United States District Court
Southern District of Texas
ENTERED
December 12, 2025
Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ARMANDO PEREZ CRUZ,	§	CIVIL ACTION NUMBER
Petitioner,	§	4:25-cv-05936
	§	
	§	
versus	§	JUDGE CHARLES ESKRIDGE
	§	
	§	
KRISTI NOEM, *et al*,	§	
Respondents.	§	

ORDER

Petitioner Armando Perez Cruz filed a petition for writ of *habeas corpus* on December 10, 2025. Dkt 1. He asserts that his detention under 8 USC §1225(b) is unlawful and that he should instead be detained, if at all, under 8 USC §1226(a), which may entitle him to a bond hearing. Id at ¶6.

Petitioner alleges violations of (i) 8 USC §1226, (ii) bond regulations, (iii) the declaratory judgment entered in *Maldonado Bautista v Santacruz*, 5:25-cv-01872 (CD Cal), (iii) the Due Process Clause of the Fifth Amendment. Id at ¶¶69–88. Among other relief, he seeks a writ of *habeas corpus* directing Respondents to immediately release him or, in the alternative, provide him a bond hearing pursuant to 8 USC §1226(a) within seven days. Id at 25 ¶¶a–e.

The undersigned has previously determined that the Government may properly apply 8 USC §1225(b)(2)(A) in these circumstances. See *Montoya Cabanas v Bondi*, 2025 WL 3171331 (SD Tex); *Maceda Jimenez v Thompson*, 2025 WL 3265493 (SD Tex). Such determination would appear to dispose of all contentions in the petition, absent distinguishing facts or other legal authority that causes reconsideration.

The undersigned is also of the preliminary view that the referenced class-certification order in *Maldonado Bautista* doesn't control disposition of this case as it is neither final nor yet enforceable as requested, while also far exceeding the jurisdiction of the district court issuing that order.

To the extent Petitioner requests immediate release prior to service of Respondents, it is DENIED.

That said, and even though not requested, Petitioner is entitled to a show-cause order pursuant to 8 USC §2243.

Respondents are thus ORDERED to show cause with a filing that establishes the propriety of Petitioner's continued detention. Such filing must be made by December 18, 2025, at noon, absent extension.

In that respect, Petitioner may of course make further written submission with any additional authorities and argument that he would like to be considered.

It is ORDERED that the Clerk will email this order to USATXS.CivilNotice@usdoj.gov to provide notice of this action to Respondents. Such service doesn't substitute for the requirements of formal service but is instead intended only to provide the Government notice and an opportunity to be heard at this initial juncture.

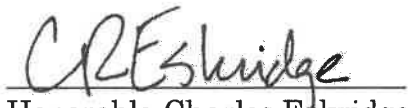
This matter is SET for hearing by Zoom to address the show cause order for December 18, 2025, at 3:30 pm.

Either party may instead request for the hearing to proceed in person.

The parties may jointly request brief resetting, if necessary and agreed.

SO ORDERED.

Signed on December 12, 2025, at Houston, Texas.



Honorable Charles Eskridge
United States District Judge