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

Jeyson Estuardo Tobar Tovar
Petitioner,

v.

Kristi Noem, Secretary of Dept. of Homeland
Security, et al.
Respondents.

Civil Case No. 4:25-cv-06056

**PETITIONER'S OPPOSITION TO
MOTION FOR EXTENSION OF
TIME AND RESET OF SHOW
CAUSE HEARING**

I. INTRODUCTION

Respondents seek an extension of time and a resetting of the Court's Show Cause hearing even though the hearing is scheduled to occur one week before Petitioner's final merits hearing on his application for cancellation of removal. Granting Respondents' request would substantially prejudice Petitioner, who remains detained and must litigate both this habeas action and his removal proceedings under conditions that severely impair his ability to prepare and present his case. Because Respondents have not demonstrated good cause, and because delay would exacerbate ongoing constitutional harm, the motion should be denied.

II. RELEVANT BACKGROUND

Petitioner entered the United States as a minor and was initially detained by Immigration and Customs Enforcement ("ICE"). His custody was subsequently transferred to the Office of

Refugee Resettlement (“ORR”), which released him to a family member pursuant to the Unaccompanied Alien Child (“UAC”) protocols established under the Trafficking Victims Protection Reauthorization Act (“TVPRA”).

Critically, all documentation related to Petitioner’s release reflects that he was released under INA § 236(a). As such, any subsequent detention renders Petitioner bond-eligible, and his continued detention without a meaningful opportunity for release raises serious statutory and constitutional concerns.

Petitioner is now detained and simultaneously preparing for a final hearing on the merits of his cancellation of removal application, scheduled to occur one week after the Court’s Show Cause hearing in this matter.

III. LEGAL STANDARD

Extensions of time are not granted as a matter of course. A party seeking such relief must demonstrate good cause, and courts must consider whether the requested extension would result in undue prejudice to the opposing party. See Fed. R. Civ. P. 6(b); *Lujan v. Nat’l Wildlife Fed’n*, 497 U.S. 871, 896 n.5 (1990).

In habeas proceedings challenging immigration detention, courts are especially mindful of delay where a petitioner alleges ongoing violations of liberty and due process. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

IV. ARGUMENT

a. Respondents Have Not Shown Good Cause For Delay

Respondents’ motion fails to articulate specific facts demonstrating why additional time is necessary. Generalized assertions of administrative burden or scheduling difficulties do not constitute good cause, particularly where Petitioner remains detained and alleges unlawful custody.

b. Granting the Extension Would Substantially Prejudice Petitioner

Petitioner will suffer concrete and irreparable prejudice if the Show Cause hearing is delayed or reset. First, Petitioner must prepare for a final merits hearing on cancellation of removal while detained. Detention imposes severe and well-documented barriers to effective preparation, including limited and inconsistent access to legal documents and evidence, restricted attorney communication, and the inability to coordinate with family members and witnesses. This prejudice would not exist if Petitioner were not detained.

Second, the timing is critical. The Show Cause hearing is scheduled to occur one week before the Petitioner must present his case on the merits. Any delay prolongs detention during the most critical phase of his removal proceedings and compounds the constitutional harm alleged in this action. Courts have recognized that prolonged detention during ongoing removal proceedings raises serious due process concerns and may warrant prompt judicial review, particularly where continued detention bears directly on a noncitizen's ability to pursue relief from removal. See *Ly v. Hansen*, 351 F.3d 263, 271–72 (6th Cir. 2003).

c. Balance of Equities Strongly Favors Proceeding as Scheduled

Respondents face no comparable harm from litigating on the existing schedule. By contrast, Petitioner's liberty interests are directly implicated, and each additional day of detention undermines his ability to fairly present his cancellation of removal case.

Moreover, Petitioner's prior INA § 236(a) release under ORR custody underscores that continued detention is neither inevitable nor justified, and further delay only entrenches a potentially unlawful deprivation of liberty.

V. CONCLUSION

Because Respondents have failed to demonstrate good cause, and because granting the requested extension would substantially prejudice Petitioner and exacerbate ongoing constitutional harm, the Court should deny Respondents' Motion for Extension of Time and Reset of the Show Cause Hearing and allow the matter to proceed as scheduled.

Respectfully submitted,
Jeyson Estuardo Tobar Tovar,
By His Counsel,

//s// Elizabeth Shaw

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Date: 12/23/2025

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Jeyson Estuardo Tobar Tovar, and submit this verification on his behalf. I hereby verify that the foregoing Emergency Motion for Temporary Restraining Order was served on Respondents via EM/CF on this day.

Date: 12/23/2025

//s// Elizabeth Shaw

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