

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHER DISTRICT OF TEXAS
DALLAS DIVISION

ANSELMO FLORES PEREZ,

Petitioner,


Case No. 3:25-CV-2920-K

v.

U.S. DEPT. OF HOMELAND SECURITY,
KRISTI NOEM, in her capacity as Secretary
of Department of Homeland Security; et. al.,

Respondents.

**PETITIONER'S EMERGENCY MOTION REQUESTING ENTRY OF ORDER
ADOPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS**

Petitioner Anselmo Flores Perez ("Petitioner"), by and through undersigned counsel, files this Emergency Motion requesting the immediate entry of an order adopting the Magistrate Judge's Findings, Conclusions, and Recommendations ("FCR"). As discussed more fully below as well as in prior filings, **Mr. Flores Perez' son has been**  an already difficult battle that has been made significantly worse as a result of his father's detention. This is true for so many reasons, including the fact that Mr. Flores Perez is the primary provider and emotional rock of the family. Because Mr. Flores Perez is scheduled for an immigration removal (not bond) hearing tomorrow at 1 pm—the instant motion is being filed. As stated in the Certificate of Conference below, the government is obviously opposed the ultimate relief being requested by the habeas petition in this case, but agrees it is ripe for decision, and therefore, will defer to the Court on its timetable for issuing a decision.

For the reasons stated in all the prior filings in this case, including the FCR, Mr. Flores Perez respectfully requests the Court order his release from ICE custody no later than noon on December 9, 2025.

I. URGENCY AND HUMANITARIAN CIRCUMSTANCES

1. **Imminent Hearing:** Petitioner is currently detained by Immigration and Customs Enforcement ("ICE"). He faces a removal hearing scheduled for **tomorrow, December 9, 2025, at 1:00 p.m.**
2. **Humanitarian Crisis:** As noted in the record and the FCR, Petitioner's family is and has been in the midst of a multitude of tragic circumstances. Most notably, Mr. Flores Perez's 19-year-old son was diagnosed with [REDACTED] Mr. Flores Perez is the sole financial provider for his family and the primary individual responsible for transporting his son to medical appointments. His continued detention not only deprives him of his liberty but has already had a significant and potentially devastating impact on the welfare of his critically ill child.
3. **Prejudice:** Proceeding with tomorrow's hearing while detained significantly prejudices Petitioner's ability to defend his case compared to proceeding on a non-detained docket. If this Court adopts the FCR—which found Petitioner's detention without a bond hearing unlawful—it would truly be a travesty of justice to force him to litigate his removal proceedings from a jail cell.

II. PROCEDURAL CONTEXT AND COUNSEL'S STATEMENT

4. On November 14, 2025, United States Magistrate Judge David L. Horan entered his FCR, recommending that this Court grant the habeas petition in part and require Respondents to provide Petitioner with a bond hearing.
5. Judge Horan found that Petitioner's detention without a bond hearing violates the Due Process Clause of the Fifth Amendment and that Petitioner is erroneously categorized under mandatory detention statutes.
6. The Government filed objections to the FCR, and Petitioner filed a response.
7. On December 2, 2025, in *Parada-Hernandez v. Joshua Johnson ET AL., Defendants.*, No. 3:25-CV-2729-K-BN, 2025 WL 3463682, at *1 (N.D. Tex. Dec. 2, 2025) this Court made similar findings in that case with the same legal issues and general facts as the instant one.

8. Undersigned counsel frankly admits to the Court that, due to a series of internal office miscommunications, scheduling errors, and illnesses, the response to the Government's objections was filed later than intended. Furthermore, there was a misunderstanding between undersigned counsel and immigration counsel about the timeline regarding the potential release order following the FCR. These errors were solely the fault of counsel and not Petitioner. Petitioner should not be penalized—nor should his son suffer—due to administrative errors and misunderstandings by his attorneys.
9. Given the findings of the Magistrate Judge that Petitioner's current detention is unlawful, and the imminent hearing tomorrow afternoon, emergency intervention is necessary to prevent further irreparable harm.

CONCLUSION

1. For the above stated reasons, Mr. Flores Perez respectfully requests the Court grant this motion and issue an order directing Respondents to release Petitioner Anselmo Flores Perez from custody, under appropriate conditions of release, to a public place by **no later than 12:00 p.m. on December 9, 2025.**

2. Respondents must **NOTIFY** Flores Perez' counsel of the exact location and exact time of Petitioner's release as soon as practicable and **no less than one hour before his release;**

3. If Flores Perez is re-detained pursuant to Section 1226, all applicable procedures must be followed, including that he be afforded a bond hearing;

4. The parties shall **FILE** a Joint Status report **no later than 6:00 p.m. December 9, 2025,** confirming that Flores Perez has been released;

5. Flores Perez' Motion for a Temporary Restraining Order (ECF No. 2) is **DENIED AS MOOT.**

CERTIFICATE OF CONFERENCE

On December 8, 2025, undersigned counsel conferred with Assistant United States Attorney Ann Haag regarding this motion, and AUSA Haag indicated the government obviously IS opposed the ultimate relief being requested by the habeas petition in this case,

but agrees it is ripe for decision, and therefore, will defer to the Court on its timetable for issuing a decision.

RESPECTFULLY SUBMITTED,

/s/ Dan Gividen

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