

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI, FLORIDA

CASE NO. 25-cv-62285-DSL

CESAR AUGUSTO MARTINEZ MONCADA,

**Petitioner,**

vs.

KRISTI NOEM, Secretary, U.S. Department of  
Homeland Security (DHS), *et al.*,  
*Defendants.*

**PETITIONER'S RESPONSE TO ORDER TO SHOW CAUSE**

Petitioner, Cesar Augusto Martinez Moncada, in the above captioned case, by and through the undersigned counsel, responds to this Court's Order to Show Cause issued on December 12, 2025, (ECF No. 8), directing Petitioner to explain why he failed to meet the December 5, 2025 deadline. In support thereof, Petitioner states as follows:

1. Undersigned counsel acknowledges the Court's order granting fourteen-day stay and directing Petitioner to move the court by December 5, 2025. Counsel further acknowledges that the First Amended Petition for Writ of Habeas Corpus (hereinafter the "First Amended Habeas Petition"), *see* (ECF No. 9), was filed on December 12, 2025, seven (7) days after the deadline, and submits this explanation in response to the Court's directive.
2. The First Amended Habeas Petition involves complex constitutional and procedural issues requiring extensive legal research and careful drafting to ensure

accuracy and completeness. Several claims required additional investigation and review to properly frame them for federal habeas review.

3. In preparing the First Amended Habeas Petition, counsel was required to consult with clients regarding the factual details, procedural history, and strategic decisions. Given that the Petitioner is currently in custody, Counsel's access to communication with the Petitioner is often delayed. Coordinating this information and finalizing the claims took longer than anticipated but was essential to present a coherent and legally sound petition to this Honorable Court.
4. Counsel worked diligently throughout the stay period and his actions were in good faith, without intent to disregard the Court's orders.
5. The delay was limited to seven days, caused solely by the need to ensure accurate and complete briefing. No prejudice resulted to Respondents.
6. The First Amended Habeas Petition was filed on December 12, 2025, the same date as this Court issued the Order to Show Cause (ECF No. 8).

**WHEREFORE**, for the foregoing reasons, Petitioner respectfully requests that the Court find that good cause or excusable neglect exists for the late filing; accept the First Amended Habeas Petition as timely filed; and permit this matter to proceed on the merits.

Respectfully Submitted,

/s/ Eduardo R. Soto, Esq.

Eduardo R. Soto, Esq.

Fla. Bar No. 0858609

999 Ponce de Leon Boulevard

Suite 1040

Coral Gables, FL 33134

Phone: 305-446-8686

Email: federal@esotopa.com

ATTORNEY FOR PETITIONER