

**ENTERED**

December 23, 2025

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

JOSE CRUZ GARCIA PESCADOR,

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Petitioner,

VS.

CIVIL ACTION NO. 4:25-6070

WARDEN GRANT DICKEY, *et al.*

Respondents.

**ORDER TO SHOW CAUSE**

Petitioner Jose Cruz Garcia Pescador is detained in the custody of officials with the United States Department of Homeland Security Immigration and Customs Enforcement (ICE) at the Joe Corley Processing Center. Through counsel, the petitioner filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241 (Dkt. 1) seeking immediate release. He also filed a motion for emergency injunctive relief (Dkt. 2).

The petition states that Garcia Pescador is a native and citizen of Mexico; that he entered the United States in 1998 and has lived here continuously for over 25 years; that immigration authorities detained him on September 5, 2025, after a traffic stop; that he appeared for a bond hearing on October 24, 2025, but the immigration judge denied jurisdiction to consider bond; that an immigration judge ordered on November 10, 2025, that he be removed; that he filed a Form EOIR-26 Notice of Appeal to the BIA on November 15, 2025, challenging the immigration judge’s ruling; that his appeal remains pending with the BIA and no final decision has issued; and that he has no criminal history,

is not a danger to the community, and does not pose a risk to national security. He further states that his wife is a United States citizen and filed a Form I-130 petition on his behalf, which USCIS approved on November 13, 2025; that he is the biological father of two children who are United States citizens; that he is the stepfather of four additional children who are United States citizens; that his wife is eight months pregnant with a high-risk pregnancy and that chromosomal abnormalities have been detected; and that he is the sole financial provider for his wife and seven children while his wife cannot work due to her condition. He claims that the respondents have not articulated any lawful basis to detain him, that his detention is unlawful under the INA, and that his detention violates his rights under the Due Process Clause. He seeks immediate release, among other relief.


Pursuant to 28 U.S.C. § 2243, the respondents are ordered to **SHOW CAUSE** on or before **Monday, December 29, 2025**, why the petitioner should not immediately be released from custody or, in the alternative, be granted a bond hearing before an immigration judge under 8 U.S.C. § 1226(a) within three days. The petitioner may file a response as soon as possible but no later than **Wednesday, December 31, 2025**.

The Clerk will send a copy of this order to: (1) the United States Attorney for the Southern District of Texas, Nicholas J. Ganjei, by certified mail, return receipt requested to the Civil Process Clerk, 1000 Louisiana Street, Suite 2300, Houston, TX 77002, and by electronic mail to [USATXS.CivilNotice@usdoj.gov](mailto:USATXS.CivilNotice@usdoj.gov); (2) the United States Attorney General, U.S. Department of Justice, 950 Pennsylvania Ave. NW, Washington, D.C. 20530-0001; and (3) Warden Grant Dickey, Joe Corley Processing Center, 500 Hilbig Road, Conroe, TX 77301, (936) 521-4000.

**The petitioner is directed to immediately provide a copy of this order to all representatives of the respondents with whom he is in contact regarding this case.**

The Clerk will provide a copy of this order to the parties.

SIGNED at Houston, Texas, on December 22, 2025.

  
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GEORGE C. HANKS, JR.  
UNITED STATES DISTRICT JUDGE