

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS**

Jose Adonay Urbina Salazar,

Petitioner,

v.

1:25-cv-00358

Pamela Bondi, Attorney General,

Kristi Noem, Secretary, U.S. Department of
Homeland Security,

Department of Homeland Security,

Todd M. Lyons, Acting Director of
Immigration and Customs Enforcement,

Immigration and Customs Enforcement,

Miguel Vergara, Director, Harlingen Field
Office Immigration and Customs Enforcement

and,

Warden of Port Isabel Service Detention
Center.

MOTION FOR ORDER TO SHOW CAUSE UNDER 28 U.S.C. § 2243

1. Pursuant to 28 U.S.C. § 2243, Petitioner Jose Adonay Urbina Salazar, respectfully requests that this Court issue an order directing Respondents to show cause why the petition for a writ of habeas corpus filed by Petitioner pursuant to 28 U.S.C. § 2241 should not be granted.
2. Petitioner challenges his unlawful detention and seeks immediate release from custody. See Petition for Writ of Habeas Corpus, Dkt. No. 1. Petitioner is challenging his custody as a violation of 8 U.S.C. § 1231(b)(3) and the Constitution and laws of the United States.
3. Petitioner remains detained notwithstanding a 2013 grant of withholding of removal, which statutorily bars his removal to El Salvador following a determination that his life or freedom would be threatened in that country. *See* 8 U.S.C. § 1231(b)(3)(A).
4. Following entry of the final order of removal, Respondents were authorized to detain Petitioner only for the duration of the statutory 90 day removal period. *See* 8 U.S.C. § 1231(a)(1).
5. Moreover, under *Zadvydas v. Davis*, continued post removal order detention beyond a presumptively reasonable six-month period is unconstitutional where removal is not reasonably foreseeable. 533 U.S. 678, 701 (2001).

6. Because both the statutory removal period and the constitutionally permissible post removal order detention period have long since expired, Respondents lack any lawful authority to continue detaining Petitioner.
7. The federal habeas corpus statute provides that “[a] court, justice or judge entering a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto.” 28 U.S.C. § 2243.
8. Section 2243 further provides that the writ or order to show cause “shall be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*
9. Section 2243 further provides that the court shall hold a hearing on the writ or order to show cause “not more than five days after the return unless for good cause additional time is allowed.” *Id.*
10. In addition, Section 2243 states that the court “shall summarily hear and determine the facts and dispose of the matter as law and justice require.” *Id.*
11. Pursuant to Section 2243, Petitioner requests that the Court immediately issue an Order to Show Cause directing Respondents to file a return within three days of the Court’s order or reasonable time that the Court otherwise designates, showing cause, if any, why the writ of habeas corpus should not

be granted, and to provide Petitioner an opportunity to file a reply within five days after Respondents file the return.

12. Giving Respondents additional time to respond is inappropriate in this case because Petitioner faces irreparable harm due to the deprivation of his physical liberty.

DATED: January 7, 2026

Respectfully submitted,

/s/ David L. Wilson

David L. Wilson

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Attorney for Petitioner

CERTIFICATE OF SERVICE

I, David L. Wilson, hereby certify consistent with LR5.3 that I served this filing on the opposing party via ECF.

DATED: January 7, 2026

Respectfully submitted,

/s/ David L. Wilson

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