

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

	§	
CESAR UZIEL BONILLA-HERNANDEZ,	§	
	§	
Petitioner	§	
	§	
v.	§	
	§	Cause No. 4:25-CV-05895
	§	
	§	
GRANT DICKEY, et al.	§	
	§	

**EMERGENCY MOTION TO ENFORCE COURT ORDER AND FOR IMMEDIATE
RELEASE**

I. INTRODUCTION

Petitioner files this Emergency Motion because the Government has **failed to comply with this Court’s December 18, 2025 Order** requiring that Petitioner be afforded a bond hearing under 8 U.S.C. § 1226(a) **by December 23, 2025, or else be released.**

Despite the Court’s unambiguous directive, no lawful bond hearing occurred. Instead, Immigration Judge Scott Greenbaum refused to conduct a §1226(a) bond hearing and declared—contrary to this Court’s Order—that he lacked jurisdiction to grant bond. As a result, Petitioner remains unlawfully detained today.

This is not substantial compliance. It is noncompliance—and under the Court’s own Order, the remedy is immediate release.

II. THE COURT’S ORDER WAS CLEAR AND LEFT NO DISCRETION

On December 18, 2025, this Court held:

“Respondents provide Petitioner with a bond hearing before an Immigration Judge under 8 U.S.C. § 1226(a) within five days, that is, by December 23, 2025, **or else release Petitioner.**”

The Order did not invite debate, reinterpretation, or administrative resistance. It did not condition compliance on the Immigration Judge’s personal views of jurisdiction. It commanded a result.

The Government had two—and only two—options:

1. Conduct a § 1226(a) bond hearing; or
2. Release Petitioner.

They did neither. Now, respectfully, the appropriate result should be to release the Petitioner.

III. NO BOND HEARING OCCURRED AS A MATTER OF LAW

A “bond hearing” under § 1226(a) requires an Immigration Judge to:

- Recognize jurisdiction;
- Consider custody redetermination; and
- Make an individualized bond determination.

Judge Greenbaum did none of those things.

Instead, he refused to exercise jurisdiction at all, declaring that he lacked authority to grant bond. A proceeding in which the Immigration Judge disclaims power to decide is **not a hearing**—it is a nullity.

Courts routinely hold that when an agency refuses to act under a court-ordered legal framework, it is as if no proceeding occurred at all. The Government cannot satisfy a judicial mandate through procedural theater.

IV. EOIR MAY NOT OVERRULE A FEDERAL COURT ORDER

An Immigration Judge is an employee of the Executive Branch. He has **no authority** to countermand, narrow, or disregard a federal district court's habeas order.

If EOIR believed the Order was legally erroneous, the Government's remedy was appeal—not defiance.

The Executive Branch does not get a veto over habeas relief.

V. THE COURT'S ORDER IS SELF-EXECUTING: RELEASE IS REQUIRED

The Court anticipated exactly this scenario and built the remedy into its Order:

“...or else release Petitioner.”

No further findings are required. No further hearings are necessary. No additional delay is permissible.

Continued detention beyond December 23, 2025 is **per se unlawful**.

VI. THE GOVERNMENT'S CONDUCT IS IN BAD FAITH

This is not confusion. This is not good-faith disagreement.

The Government:

- Lost the §1225(b) argument;
- Was ordered to proceed under § 1226(a);
- Sent Petitioner to an IJ who refused to act; and
- Continues to detain Petitioner in open violation of a federal court order.

Bad faith is established when an agency uses administrative obstruction to nullify judicial relief. That is exactly what happened here.

VII. RELIEF REQUESTED

Petitioner respectfully requests that the Court:

1. **Order Petitioner's immediate release from custody** forthwith;
2. Find that Respondents failed to comply with the Court's December 18, 2025 Order;
3. Prohibit Respondents from re-detaining Petitioner absent new, lawful authority; and
4. Grant any other relief the Court deems just and proper, including expedited enforcement.

Time matters. Every hour of continued detention compounds the constitutional violation.

VIII. CONCLUSION

The Court ordered a bond hearing **or release**.

The Government delivered neither.

Under the Court's own Order, the outcome is not discretionary. It is release.

Respectfully submitted,

/s/ Matthew R. Mendez

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Attorney for Petitioner

CERTIFICATE OF SERVICE

On December 23, 2025, Counsel for Plaintiff served a copy of the attached TRO via USPS Certified Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the **Respondent, GRANT DICKEY, in his official capacity as Warden of the Montgomery Processing Center;** at the Immigration and Customs Enforcement ("ICE") Montgomery Processing Center, located at 806 Hilbig Road, Conroe, TX 77301.

/S/ Matthew Mendez

Matthew Mendez
Attorney for Petitioner

12/23/25

Date

CERTIFICATE OF SERVICE

On December 23, 2025, Counsel for Plaintiff served a copy of the attached TRO via USPS Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the **Respondent,**

Bret Bradford, in his Official Capacity as Field Office Director, of ICE Enforcement and Removal Operations Houston Field Office, at (1) Office of the Field Office Director, Enforcement and Removal Operations, Houston Field Office, 126 Northpoint Drive, Houston, Texas 77060, and (2) to the United States at Civil Process Clerk, U.S. Attorney's Office, 1000 Louisiana Street, Suite 2300, Houston, Texas 77002.

/S/ Matthew Mendez

Matthew Mendez
Attorney for Petitioner

12/23/25

Date

CERTIFICATE OF SERVICE

On December 23, 2025, Counsel for Plaintiff served a copy of the attached TRO via USPS Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the **Respondent, Kristi Noem, in her Official Capacity as Director of U.S. Department of Homeland Security**, at (1) Office of General Counsel, U.S. Department of Homeland Security, 245 Murray Lane, SW, Mail Stop 0485, Washington, D.C. 20530; and (2) to the United States at Civil Process Clerk, U.S. Attorney's Office, 1000 Louisiana Street, Suite 2300, Houston, Texas 77002.

/S/ Matthew Mendez

Matthew Mendez
Attorney for Petitioner

12/23/25

Date

CERTIFICATE OF SERVICE

On December 23, 2025, Counsel for Plaintiff served a copy of the attached TRO via email, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the Respondent, Pam Bondi, in her Official Capacity as Attorney General of the United States, at USATXS.CivilNotice@usdoj.gov.

/S/ Matthew Mendez

Matthew Mendez

12/23/25

Date