

**ENTERED**

December 15, 2025

Nathan Ochsner, Clerk

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

SARA NICOLLE FRANCO	§	CIVIL ACTION NUMBER
MATAMOROS,	§	4:25-cv-05973
Petitioner,	§	
	§	
	§	
versus	§	JUDGE CHARLES ESKRIDGE
	§	
	§	
RANDY TATE, <i>et al</i> ,	§	
Respondents.	§	

**ORDER**

Pending is a petition for a writ of *habeas corpus* and an *ex parte* motion for temporary restraining order filed on December 11, 2025. Dkts 1 & 2

Petitioner Sara Nicolle Franco Matamoros is a citizen of Honduras who entered the United States without inspection on or about September 18, 2024. Dkt 1 at ¶12. She states that she fled Honduras because of “threats and violence directed against her and her family” and “fears that, if returned to Honduras, she would face serious harm and substantial risk of persecution or torture on account of her membership in a particular social group.” *Ibid*.

Petitioner states that she was detained on October 22, 2025, by ICE officers and charged with being an alien present in the United States without being admitted or paroled. *Id* at ¶14. She was then processed and placed in detention at the Montgomery Processing Center. *Id* at ¶15. She now challenges her continued detention. She states causes of action for alleged violation of the INA and the Due Process Clause of the Fifth Amendment as interpreted in *Zadvydas v Davis*, 533 US 678 (2001). *Id* at ¶¶22–34. Among other relief, she requests a temporary restraining

order directing Respondents to immediately release her from custody. Dkt 1 at 8.

Petitioner hasn't provided sufficient evidence to warrant immediate release with entry of this Order. She specifically fails to identify any provision of the INA violated by her detention pending initiation of removal proceedings. Petitioner does allege that her detention violates 28 USC §1231(a), as interpreted by the Supreme Court in *Zadvydas*. See Dkt 1 at ¶28, citing 533 US at 689. But it isn't clear why she believes that decision pertains, given the relative brevity of her current detention to this point and the lack of a final order of removal issued against her. See *id* at ¶23.

To the extent the motion for temporary restraining order seeks immediate release prior to giving Respondents an opportunity to respond, it is DENIED. Dkt 2.

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 19, 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.

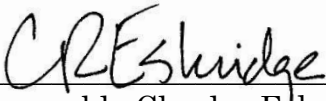
It is ORDERED that the Clerk will email this order to USATXS.CivilNotice@usdoj.gov to provide notice of this action to Respondents. Such service doesn't substitute for the requirements of formal service but is instead intended only to provide the Government notice and an opportunity to be heard at this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

This matter is SET for hearing by Zoom to address the show cause order for December 19, 2025, at 3:00 pm.

Either party may instead request for the hearing to proceed in person. The parties may also jointly request brief resetting, if necessary and agreed.

SO ORDERED.

Signed on December 15, 2025, at Houston, Texas.

  
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Honorable Charles Eskridge  
United States District Judge