

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

CATALINA SANTIAGO SANTIAGO,

Petitioner,

v.

KRISTI NOEM, in her official capacity as
Secretary of the Department of Homeland
Security,

PAMELA BONDI, in her official capacity
as Attorney General of the United States;

TODD LYONS, in his official capacity as
Acting Director and Senior Official
Performing the Duties of the Director of U.S.
Immigration and Customs Enforcement;

MARY DE ANDA-YBARRA, in her
official capacity as Field Office Director of
the El Paso Field Office of U.S. Immigration
and Customs Enforcement, Enforcement and
Removal Operations;

ANGEL GARITE, in his official capacity as
Assistant Field Office Director of the El Paso
Field Office of U.S. Immigration and
Customs Enforcement, Enforcement and
Removal Operations;

Respondents.

Case No. 3:25-cv-361

PETITIONER'S MOTION FOR ORDER TO SHOW CAUSE

Petitioner, Catalina “Xóchitl” Santiago Santiago, a civil detainee in the custody of Respondents who has petitioned this Court for a writ of habeas corpus under 28 U.S.C. § 2241, hereby moves this Court, by and through undersigned counsel, to enter an order to show cause pursuant to 28 U.S.C. § 2243.

Under 28 U.S.C. § 2243, “[a] court, justice or judge entering a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto.” 28 U.S.C. § 2243. “The person to whom the writ or order is directed shall make a return certifying the true nature of the detention.” *Id.* Typically, “[t]he writ, or order to show cause ... shall be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* In response, a petitioner may “traverse[]” “[t]he allegation of a return to the writ of habeas corpus or of an answer to an order to show cause,” 28 U.S.C. § 2248, and may “deny any of the facts set forth in the return or allege any other material facts” and file “suggests made against” the return, § 2243.

The federal habeas statutes call for this process to be “swift, flexible, and summary.” *Presier v. Rodriguez*, 411 U.S. 475, 495 (citing 28 U.S.C. § 2243); *see also Walker v. Johnston*, 312 U.S. 275, 283-84 (1941) (“The court or judge ‘shall proceed in a summary way to determine the facts of the case, by hearing the testimony and arguments, and thereupon to dispose of the party as law and justice require.’”) (citation omitted). At every stage in the proceedings, courts should act “with the initiative and flexibility essential to ensure that miscarriages of justice within its reach are surfaced and corrected.” *Harris v. Nelson*, 394 U.S. 2896, 291 (1969). Indeed, given the summary nature of habeas proceedings, 28 U.S.C. § 1657(a) also provides that “court[s] shall expedite the consideration of any action brought under chapter 153 ... of this title [habeas corpus].” 28 U.S.C. § 1657(a).

Consistent with the federal habeas statutes, this Court should immediately order Respondents to show cause on an expedited timeline. This expedited treatment is warranted given the nature of habeas proceedings and is wholly appropriate here, where Ms. Santiago was

unlawfully arrested and has been unlawfully deprived of her liberty for nearly a month. Absent swift intervention from this Court, Respondents will continue to violate Ms. Santiago's constitutional rights, depriving her of her liberty with no reasonable justification and no meaningful process. Accordingly, pursuant to 28 U.S.C. § 2243, Ms. Santiago respectfully requests that the Court immediately issue an order to show cause directing Respondents to file a return within three (3) days absent good cause for a short extension, and set the matter for prompt hearing.

Dated: September 2, 2025

/s/ Christopher Benoit

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Respectfully submitted,

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*Motion for *pro hac vice* admission forthcoming

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‡ Not admitted in DC; working remotely from and admitted in Louisiana only.