

**ENTERED**

December 23, 2025

Nathan Ochsner, Clerk

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

WENSESLAO CRUZ-	§	CIVIL ACTION NUMBER
GARRIDO,	§	4:25-cv-06133
Petitioner,	§	
	§	
	§	
versus	§	JUDGE CHARLES ESKRIDGE
	§	
	§	
KRISTI NOEM, <i>et al</i> ,	§	
Respondents.	§	

**ORDER**

Petitioner Wenseslao Cruz-Garrido filed a petition for writ of *habeas corpus* on December 19, 2025. Dkt 1. He asserts that his detention under 8 USC §1225(b) is unlawful and that he should instead be detained, if at all, under 8 USC §1226(a), which may entitle him to a bond hearing. Id at ¶5.

Petitioner alleges violations of (i) 8 USC §1226, (ii) bond regulations, and (iii) the Due Process Clause of the Fifth Amendment. Id at ¶¶38–48. Among other relief, he seeks a writ of *habeas corpus* directing Respondents to immediately release him or, in the alternative, provide him a bond hearing pursuant to 8 USC §1226(a) within seven days. Id at 17 ¶¶1–6.

To the extent Petitioner requests immediate release prior to service of Respondents, it is DENIED.

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.

That said, and even though not requested, Petitioner is entitled to a show-cause order pursuant to 28 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 31, 2025, absent extension.


Petitioner may file any reply by January 3, 2026.

Hearing will be set if determined necessary after briefing closes. But a hearing will be set upon affirmative request by either party, either by Zoom or in person.

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.

SO ORDERED.

Signed on December 23, 2025, at Houston, Texas.

  
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Honorable Charles Eskridge  
United States District Judge