

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

**Ramudin Mohammadi v. Christopher LaRose; Daniel A. Brightman;
Todd Lyons; Kristi Noem; Pamela Bondi; U.S. Department of
Homeland Security; U.S. Immigration and Customs Enforcement**

No. 3:25-cv-3450-JES-BJW (S.D. Cal. Dec. 26, 2025) · No. 3:25-cv-3450-JES-BJW · Decided December 26,
2025

OPINION

Mohammadi

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 11 RAMUDIN MOHAMMADI, Case No.: 3: 25-cv-3450-JES-BJW 12 Petitioner, ORDER: 13
v.

(1) REQUIRING BOND HEARING;

14 CHRISTOPHER LAROSE; DANIEL A. and
BRIGHTMAN; TODD LYONS; KRISTI

15 NOEM; PAMELA BONDI; U.S.

(2) ORDERING SUPPLEMENTAL

16 DEPARTMENT OF HOMELAND
BRIEFING

SECURITY; U.S. IMMIGRATION AND

17

CUSTOM ENFORCEMENT,

18 Respondents. 19

Before the Court is Petitioner Ramudin Mohammadi’s (“Petitioner”) Petition for a 20 Writ of
Habeas Corpus pursuant to 28 U.S.C. § 2241. ECF No. 1. Pursuant to the Court’s 21 order to show
cause, Respondents filed a return to the petition and Petitioner filed a 22 traverse. ECF Nos. 5, 6.
23

I. BACKGROUND

24 Petitioner, a citizen of Afghanistan, entered the United States on August 28, 2021, 25 through
the Operation Allies Welcome program (“OAW”), which was extended to Afghan 26 refugees to
provide them with an opportunity to apply for asylum. ECF No. 1 ¶ 39. 27 Petitioner alleges that
he was not placed into removal proceedings at that time, and was 28 1 paroled into the United

States on the same day, through humanitarian parole under 8 U.S.C. 2 § 1182(d)(5). Id. ¶¶ 39-40. He alleges that under his parole, he did not have to attend check-ins with Immigration and Customs Enforcement (“ICE”) and was not subject to any further requirements. Id. ¶ 42. Petitioner alleges that he affirmatively applied for asylum on 5 January 17, 2023, and his application is still waiting adjudication. Id. ¶ 43.

6 On November 28, 2025, Petitioner alleges that while he was attempting to take an 7 Uber customer home on the Camp Pendleton base, he was apprehended by Military Police 8 and subsequently turned over to ICE agents. Id. ¶¶ 45-46. At this time, he alleges that he 9 was not given any warrant for his arrest, any written notice for the revocation of his parole, 10 and not provided with any particularized reasoning that his parole was being terminated. 11 Id. ¶¶ 46-47. He was then taken to Otay Mesa Detention Center and served with a Notice 12 to Appear the following day. Id. ¶ 46. 13 Petitioner alleges three causes of action in his petition, alleging violations of the Due 14 Process Clause and the Administrative Procedure Act (“APA”). Id. ¶¶ 52-72.

15 II. LEGAL STANDARD

16 A writ of habeas corpus is “available to every individual detained within the United 17 States.” *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004) (citing U.S. Const., Art I, § 9, cl. 2). 18 “The essence of habeas corpus is an attack by a person in custody upon the legality of that 19 custody, and ... the traditional function of the writ is to secure release from illegal custody.” 20 *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973). A court may grant a writ of habeas corpus 21 to a petitioner who demonstrates to be in custody in violation of the Constitution or federal 22 law. 28 U.S.C. § 2241(c)(3). Traditionally, “the writ of habeas corpus has served as a means 23 of reviewing the legality of Executive detention, and it is in that context that its protections 24 have been strongest.” *I.N.S. v. St. Cyr*, 533 U.S. 289, 301 (2001). Accordingly, challenges 25 to immigration-related detention are within the purview of a district court's habeas 26 jurisdiction. *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001); see also *Demore v. Kim*, 538 27 U.S. 510, 517 (2003). 28 //

1 III. DISCUSSION

2 In Respondents’ return to the petition, they raise several issues: (1) Petitioner’s claim 3 is jurisdictionally barred by 8 U.S.C. § 1252; (2) alternatively, if not barred, Petitioner must 4 exhaust administrative remedies; and (3) Petitioner is lawfully detained under § 1225. ECF 5 No. 5.

6 A. Jurisdiction and Administrative Exhaustion 7 The arguments with regards to jurisdiction and administrative exhaustion are 8 identical to those recently addressed by the undersigned in *Martinez Lopez v. Noem et al.*, 9 No: 25-cv-2717-JES-AHG, 2025 WL 3030457, at *2-3 (S.D. Cal. Oct. 30, 2025). The 10 Court adopts its reasoning as to these issues and incorporates it by reference. See also 11 *Beltran et al. v. Noem et al.*, No. 25CV2650-LL-DEB, 2025 WL 3078837, at *3-4 (S.D. 12 Cal. Nov. 4, 2025) (holding same). 13 Accordingly, the Court finds that the jurisdiction stripping provisions of 8 U.S.C. 14 § 1252 do not strip it of jurisdiction to hear

Petitioner's claims and that any further 15 administrative exhaustion requirements are waived in light of *Matter of Yajure Hurtado*. 16 B. Detention Under § 1225 17 Respondents argue that Petitioner is detained pursuant to 8 U.S.C. § 1225's 18 mandatory detention because Petitioner is "an applicant for admission" as contemplated 19 under § 1225, and thus, his detention is proper and his requested relief is barred. ECF No. 20 5 at 11-13. 21 The issue presented in this case has been addressed by several district courts in this 22 Circuit and across the nation recently. This court, along with many others, have 23 overwhelmingly held that § 1225 does not apply to detentions that occur where the 24 petitioner is detained within the United States and has been residing in the United States 25 for a period of time. See *Martinez Lopez*, 2025 WL 3030457, at *4-5 (explaining reasoning 26 and citing cases); *Beltran*, 2025 WL 3078837, at *4-7 (same). The Court adopts its prior 27 reasoning here. 28 1 Here, there is no dispute that Petitioner had been residing in United States for over 2 four years, under the parole the United States government granted him, before he was re- 3 detained at the Camp Pendleton base. Thus, he is properly considered detained under § 4 1226 rather than § 1225. See *Salcedo Aceros v. Kaiser*, No. 25-CV-06924-EMC (EMC), 5 2025 WL 2637503, at *8 (N.D. Cal. Sept. 12, 2025) (holding § 1226 applies to petitioner 6 who was paroled into the country on her own recognizance in June 2024 and re-detained 7 in August 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL 2607924, at *8 (D. 8 Mass. Sept. 9, 2025) (holding § 1226 applies to petitioner who was released at border on 9 own recognizance in October 2021 and re-detained in July 2025); *Lopez Benitez v. Francis*, 10 No. 25 CIV. 5937 (DEH), 2025 WL 2371588, at *9 (S.D.N.Y. Aug. 13, 2025) (holding § 11 1226 applies to petitioner who was released at border on his own recognizance in May 12 2023 and re-detained in July 2025). 13 Moreover, recently a final judgment issued in the case *Maldonado Bautista v. 14 Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ---, 2025 WL 3289861 (C.D. 15 Cal. Nov. 20, 2025), where a district court declared unlawful under the APA this 16 Administration's July 8, 2025 "Interim Guidance Regarding Detention Authority for 17 Applicants for Admission" notice that required anyone arrested in the United States and 18 being charged as inadmissible as being subject to mandatory detention under 8 U.S.C. 19 § 1225. To the extent that Petitioner's detention was due to application of this notice, this 20 case gives independent support for why Petitioner cannot be subject to mandatory detention 21 in these circumstances. 22 Accordingly, the Court holds that 8 U.S.C. § 1225 does not apply to Petitioner's 23 detention and Petitioner is entitled to an individualized bond hearing by an IJ, who may 24 not deny bond on the basis that 8 U.S.C. § 1225(b) governs Petitioner's detention. 25 // 26 // 27 // 28 // 1 C. Procedural Due Process/APA 2 In addition, Petitioner argues that his re-detention violates both the APA and 3 procedural due process because he was not given any notice and an opportunity to be heard 4 when his parole was revoked and he was re-detained.1 5 The parties appear to agree that Petitioner was granted humanitarian parole under 8 6 U.S.C. § 1182(d)(5)(A) on August 28, 2021. For humanitarian parole under § 7 1182(d)(5)(A), courts have held that such

parole status entitles the petitioner to certain 8 rights under both procedural due process and the APA. In *Y-Z-L-H v. Bostock*, the court 9 found an APA violation where the government revoked the petitioner's § 1182(d)(5) parole 10 without following the procedures laid out in 8 C.F.R. § 212.5(e). 792 F. Supp. 3d 1123, 11 1146 (D. Or. 2025). In *Mata Velasquez v. Kurzdorfer*, a court found a similar violation on 12 Due Process grounds where notice and opportunity to be heard were not given to a 13 petitioner under the same provision. 794 F. Supp. 3d 128, 145-153 (W.D.N.Y. 2025). 14 However, the parties do not agree on the terms of Petitioner's parole. Pursuant to 8 15 C.F.R. § 212.5, parole may be revoked in two ways. First, under § 212.5(e)(1), parole 16 revocation may be automatic: 17 (1) Automatic. Parole shall be automatically terminated without written notice (i) upon the departure from the United States of the alien, or, (ii) if not 18 departed, at the expiration of the time for which parole was authorized, and 19 in the latter case the alien shall be processed in accordance with paragraph (e)(2) of this section except that no written notice shall be required. 20 21 8 C.F.R. § 212.5(1) (emphasis added). Or, second, parole may be revoked with notice: 22 (2)(i) On notice. In cases not covered by paragraph (e)(1) of this section, upon accomplishment of the purpose for which parole was authorized or when in 23 the opinion of one of the officials listed in paragraph (a) of this section, 24 neither humanitarian reasons nor public benefit warrants the continued presence of the alien in the United States, parole shall be terminated upon 25 written notice to the alien and he or she shall be restored to the status that he 26 27 1 Thought the Court is granting a bond hearing as stated above, Petitioner also requests release from 28 1 or she had at the time of parole. When a charging document is served on the alien, the charging document will constitute written notice of termination of 2 parole, unless otherwise specified. Any further inspection or hearing shall be 3 conducted under section 235 or 240 of the Act and this chapter, or any order of exclusion, deportation, or removal previously entered shall be executed. If 4 the exclusion, deportation, or removal order cannot be executed within a 5 reasonable time, the alien shall again be released on parole unless in the opinion of the official listed in paragraph (a) of this section the public interest 6 requires that the alien be continued in custody. 7 Id. § 212.5(1)(i) (emphasis added). 8 Petitioner argues that revocation of his parole must have been revoked only with 9 written notice and with an individualized determination based on changed facts that he was 10 now a flight risk or danger to the community or some other indication that the purpose of 11 his humanitarian parole was no longer being served. ECF No. 1 ¶¶ 63-67, 72; ECF No. 6 12 at 17-19. Respondents, on the other hand, argue that Petitioner's parole was only valid for 13 a period of four years and definitively expired on August 28, 2025. ECF No. 5 at 2. Thus, 14 Respondents argue that the revocation was proper under the regulations. Id. at 11-12. 15 The Court finds that the evidence submitted regarding this issue is not conclusive. 16 Neither Petitioner nor Respondents submitted a copy of the original form granting 17 Petitioner his humanitarian parole on August 28, 2021. Petitioner suggests in his traverse 18 that he was issued an I-94 form but does not include a copy of it in his filings. Petitioner 19 does not allege in his Petition, however, that his original parole was issued

for a four-year 20 time period, like Respondents suggest. Conversely, Respondents' only evidence so far 21 submitted in support of their contention that Petitioner's original parole lapsed after four 22 years are documents dated after Petitioner was already re-detained. The first document is 23 titled "Additional Charges of Inadmissibility/Deportability," dated on December 9, 2025, 24 after Petitioner already filed his habeas petition, and states the following: 25

3. On or about August 29, 2021, you requested admission to the United States

26 at Dulles International Airport in Dulles, Virginia; 27

4. On August 28, 2021, you were paroled into the United States through

28 August 28, 2025, for the purpose of applying for immigration benefits;

1 5. Your parole expired on August 28, 2025; 2 ECF No. 5-1 at 2.2 The second document is a Notice to Appear, dated on November 29, 3 2025, the day after Petitioner was re-detained, and it states that Petitioner was "admitted to 4 the United States at Dulles, Washington D.C. on or about August 28, 2021, as a 5 nonimmigrant asylee with authorization to remain in the United States for a temporary 6 period set to exceed [sic] August 27, 2025" and that Petitioner "remained in the United 7 States beyond 95 days without authorization." ECF No. 5-2. 8 Given this record, the Court cannot determine the actual conditions of Petitioner's 9 original parole as they existed before Petitioner was re-detained on November 28, 2025. 10 Thus, the Court ORDERS supplemental briefing from both parties on this issue, including 11 providing the Court with any copies of any original I-94 form or other form that 12 substantiates their respective positions regarding Petitioner's parole. The Court will reserve 13 ruling on this issue pending the supplemental briefing.

14 IV. CONCLUSION

15 For the reasons discussed above, the Court GRANTS IN PART Petitioner's writ of 16 habeas corpus, and ORDERS as follows: 17 (1) The Court ORDERS Respondents to provide Petitioner with a bond 18 determination hearing under 8 U.S.C. § 1226(a) within ten days of this Order. 19 At the hearing, Respondents may not deny Petitioner bond on the basis that 20 he is detained under 8 U.S.C. § 1225(b)(2); 21 (2) Respondents are ORDERED to File a Notice of Compliance within five days 22 of providing Petitioner with a bond redetermination hearing, including 23 apprising the Court of the results of the hearing; and 24 25 26 27 2 The Court notes that the date discrepancy quoted here is present in the original document: the document states that Petitioner presented at the border on August 29, 2021, but was somehow granted parole the day 28 1 (3) The Court ORDERS the parties to file supplemental briefing regarding the 2 issues outlined above as the original conditions of Petitioner's humanitarian 3 parole. Such supplemental briefing must be submitted by January 2, 2026. 4 IT IS SO ORDERED. 5 || Dated: December 26, 2025 7 Honorable James E. Simmons Jr. g United States District Judge 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

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