

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS, HOUSTON DIVISION

Gorgui Ciss, Petitioner

A# [REDACTED]

United States Courts
Southern District of Texas
FILED

SEP 11 2025

v.

Nathan Ochsner, Clerk of Court

U.S. Department of Homeland Security, Citizenship and Immigration Services, U.S. Department of Justice, U.S. Attorney General Pam Bondi, and Houston Immigration and Customs Enforcement Field Office

CASE NO. 4:25-cv-03670

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Gorgui Ciss, Petitioner, by and through his attorney, Clarissa Guajardo, and respectfully submits this Motion to Show Cause as to why this case should be retained on the Court's docket, and in support thereof states as follows:

INTRODUCTION

Petitioner, Gorgui Ciss, is a Senegalese national who was detained at the Joe Corley ICE detention facility in Conroe, Texas. He was deported to Senegal, a country where he has experienced severe persecution due to his sexual orientation, on or about August 2025 without a hearing before a judge, thereby - and unquestionably - was denied due process as guaranteed within the Constitution.

This motion seeks to retain on the Court's docket the proceedings related to his Writ of Habeas Corpus, asserting that further legal review is necessary to address the serious implications of his deportation.

BACKGROUND FACTS

1. Gorgui Ciss was born on [REDACTED], in Dakar, Senegal, and has faced extreme punishment for his homosexuality throughout his life, including physical abuse while residing at the conservative Muslim school, [REDACTED].

2. Despite his efforts to escape persecution by marrying and having a child, Mr. Ciss continues to face discrimination and violence due to his identity.
3. He has exhausted all administrative remedies and has expressed a credible fear of persecution if returned to Senegal.
4. His current detention and the imminent threat of deportation contravene international human rights laws, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights as he was denied due process when he was deported without ever appearing before a judge.

ARGUMENT FOR CONTINUANCE

A. Irreparable Harm and Human Rights Violations

The deportation of Mr. Ciss has created a substantial risk of irreparable harm, including potential torture or death due to his sexual orientation. This serious threat necessitates a thorough examination of the legal and human rights implications of his case.

In **Mathews v. Eldridge 424 U.S. 319 (1976)**, the Supreme Court established that due process requires a balancing of individual interests against governmental interests, underscoring the necessity of a hearing to protect against wrongful deprivation.

B. Likelihood of Success on the Merits

Petitioner has a strong likelihood of success on his Writ of Habeas Corpus based on established international human rights protections and U.S. due process laws.

In **Zadvydas v. Davis 533 U.S. 678 (2001)**, the Court ruled that indefinite detention without a hearing violates the Due Process Clause, highlighting the need for judicial oversight in immigration detention cases. Furthermore, **Reno v. Flores 507 U.S. 292 (1993)**, affirms that individuals should not be subjected to deportation without the opportunity to contest the government's actions.

C. Public Interest

Maintaining this case on the Court's docket aligns with public interest by allowing for a complete and fair adjudication of Mr. Ciss's claims. Upholding international human rights

standards and ensuring that individuals are protected from persecution is a fundamental value of our legal system, as highlighted in **Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal 546 U.S. 418 (2006)**, which emphasizes the importance of judicial review in protecting individual rights against governmental actions.

D. Balance of Equities

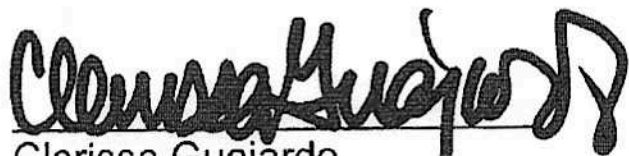
The balance of equities clearly favors the Petitioner. The severe risks posed to Mr. Ciss's life and freedom outweigh any governmental interest in expediting his removal prior to the resolution of his legal claims. In **Nken v. Holder 556 U.S. 418 (2009)**, the Court addressed the standards for granting stays of removal and reinforced the necessity of judicial intervention to ensure that individuals are not removed without full consideration of their claims.

PRAYER FOR RELIEF

WHEREFORE, based on the foregoing, Petitioner respectfully requests that this Honorable Court:

- ~~1. Continue all proceedings regarding the Writ of Habeas Corpus for Gorgui Ciss to ensure a thorough examination of his claims.~~
2. Schedule a hearing to address the merits of this motion.
3. Grant any other relief that the Court deems just and proper.

Respectfully submitted,



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