

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ANTHONY ESCOBAR PALACIOS,	§	
	§	
Petitioner,	§	
	§	
v.	§	CIVIL NO. 4:25-CV-5846
	§	
WARDEN RANDALL TATE, <i>et al.</i> ,	§	
	§	
Respondents.	§	

FEDERAL RESPONDENTS' RESPONSE TO SHOW CAUSE ORDER

Federal Respondents¹ file this response to the Court's December 16, 2025 order to show cause why the Petitioner should not be immediately released from custody or, in the alternative, be granted a bond hearing before an immigration judge under 8 U.S.C. § 1226(a) within three days. (Dkt. 7).

Petitioner is an immigration detainee in the custody of the Department of Homeland Security/U.S. Immigration and Customs Enforcement ("DHS/ICE"). Petitioner brought this habeas corpus petition against various federal officials seeking release from immigration detention. As discussed below, Petitioner is lawfully detained under 8 U.S.C. § 1225(b).

BACKGROUND

Petitioner, Anthony Escobar Palacios, is a native and citizen of El Salvador. (Dkt. 1 at 7). Petitioner entered the United States without inspection allegedly on or about 2013 and he

¹ As the Court has noted, generally the proper respondent to a habeas petition is the person with immediate custody of the petitioner. However, in this case, it is the Federal Respondents and not the named warden who have control of the custody decisions regarding the Petitioner's detention. Therefore, the Federal Respondents provide this response to the Court's show cause order.

has a 2015 misdemeanor conviction for failure to stop and give information. (Dkt. 1 at 7, 13). Petitioner alleges that he has been detained in U.S. Immigration and Customs Enforcement (“ICE”)/Department of Homeland Security (“DHS”) custody since November 17, 2025, and is being held subject to mandatory detention under 8 U.S.C. § 1225(b). (Dkt. 1 at 7).

THE BASIS OF PETITIONER’S DETENTION

1. The Petitioner Failed to Administratively Exhaust

As a threshold matter, the Petitioner has not exhausted all available administrative remedies. As indicated in the petition, at the time the petition was filed, the Petitioner filed a motion for bond before the immigration court and was scheduled for a master calendar removal hearing on December 18, 2025. (Dkt. 1 at 9). Petitioner also alleges that he may seek relief from removal. (Dkt. 1 at 7). Therefore, the habeas petition is not ripe for consideration. *See, e.g., Gallegos-Hernandez v. United States*, 688 F.3d 190, 194 (5th Cir. 2012) (holding that a federal prisoner seeking habeas relief under § 2241 must first exhaust all available administrative remedies); *see also Fuller v. Rich*, 11 F.3d 61, 62 (5th Cir. 1994) (requiring an appeal in order to satisfy exhaustion requirement); *Abdoulaye Ba v. Director of Detroit Field Office, ICE*, No. 4:25-CV-02208, 2025 WL 2977712, at *2 (N.D. Ohio Oct. 22, 2025) (dismissing for failure to exhaust where petitioner sought “review of the application and interpretation of *Matter of Yajure Hurtado*” but had yet to appeal to the BIA).

2. The Petitioner is Subject to Mandatory Detention Under 8 U.S.C. § 1225

The Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(2), based on the statute’s plain language and structure, the history of the Immigration and Nationality Act (INA), the Board of Immigration Appeals (BIA) decision in *Matter of Yajure Hurtado*, 29 I. &

N. Dec. 216 (BIA 2025), and persuasive decisions from other district courts, including the recent decision in *Cabanas v. Bondi*, No. 4:25-CV-04830, 2025 WL 3171331 (S.D. Tex. Nov. 13, 2025) and *Jimenez v. Thompson*, No. 4:25-CV-05026, 2025 WL 3265493 (S.D. Tex. Nov. 24, 2025).

The Federal Respondents are aware that this Court has issued previous its position regarding the applicability of § 1225(b)(2); however, the Federal Respondents request that the Court reconsider its prior ruling. *See Camreta v. Greene*, 563 U.S. 692, 701 n. 7 (2011) (“A decision of a federal district court judge is not binding precedent in either a different judicial district, the same judicial district, or even upon the same judge in a different case.”).

Additionally, the Court should be aware that yesterday, a final judgment was entered in the class action case in which the Petitioner claims he is a class member. (Dkt. 1 at 8) (*citing* *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025) (on appeal). Copies of the amended order on class certification and final judgment in that case will be attached hereto for reference.

The foregoing responds to the Court’s show cause order. Federal Respondents reserve the right to separately file a dispositive motion.

Dated: December 19, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on December 19, 2025, the foregoing was filed and served on counsel of record through the Court's CM/ECF system.

/s/ Catina Haynes Perry
Catina Haynes Perry
Assistant United States Attorney