those reasons, this Court concludes it has jurisdiction over Petitioner’s habeas petition. II. The Due Process Clause Petitioner argues, and the Court agrees, that there have been no changed circumstances that would have authorized his re-detention after he was released on his own recognizance from immigration custody.

Respondents do not dispute the facts of this case. Respondents did not provide a hearing before a neutral decisionmaker where ICE was required to justify the basis for re-detention or explain why Petitioner is a flight risk or danger to the community. Individuals released on parole or other forms of conditional release have a liberty interest in their “continued liberty.” *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972).

"A procedural due process claim has two elements: (1) a deprivation of a constitutionally protected liberty or property interest, and (2) a denial of adequate procedural protections." *Sanchez v. LaRose*, 2025 U.S. Dist. LEXIS 190593, *6-7 (citing *Miranda v. City of Casa Grande*, 15 F.4th 1219, 1225 (9th Cir. 2021) (internal quotations and citation omitted)). "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."

Sanchez v. LaRose at *7 (citing *Zadvydas v. Davis*, 533 U.S. at 690). Although immigration detention is administrative, it is still subject to due process clause review. *Id.* (citing *Hernandez v.*

Sessions, 872 F3d at 981 ("the government's discretion to incarcerate noncitizens is always constrained by the requirements of due process.")). When the government grants an alien parole into the country, it creates a liberty interest intimately tied to freedom from imprisonment.

Id. (citing *Alegria Palma v. LaRose*, 25-cv-1942, ECF No.14 (S.D. Cal. Aug. 11, 2025) (finding that "continued freedom after release on own recognizance" was a core liberty interest)). Here, Petitioner was deprived of his liberty interest in his prior release status when Respondents placed him in detention. Respondents also denied petitioner due process in the revocation of his prior release.

"The essence of due process is the requirement that 'a person in jeopardy of a serious loss [be given] notice of the case against him and the opportunity to meet it.'" Sanchez at *8 (citing *Mathews v. Eldridge*, 424 U.S. 319, 348, 96 S. Ct. 893, 47 L. Ed. 2d 18 (1976) (quoting *Joint Anti-Fascist Comm. v. McGrath*, 341 U.S. 123, 171-72, 71 S. Ct. 624, 95 L. Ed.

817 (Frankfurter, J., concurring))). In the immigration context, "the Constitution requires the government to afford notice of any action against an alien [and] requires an opportunity for the alien to be heard. [] The opportunity to be heard must be meaningful, that is, an opportunity granted at a meaningful time and in a meaningful manner." Id. (citing *Ying Fong v. Ashcroft*, 317 F.Supp.2d 398, 403 (S.D.N.Y.

2004) (internal quotations and citations omitted)). An alien's opportunity to be heard regarding the revocation of his parole is only meaningful if the government comports with its own internal standards regarding parole revocation. DHS has the authority to revoke an alien's parole "at any time" on a discretionary, but not unlimited, basis. Id. at *8. (citing 8 U.S.C. § 1226(b); *Mohammed H. v. Trump*, No. 25-1576 (JWB/DTS), 2025 U.S. Dist.

LEXIS 117197, 2025 WL 1692739, at *5 (D. Minn. June 17, 2025) ("The Government has wide—but not unlimited—discretion in the immigration realm.")). The Board of Immigration Appeals ("BIA") has held that DHS may change the conditions of an alien's parole only when there is a sufficient change of circumstances to justify that change. Id. (citing *Matter of Sugay*, 17 I. & N. Dec.

637, 640 (BIA 1981) (as cited in *Alegria Palma*, No. 25-cv-1942-BJC-MMP, ECF No.14 at 3)). "In practice, the DHS re-arrests individuals only after a 'material' change in circumstances." Id. at *9. (citing *Ortega v. Bonnar*, 415 F.Supp.3d 963, 968 (N.D. Cal. 2019)).

To satisfy due process, those changed circumstances must represent individualized legal justification for detention. Id. at *9 (citing *Mohammed H.*, 2025 U.S. Dist. LEXIS 117197, 2025 WL 1692739 at *5 (granting a writ of habeas corpus on due process grounds due to a lack of individualized legal justification for changing the petitioner's status)).

Here, Respondents revoked Petitioner's parole without a showing of change in circumstances related to his case. Respondents do not dispute the facts as Petitioner presents them. They only argue this Court lacks jurisdiction.

In their briefing, Respondents do not state a "sufficient change in circumstances" to justify revoking Petitioner's parole, or any individualized justification at all. *Id.* at *9 (citing *Matter of Sugay*, 17 I. & N. Dec. at 640). Petitioner's parole into the U.S. was based on his asylum claim, the underlying facts of which have not changed, and he was in possession of a still-valid employment authorization.

(Doc. 1-2). There was no evidence from his conduct that he was a flight risk. Mr. Bumbila Iza was at a Walmart in Bloomington, MN, waiting to pick up a delivery when he was arrested. Thus, Respondents did not satisfy the requirement of due process in revoking Petitioner's prior release.

III. Temporary Restraining Order In the Petition, Petitioner asks for an order enjoining Respondents from transferring Petitioner from the jurisdiction of the Kansas City Field Office of the Immigration & Customs Enforcement Office of Enforcement and Removal Operations ("ERO") and this District, pending adjudication of these claims.

Under similar circumstances, this Court has granted temporary injunctive relief to habeas petitioners to enjoin Respondents from relocating petitioners outside the jurisdiction of this Court prior to compliance with this Order.

The Courts finds that such relief is just and proper in this case. In analyzing a request for a TRO, the Court weighs: 1) probability movant will succeed on the merits; 2) threat of irreparable harm to the movant absent injunction; 3) balance between threatened harm to the movant and harm the injunction would inflict on other interested parties; and 4) the public interest.

Dataphase Sys., Inc. v. C L Syst., Inc., 640 F.2d 109, 114 (8th Cir.1981) (en banc). "No single factor is dispositive;" rather, the court must consider all factors to determine whether on balance they weigh towards granting the remedy. *Calvin Klein Cosmetics Corp. v. Lenox Labs., Inc.*, 815 F.2d 500, 503 (8th Cir. 1987).

The Court finds that a TRO in this case is appropriate. As discussed above, the Court has already found that movant will succeed on his Petition for Habeas Corpus by virtue of his Due Process argument. Further, the threat of irreparable harm to the movant absent injunction is high as any move from this district prior to a bond hearing would render this Order and Petitioner right to a hearing as meaningless.

As to the balance between the threatened harm to the movant and the harm the injunction would inflict on other interested parties, the balance tips in favor of Petitioner. Respondents and other interested parties would not suffer by allowing Petitioner to have a hearing. Lastly, there is a

public interest in allowing those who are detained in violation of the Due Process Clause to be released and given hearing as expressed and determined by Congress.

For these reasons, the Court finds a TRO is appropriate. IV. Attorneys' Fees Petitioner requests an award of reasonable attorneys' fees and costs. Pursuant to the EAJA, a court shall award to a prevailing party fees and other expenses incurred by that party in any civil action, brought by or against the United States, unless the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust.

28 U.S.C § 2412(d)(1)(A). To be eligible for fees under the EAJA, a petitioner must submit an application within thirty days of final judgment, and the petitioner's net worth must be less than two million dollars at the time the civil action was filed. See *id.* §§ (d)(1)(B), (d)(2)(B)(i).

The EAJA was enacted with the purpose of removing the financial disincentive for individuals challenging or defending against government action and encouraging challenges to improper government action as a means of helping formulate better public policy. See, e.g., *Comm'r, I.N.S. v. Jean*, 496 U.S. 154, 163 (1990) (“[T]he specific purpose of the EAJA is to eliminate for the average person the financial disincentive to challenge unreasonable governmental actions.” (citation omitted)); *Boudin v. Thomas*, 732 F.2d 1107, 1114 (2d Cir.

1984) (“The EAJA was passed partly to encourage challenges to improper actions by government agencies. The drafters perceived legal actions as helping to formulate public policy.” (citations omitted)). As explained throughout, the Court finds the position of the United States is not substantially justified. Respondents do not dispute the facts of Petitioner’s status, arrest, or detainment.

Yet, Respondents revoked Petitioner’s prior release without a change in circumstances. Thus, Petitioner may pursue an award of reasonable attorneys’ fees and costs pursuant to the Equal Access to Justice Act. CONCLUSION The Court concludes Petitioner’s right to procedural due process has been violated, and he is entitled to immediate release.

Accordingly, the Petition for Writ of Habeas Corpus is GRANTED as follows. 1. Respondents are ORDERED to immediately release Petitioner from custody, subject to the conditions of his prior release. 2. Petitioner must be immediately released from detention and returned to a reasonable proximity of the geographical location of his immigration proceedings. 3. Petitioner shall promptly report to the Court any failure to comply with this Order by Respondent.

4. Petitioner may submit an application for fees under the EAJA within thirty days of the entry of final judgment. 5. It is FURTHER ORDERED that Respondents are enjoined from relocating Petitioner outside the jurisdiction of this Court prior to compliance with this Order. IT IS SO ORDERED. DATED: January 8, 2026 /s/ Douglas Harpool DOUGLAS HARPOOL UNITED STATES DISTRICT JUDGE

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