

United States District Court
Southern District of Texas

ENTERED

August 12, 2025

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

VICTOR BUENROSTRO-MENDEZ,

Petitioner,

vs.

PAMELA JO BONDI, Attorney General of the
United States, *et al.*,

Respondent.

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CIVIL ACTION NO. H-25-3726

ORDER FOR EXPEDITED ANSWER

The petitioner, Victor Buenrostro-Mendez, is a detainee in the custody of United States Department of Homeland Security, Immigration and Customs Enforcement ("ICE") officials at the Houston Contract Detention Center. Through counsel, he filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241, challenging his continued detention pending removal proceedings without a proper bond hearing. (Docket Entry No. 1). He names as respondents Pamela Jo Bondi, United States Attorney General; Kristi Lynn Noem, Secretary of the Department of Homeland Security; Todd M. Lyons, Director of the Bureau of Immigration and Customs Enforcement; Matthew W. Baker, Acting ICE Houston Field Office Director; John Linscott, ICE Director of the Houston Contract Detention Facility; and Martin Frink, Warden of the Houston Contract Detention Facility. (*Id.*). He alleges violations of his due process rights and the Administrative Procedures Act. (*Id.* at 19-25). He seeks his release from detention, an order staying his removal, and an order requiring an immigration judge to hold a bond hearing. (*Id.* at 25-26).

Rule 4 of the Rules Governing § 2254 Cases in the United States District Courts¹ requires the court to promptly examine the petition and its attached exhibits and dismiss the petition, in whole or in part, if the face of the petition shows that the petitioner is not entitled to relief. Having conducted the required examination, the court orders as follows.

1. The Clerk must deliver copies of the petition, (Docket Entry No. 1), and this Order to the United States Attorney for the Southern District of Texas, Nicholas J. Ganjei, by certified mail, return receipt requested, addressed to the Civil Process Clerk, United States Attorney's Office, 1000 Louisiana St., Suite 2300, Houston, TX 77002, and by electronic mail to USATXS.CivilNotice@usdoj.gov.

2. The Clerk must also serve copies of the petition, (Docket Entry No. 1), and this Order by certified mail on (1) the United States Attorney General, U.S. Department of Justice, 950 Pennsylvania Avenue NW, Washington, D.C. 20530-0001; and (2) Warden Martin Frink, Houston Contract Detention Center, 15850 Export Plaza Drive, Houston, Texas, 77032.

3. Warden Frink must file an answer or other appropriate responsive pleading within **twenty (20) days** after the date of service and must forward a copy to the petitioner's counsel. **This pleading must specifically address whether this court has jurisdiction to entertain this petition.** Warden Frink is advised that under Federal Rule of Civil Procedure 12(d), if matters outside the pleadings are relied upon, his motion will be treated as a motion for summary judgment and should be entitled as such.

4. In addition to any defense, in law or fact, to a claim for relief by the petitioner, the respondent's answer must contain: (a) a statement of the authority by which the petitioner is held

¹A district court may apply any or all of the rules governing habeas petitions filed under 28 U.S.C. § 2254 to petitions filed under § 2241. See Rule 1(b), Rules Governing § 2254 Cases in the United States District Courts.

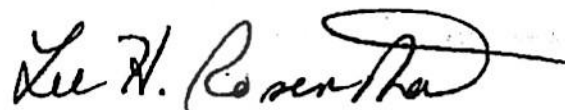
and, if held under the judgment of a court or administrative tribunal, the name of such court or tribunal and the number and style of the case(s) in which those judgments were entered; and (b) a statement as to whether the petitioner has exhausted all available administrative remedies.

5. Whether the respondent elects to submit an answer or a dispositive motion (*i.e.*, a motion to dismiss or for summary judgment), the petitioner must file any response within **10 days** of the date reflected on the certificate of service. Under the court's local rules, the petitioner's failure to respond will be considered a representation that the petitioner does not oppose the motion. *See* S.D. Tex. L.R. 7.4. If the petitioner fails to comply on time, the court may dismiss this case for want of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

6. The court questions whether any of the respondents other than Warden Frink are properly included in this petition. *See Rumsfeld v. Padilla*, 542 U.S. 426, 434-35 (2004) ("there is generally only one proper respondent to a given prisoner's habeas petition" and "the default rule is that the proper respondent is the warden of the facility where the prisoner is being held, not the Attorney General or some other remote supervisory official"); *see also* 28 U.S.C. § 2242 (a federal habeas petition shall be directed to "the person who has custody over [the petitioner]"); 28 U.S.C. § 2243 ("The writ . . . shall be directed to the person having custody of the person detained."). The court does not order a response from the respondents other than Warden Frink at this time.

7. The respondents must notify petitioner's counsel and the court of any anticipated or planned transfer of Buenrostro-Mendez outside of the Southern District of Texas **at least five (5) days before** any such transfer.

SIGNED on August 11, 2025, at Houston, Texas.



Lee H. Rosenthal
Senior United States District Judge