

ENTERED

December 19, 2025

Nathan Ochsner, Clerk

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

JEYSON ESTUARDO TOBAR	§	CIVIL ACTION NUMBER
TOVAR,	§	4:25-cv-06056
Petitioner,	§	
	§	
	§	
versus	§	JUDGE CHARLES ESKRIDGE
	§	
	§	
KRISTI NOEM, <i>et al</i> ,	§	
Respondents.	§	

ORDER

Petitioner Jeyson Estuardo Tobar Tovar filed a petition for writ of *habeas corpus* on December 16, 2025. Dkt 1. He alleges that he entered the United States in August 2012 as an unaccompanied minor when he was 12 years old. Id at ¶10. Upon his arrival, he was placed in the custody of the Office of Refugee Resettlement pursuant to the Trafficking Victims Protection Reauthorization Act. Ibid. He asserts that as a former unaccompanied alien child, he is statutorily eligible for a bond hearing under 8 USC §1226(a). Id at ¶10. He alleges that his detention under 8 USC §1225(b) without such hearing is thus unlawful. Id at ¶39.

Petitioner alleges (i) violations of due process for unlawful denial of bond to an unaccompanied alien child protected by the TVPRA, (ii) violation of the Due Process Clause of the Fifth Amendment, and (iii) excessive and arbitrary detention. Id at ¶¶37–52. Among other relief, he seeks an injunction directing Respondents to provide him a bond pursuant to 8 USC §1226(a), or, in the alternative, immediate release from custody. Id at 10 ¶¶3–4.

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.

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.

This matter is SET for hearing by Zoom for December 23, 2025, at 10:30 a.m.

Respondents are there ORDERED to show cause as to the propriety of Petitioner's continued detention and present there any writing or document necessary in support.


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.

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 19, 2025, at Houston, Texas.



Honorable Charles Eskridge
United States District Judge