

Nos. 25-20496

**UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

Victor Buenrostro-Mendez
Petitioner – Appellee,

v.

Pamela Bondi, U.S. Attorney General; Kristi Noem, Secretary, U.S. Department of Homeland Security; Todd M. Lyons, Acting Director, United States Immigration and Customs Enforcement; Matthew W. Baker, Acting ICE Houston Field Office Director, United States Immigration and Customs Enforcement; John Linscott, ICE Director, Houston Contract Detention Facility, United States Immigration and Customs Enforcement; Martin Frink, Warden, Houston Contract Detention Facility, CoreCivic,
Respondents – Appellants,

consolidated with

No. 25-40701

Jose Padron Covarrubias
Petitioner-Appellee,

v.

Miguel Vergara, ICE Field Office Director, San Antonio ICE Detention and Removal; Kristi Noem, Secretary, U.S. Department of Homeland Security; Orlando Perez, Warden, Laredo Processing Center, Corrections Corporation of America; Susan Aikman, In her official capacity, as Assistant Chief Counsel Office of Chief Counsel, U.S. Immigration and Customs Enforcement,
Respondents-Appellants.

On Appeal from the United States District Court for the
Western District of Texas, No. 3:25-cv-01445

**DECLARATION OF JAY R. COMBS IN SUPPORT OF
MOTION TO RECONSIDER DENIAL OF MOTION TO
EXPEDITE APPEAL**

I Jay R. Combs, hereby declare as follows:

1. I am the U.S. Attorney for the Eastern District of Texas. I have served as U.S. Attorney since November 2025 and was the Acting United States Attorney from May 2025 until November 2025. I make this declaration in support of the motion to reconsider denial of the motion to expedite the consolidated appeals in *Covarrubias v. Vergara*, No. 25-40701, and *Buenrostro-Mendez v. Bondi*, No. 25-20496 (“the Consolidated Appeals”).

2. The Consolidated Appeals raise a significant and recurring issue of statutory interpretation regarding the obligation of the Department of Homeland Security (“DHS”) to detain aliens under [8 U.S.C. § 1225\(b\)\(2\)\(A\)](#), pending their removal proceedings. This Court’s resolution of the proper interpretation of [8 U.S.C. § 1225\(b\)\(2\)\(A\)](#) is desperately needed.

3. To date, approximately 534 habeas cases have been filed in district courts within the Fifth Circuit since July of this year, including 14 in the Eastern District of Texas. This flood of new litigation has imposed a substantial drain on the resources of the U.S. Attorneys’ Office in the Fifth Circuit. In this month alone, an additional six such cases have been filed in this District, and that is likely to continue for the foreseeable future.

4. To respond to this wave of habeas petitions, the U.S. Attorney’s

Office has been forced to shift its already limited resources from other pressing and important priorities. Currently, 30% of our district's Civil Division is committed to the handling of the habeas petitions. We plan to shift criminal division attorneys to work on these cases as the staffing needs increase.

5. The burden of this flood of new lawsuits not only falls on the Government, but also on the district courts in this Circuit. Those courts' resources have been significantly strained as a result of having to process and adjudicate the hundreds of habeas petitions challenging DHS's detention authority under [8 U.S.C. § 1225\(b\)\(2\)\(A\)](#) that have been filed since July of this year.

6. This Court's expedited review of this significant and recurring issue of statutory interpretation is urgently needed. Absent expedited review, the resources of the U.S. Attorneys' Offices will continue to be drained as hundreds more habeas petitions are filed, and the other important and important responsibilities and priorities will be compromised.

I declare under penalty of perjury under the laws of the United States of America, pursuant to [28 U.S.C. § 1746](#), that the foregoing is true and correct to the best of my knowledge.



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COMBS
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Jay R. Combs
United States Attorney