

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CESAR HERNANDEZ RESENDIZ,

Petitioner,

v.

KRISTI NOEM, *et al.*,

Respondents.

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Civil Action No. 4:25-CV-05940

**THE FEDERAL RESPONDENTS' RESPONSE TO THE HABEAS PETITION
AND ORDER TO SHOW CAUSE**

The Federal Respondents file this Response to the habeas petition (ECF No. 1) and the Court's show cause order with respect to the propriety of Petitioner's detention (ECF No. 5).

Petitioner brings this habeas petition contending that his detention is unlawful because he is entitled to a bond hearing under 8 U.S.C. § 1226(a). The Government maintains that his detention is lawful because, as Petitioner acknowledges in his pleadings, he entered the United States without inspection. *See* ECF No. 1 ¶ 8. He has never been admitted into the United States, and as an alien present in the United States who has not been admitted, he is deemed an applicant for admission under 8 U.S.C. § 1225(a) and subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). As such, detention is not only permitted, it is the only legally permissible course of action.

Dated: December 22, 2025

Respectfully submitted,

NICHOLAS J. GANJEI
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I certify that on December 22, 2025, the foregoing was filed and served on counsel for Petitioner via the Court's CM/ECF service.

/s/ Shawn D. Ren
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Assistant United States Attorney