

ENTERED

December 29, 2025

Nathan Ochsner, Clerk

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

JORGE ALVARO GARCIA	§	CIVIL ACTION NUMBER
VASQUEZ,	§	4:25-cv-06262
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 23, 2025. Dkts 1 & 2.

Petitioner Jorge Alvaro Garcia Vasquez is a citizen of Guatemala who entered the United States without inspection on or about September 9, 2021. Dkt 1 at ¶¶11–12. He states that he was taken into ICE custody in April 2023 but was later released on bond. Id at ¶¶14–15.

On December 8, 2025, Petitioner was re-detained by ICE and placed in custody at the Montgomery Processing Center, where he currently remains. Id at ¶17.

Petitioner now challenges his continued detention. He 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 ¶¶24–36. Among other relief, he requests a temporary restraining order directing Respondents to immediately release him from custody. Id at 8.

Petitioner hasn't provided sufficient evidence to warrant immediate release with entry of this Order. He specifically fails to identify any provision of the INA

violated by his detention pending initiation of removal proceedings. Petitioner does allege that his detention violates 8 USC §1231(a), as interpreted by the Supreme Court in *Zadvydas*. See Dkt 1 at ¶30, citing 533 US at 689. But it isn't clear why he believes that decision pertains, given the relative brevity of his current detention to this point and the lack of a final order of removal issued against him. See *id* at ¶19.

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 January 5, 2026, at noon, absent extension.

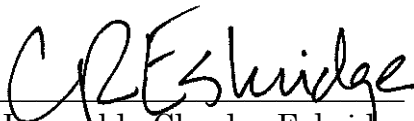
Petitioner may file any reply by January 8, 2026.

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 29, 2025, at Houston, Texas.



Honorable Charles Eskridge
United States District Judge