

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

Plinio Del Jesus Diaz Mundarain,	§	
	§	
Petitioner	§	
	§	
v.	§	
	§	Civil Action No. 4:25-cv-05970
GRANT DICKEY, et al,	§	
	§	
Respondents,	§	

**PETITIONER’S REPLY TO RESPONDENTS’ RESPONSE TO SHOW CAUSE ORDER
TO THE HONORABLE JUDGE GEORGE C. HANKS JR.:**

Petitioner, Plinio Del Jesus Diaz-Mundarain, by and through counsel, respectfully submits this Reply to the Federal Respondents’ Response to the Court’s Order to Show Cause:

I. Petitioner’s Lawful Status and Ties to the United States

The Government incorrectly characterizes Petitioner solely as an "applicant for admission" subject to mandatory detention under 8 U.S.C. § 1225(b)(2). This classification ignores significant intervening legal facts:

- **Four Years of Continuous Presence:** Petitioner has resided in the United States since August 2021.
- **Grant of Temporary Protected Status (TPS):** Petitioner was granted TPS on May 17, 2024. This grant of status by the Department of Homeland Security itself indicates that Petitioner is not a mere "arriving alien" but an individual with a recognized legal right to remain in the U.S. during the designated TPS period.

- **Valid Work Authorization:** Petitioner holds a valid Employment Authorization Document (EAD) through November 17, 2029.

II. The Statutory Basis for Detention

Respondents rely on *Jennings v. Rodriguez* to argue that § 1225(b)(2) mandates detention. However, Petitioner argues:

- **Inapplicability of § 1225(b)(2):** Because Petitioner has been present in the U.S. for years and was granted TPS, he should be treated under the discretionary detention framework of 8 U.S.C. § 1226(a) rather than the mandatory "applicant" framework of § 1225.
- **Due Process Rights:** Even if a statute ostensibly mandates detention, the Fifth Amendment prohibits the "indefinite detention" of individuals who pose no danger and have significant ties to the community.

III. Rebuttal of the "Flight Risk" Finding

The Government notes that the Immigration Judge (IJ) denied bond based on an "alternative" finding of flight risk. Petitioner clarifies:

- **Lack of Proper Hearing:** The IJ's primary ruling was a lack of jurisdiction. Consequently, the "alternative" finding of flight risk was made without a full evidentiary hearing where Petitioner could present the depth of his ties to the community.
- **Evidence of Compliance:** Petitioner has a pending Form I-589 Asylum application. His incentive is to *attend* all hearings to secure permanent relief, not to flee.
- **Clean Record:** Petitioner has no criminal history and has never been charged with a crime during his four years in the United States.

IV. Conclusion

Petitioner is a sixty-six-year-old man with a clean record and valid work authorization who has followed all legal channels to regularize his status. His continued detention is punitive and violates the principles set forth in *Zadvydas v. Davis*.

WHEREFORE, Petitioner prays that this Court grant the Writ of Habeas Corpus and order his immediate release or, in the alternative, order a constitutionally sufficient bond hearing where the burden is on the Government to justify his detention.

Respectfully submitted,

/s/ Matthew R. Mendez

Matthew Mendez
Attorney for Petitioner
State Bar No. 24098092
6300 Gulfton Street
Houston, Texas 77081
Tel. (346) 205-4343
matt@mendezlawoffice.com

Attorney for Petitioner

CERTIFICATE OF SERVICE

On December 20, 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

12/20/25
Date

CERTIFICATE OF SERVICE

On December 20, 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

12/20/25

Matthew Mendez
Attorney for Petitioner

Date

CERTIFICATE OF SERVICE

On December 20, 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

12/20/25

Matthew Mendez
Attorney for Petitioner

Date

CERTIFICATE OF SERVICE

On December 20, 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

12/20/25

Matthew Mendez

Date