

**UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA**

Jameurahman Noori v. Christopher LaRose, et al.

Noori · No. 25-cv-03006-BAS-MMP · Decided November 26, 2025

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 SOUTHERN DISTRICT OF
CALIFORNIA 10 11 JAMEURAHMAN NOORI, Case No. 25-cv-03006-BAS-MMP 12
Petitioner, ORDER GRANTING PETITION 13 v. FOR WRIT OF HABEAS CORPUS (ECF No.
1) 14 CHRISTOPHER LAROSE, et al., 15 Respondents. 16 17 18 Petitioner Jameurahman Noori
is a citizen of Afghanistan. (Petition (“Pet.”) ¶ 2, 19 ECF No. 1.)

He had family who worked with the U.S. Military effort in Afghanistan. (Id.) 20 He spoke
English, so he applied and was on the waitlist to become a translator for the U.S. 21 military at
Bagram Air Base. (Id.) The Taliban learned of this application and approached 22 Petitioner’s
parents and village leaders, threatening him if he continued with his 23 application.

(Id.) Petitioner fled Afghanistan and made his way to Mexico. (Pet. ¶ 3.) 24 From Mexico,
Petitioner applied and, on June 17, 2024, was granted humanitarian 25 parole into the United
States so he could pursue an asylum petition. (Pet. ¶¶ 1, 3, 4.)

The 26 humanitarian parole was good for two years, expiring in June 2026. (Id.) Petitioner filed
27 and was pursuing his asylum petition. (Id.) On October 3, 2025, despite this humanitarian 28
parole, Immigration and Customs Enforcement (“ICE”) detained him as he attempted to 1 enter
Camp Pendleton Marine Base for a ride-hailing service customer. (Pet. ¶ 5.)

Three 2 days later, on October 6, 2025, Petitioner’s humanitarian parole was revoked, and 3
Petitioner was given a new Notice to Appear. (Pet. ¶ 41.) 4 Relying on this new Notice to Appear,
the Government now argues that Petitioner 5 is subject to mandatory detention under 8 U.S.C. §
1225(b)(2)(A). (ECF No. 4.) Petitioner 6 files this Petition for Writ of Habeas Corpus pursuant to
28 U.S.C. § 2241, seeking release 7 from custody under the humanitarian parole provision while
his asylum application is 8 pending.

(Pet.) The Government argues the Petition is jurisdictionally barred under 8 9 U.S.C. §§ 1252(g)
and 1252(b)(9), and that Petitioner is subject to mandatory detention 10 under § 1225(b)(2)(A).
For the reasons stated below, the Court GRANTS the Petition and 11 orders Petitioner released on
humanitarian parole pending adjudication of his asylum 12 application.

13 I. LEGAL STANDARD 14 A writ of habeas corpus is “available to every individual detained
within the United 15 States.” *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004). “The traditional

function of the writ is to secure release from illegal custody.” *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973). A court may grant a writ of habeas corpus to a petitioner who demonstrates he or she is in custody in violation of the Constitution or federal law.

28 U.S.C. § 2241(c)(3). The writ is available to non-citizens detained within the United States. *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001). At the threshold, Respondents argue Petitioner is challenging his removal proceedings, and thus, his claim is not cognizable as a habeas corpus petition. (ECF No. 23 4.)

The Court disagrees. Petitioner is challenging the revocation of his humanitarian parole while his immigration proceedings advance. Thus, he is challenging his detention in custody while he attempts to seek asylum. Since Petitioner is claiming that he is illegally being held in custody, the writ is the appropriate vehicle for his claim. 27 28 1 II.

JURISDICTION Respondents argue that 8 U.S.C. §§ 1252(g) and 1252(b)(9) strip this Court of jurisdiction to proceed. Section 1252(g) states that “no court shall have jurisdiction to hear any cause or claim by or on behalf of any alien arising from the decision or action by the Attorney General to commence proceedings, adjudicate cases, or execute removal orders against any alien under this chapter.” The general rule is to “‘resolve any ambiguities in a jurisdiction-stripping statute [such as Section 1252(g)] in favor of the narrower interpretation,’ and by the ‘strong presumption in favor of judicial review.’” *Ibarra-Perez v. United States*, 154 F.4th 989, 995 (9th Cir.

2025) (quoting *Arce v. United States*, 899 F.3d 796, 801 (9th Cir. 2018)). Thus, the Supreme Court has ruled Section 1252(g) applies only to three discrete actions: commencing proceedings, adjudicating cases, or executing removal orders. *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999). “Instead of ‘sweep[ing] in any claim that can technically be said to arise from the three listed actions,’ the provision ‘refers to just those three specific actions themselves.’” *Ibarra-Perez*, 154 F.4th at 995 (alteration in original) (quoting *Jennings v. Rodriguez*, 583 U.S. 281, 294 (2018)). “There are of course many other decisions or actions that may be part of the deportation process...” that are not one of these three.

See *Reno*, 525 U.S. at 482 (listing possibilities). Section 1252(g) “does not prohibit challenges to unlawful practices merely because they are in some fashion connected to removal orders.” *Ibarra-Perez*, 154 F.4th at 997. In this Petition, Petitioner is not contesting the commencement or adjudication of removal proceedings against him, nor is he raising an issue with respect to the execution of removal.

His detention pursuant to 8 U.S.C. § 1225(b)(2) may be during, but is nonetheless independent of, the removal proceedings. Thus, this Court is not stripped of jurisdiction by Section 1252(g).

26 Section 1252(b)(9) states, “[j]udicial review of all questions of law and fact, 27 including interpretation and application of constitutional and statutory provisions, arising 28 1 from any action taken or proceeding brought to remove an alien from the United 2 States... shall be available only in judicial review of a final order under this section.” 3 “[C]laims that are independent of or collateral to the removal process do not fall 4 within the scope of § 1252(b)(9).” J.E.F.M. v. Lynch, 837 F.3d 1026, 1032 (9th Cir.

2016). 5 Thus, in *Nielsen v. Preap*, 586 U.S. 392 (2019), the Supreme Court held Section 1252(b) (9) 6 inapplicable when the petitioners were not asking for review of an order of removal, were 7 not challenging the decision to detain them in the first place or to seek removal, and were 8 not challenging any part of the process by which removability would be determined.

Id. at 9 402 (citing *Jennings*, 583 U.S. at 294). 10 Here, Petitioner does not challenge the Government’s authority to remove him from 11 the United States in this Petition. Instead, he challenges the revocation of his humanitarian 12 parole and the Government’s decision to subject him to mandatory detention under Section 13 1225(b)(2).

Thus, Section 1252(b)(9) does not provide a jurisdictional bar. 14 Finally, under the Suspension Clause, “[t]he Privilege of the Writ of Habeas Corpus 15 shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety 16 may require it.” U.S. Const. art. I, § 9, cl. 2.

In determining the reach of the Suspension 17 Clause, the court is required to consider “(1) the citizenship and status of the detainee and 18 the adequacy of the process through which that status determination was made; (2) the 19 nature of the sites where apprehension and then detention took place; and (3) the practical 20 obstacles inherent in resolving the prisoner’s entitlement to the writ.” *Boumediene v. Bush*, 21 553 U.S. 723, 766 (2008).

22 For the first factor, although Petitioner is not a citizen, he was paroled into the United 23 States upon a finding that he was not a flight risk or a danger to the community. He has 24 remained here for more than a year and in that time has received a work authorization and 25 has developed ties to the community. If Section 1252 were to deprive the Court of 26 jurisdiction to review Petitioner’s detention, Petitioner would have no ability to challenge 27 his detention and no right to challenge Respondents’ decision to terminate his parole.

28 1 Additionally, Petitioner was apprehended and detained within the United States. 2 Finally, Respondents have not presented any credible arguments that any practical 3 obstacles prevent resolving Petitioner’s application for a writ of habeas corpus. There is no 4 evidence that Petitioner is a danger to the community or a flight risk—in fact, Respondents 5 decided to parole Petitioner when he arrived without ties to the community after 6 determining that he did not have any criminal history and then approved a work 7 authorization.

It also appears that Petitioner has complied with the law during his time in 8 the United States. Thus, even if Section 1252 precluded the Court from reviewing 9 Respondents' decision to terminate Petitioner's parole and detain him, the Court would 10 have jurisdiction to review the legality of Petitioner's detention in light of the Suspension 11 Clause. See *Noori v. LaRose*, No. 25-CV-1824-GPC-MSB, 2025 WL 2800149, at *8–9 12 (S.D.

Cal. Oct. 1, 2025). 13 III. LEGALITY OF DETENTION 14 Petitioner argues that he is being detained in violation of his rights under the Due 15 Process Clause of the Fifth Amendment and in violation of the Administrative Procedure 16 Act ("APA"). (Pet.)

The Court agrees on both grounds. 17 A. Due Process Clause 18 The Fifth Amendment guarantees that an individual shall not be deprived of liberty 19 "without due process of law." U.S. Const. amend. V. The Amendment applies to 20 noncitizens such as Petitioner detained within the United States. *Zadvydas*, 533 U.S. at 21 687; see also *Reno v. Flores*, 507 U.S. 292, 306 (1993) ("It is well established that the Fifth 22 Amendment entitles aliens to due process of law in deportation proceedings.").

23 "The Due Process clause generally 'requires some kind of a hearing before the State 24 deprives a person of liberty.'" *Salazar v. Casey*, No. 25-CV-2784 JLS (VET), 2025 WL 25 3063629, at *3 (S.D. Cal. Nov. 3, 2025) (quoting *Zinerman v. Burch*, 494 U.S. 113, 127 26 (1990)). "Although the initial decision to detain or release an individual may be within the 27 government's discretion, 'the government's decision to release an individual from custody 28 creates an implicit promise, upon which that individual may rely, that their liberty will be 1 revoked only if [they] fail[] to live up to the... conditions [of release].'" *Id.* (alterations 2 in original) (quoting *Pinchi v. Noem*, No. 25-cv-5632-PCP, 2025 WL 2084921, at *3 (N.D.

3 Cal. July 25, 2025)). 4 Because Petitioner had a protected liberty interest once he was released on 5 humanitarian parole, the Due Process Clause requires procedural protections before he can 6 be deprived of that interest. See *Mathews v. Eldridge*, 424 U.S. 319, 334–35 (1976).

To 7 determine whether the procedures afforded him are constitutionally sufficient to satisfy the 8 Due Process Clause, the Court considers: (1) the private interest affected, (2) "the risk of 9 an erroneous deprivation of such interest," along with "the probable value, if any, of 10 additional or substitute procedural safeguards," and (3) the Government's interest, 11 including "the fiscal and administrative burdens that the additional or substitute procedural 12 requirement would entail." *Id.* 13 The Court finds all three factors support a finding that the Government's revocation 14 of Petitioner's humanitarian parole without notification, individual consideration, 15 reasoning, or an opportunity to be heard violated his Due Process rights.

First, "[f]reedom 16 from imprisonment... lies at the heart of the liberty [the Due Process Clause] protects." 17 *Zadvydas*, 533 U.S. at 690. Second, without notice or an opportunity to be heard, the

risk 18 of erroneous revocation is high.

The circumstances surrounding Petitioner's release on 19 humanitarian parole do not appear to have changed. No reason has been given for the 20 change. Procedural safeguards would give Petitioner an opportunity to learn and address 21 the reasons for the change and to make sure that his release is not being revoked arbitrarily. 22 Finally, the Government fails to point to any fiscal or administrative burdens it would suffer 23 if it were required to provide notice and reasoning for the change.

Hence, Petitioner's 24 claim under the Due Process Clause is persuasive. 25 B. Violation of the APA 26 Furthermore, the Government failed to comply with its own regulations in revoking 27 Petitioner's parole. "Under the APA, an agency action may be set aside if it is arbitrary, 28 1 || capricious, an abuse of discretion, or otherwise not in accordance with the law." Noori, 2 || 2025 WL 2800149, at *12 (citing 5 U.S.C. § 706(2)(A)).

3 Under the Government's regulations, humanitarian parole may only be terminated 4 || "upon accomplishment of the purpose for which parole was authorized," or when □□ □. 5 || neither humanitarian reasons nor public benefit warrants the continued presence of the 6 || alien in the United States." 8 C.F.R. § 212.5(e)(2)(G).

In addition, termination requires 7 || "'written notice to the alien.'" /d. Petitioner was given humanitarian parole to allow him to 8 || seek asylum given his history with the Taliban in Afghanistan because of his association 9 || with the U.S. Military. He has not yet accomplished that purpose, nor does the Government 10 || argue that humanitarian reasons or public benefit no longer warrant Petitioner's continued 11 || presence in the United States.

In fact, the Government offers no explanation, in writing or 12 || otherwise, as to why the humanitarian parole was revoked. Thus, Petitioner's challenge 13 || based on the APA is likewise persuasive. 14 In sum, Petitioner is being held in violation of federal law. His detention following 15 || revocation of his humanitarian parole violates both the Due Process Clause of the Fifth 16 || Amendment and the APA.

Hence, his Petition is GRANTED. 17 || IV. CONCLUSION 18 For the reasons stated above, Petitioner's Petition for Writ of Habeas Corpus is 19 || GRANTED. The Court issues the following writ: 20 The Court ORDERS Respondents to release Petitioner Jameurahman Noori (A244-5 85-606) from immigration custody on the same conditions of humanitarian parole that were granted on June 17, 2024, while he advances 22 his asylum claim.

23 || Finally, the Clerk of the Court shall close the case. 24 IT IS SO ORDERED. 25 26 || DATED: November 26, 2025 (alla Bahar 27 Hd¢n. Cynthia Bashant, Chief Judge 38 United States District Court □ _

