

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

ESTEBAN SANCHEZ PEREZ,

Petitioner,

v.

MIGUEL VERGARA, et al.,

Respondents.

Case No. 1:25-cv-283

**MOTION FOR ORDER
TO SHOW CAUSE**

COMES NOW Petitioner, through counsel, and respectfully requests that this Court enter an Order to Show Cause ordering Respondents to show cause why his Petition for Writ of Habeas Corpus should not be granted. In support thereof, Petitioner respectfully suggests the following:

1. Petitioner Esteban Sanchez Perez filed his Verified Petition for Writ of Habeas Corpus on November 20, 2025, alleging that his detention by ICE violates the Immigration and Nationality Act and his due process rights. Although Mr. Sanchez has lived in this country for 28 years, has three U.S. citizen children, and no criminal record, Respondents are unlawfully detaining him under the purported authority of § 1225(b)(2), which requires mandatory detention of “arriving aliens” stopped at the border or a port of entry. *See* Dkt. 1 at ¶¶ 1-6.

2. Pursuant to 28 U.S.C. § 2243, “A court, justice or judge entertaining an application for 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.”

3. Section 2243 mandates that the writ or order to show cause “shall be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed.” Section

2243 also provides that the court “shall summarily hear and determine the facts, and dispose of the matter as law and justice require.”

4. The issues presented are not especially complicated and have already been briefed by the U.S. Attorney’s Office in several cases in this district (and litigated in at least 300 cases nationwide over the past few months), so a short return date should not pose any measurable hardship on Respondents. *See* Dkt. 1 at ¶ 1 (collecting cases). Given the severe and ongoing deprivation of his liberty, Petitioner respectfully requests that Respondents be required to respond within three business days.

5. Counsel for Mr. Sanchez served the Petition on all Respondents today via Certified Mail and emailed the Petition and this Motion on November 20, 2025 to the U.S. Attorney’s Office at USATXS.CivilNotice@usdoj.gov.

6. In the event the Court holds a hearing on this matter, Petitioner respectfully requests that counsel be permitted to appear via WebEx, Zoom, or telephone, as counsel is handling this case pro bono from Virginia.

WHEREFORE, Petitioner prays this Court enter an order requiring Respondents to show cause why his Petition should not be granted within three days from the date of such order, and for such other relief as the Court deems proper.

Dated: November 20, 2025

Respectfully submitted,

/s/ James D. Jenkins

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Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was filed via the Court's CM/ECF system this 20th day of November, 2025, and that a file-stamped copy of the foregoing was emailed to the U.S. Attorney's Office at USATXS.CivilNotice@usdoj.gov.

/s/ James D. Jenkins
Attorney for Petitioner