

**ENTERED**

December 31, 2025

Nathan Ochsner, Clerk

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

YAIMA GUTIERREZ	§	CIVIL ACTION NUMBER
GONZALEZ,	§	4:25-cv-06351
Petitioner,	§	
	§	
	§	
versus	§	JUDGE CHARLES ESKRIDGE
	§	
	§	
RANDY TATE, <i>et al</i> ,	§	
Respondents.	§	

**ORDER**

Pending is a petition for a writ of *habeas corpus*, motion for temporary restraining order, and motion for preliminary injunction filed on December 30, 2025. Dkt 1.

Petitioner Yaima Gutierrez Gonzalez is a native and citizen of Cuba. Dkt 1 at ¶9. She entered the United States without inspection on or about October 9, 2021, “after fleeing Cuba to escape threats and violence directed against her and her family.” *Ibid*.

On October 7, 2025, Petitioner was taken into ICE custody and charged with being an alien present in the United States without being admitted or paroled. *Id* at ¶11. She remains in custody at the Montgomery Processing Center in Conroe, Texas. *Id* at ¶12.

Petitioner now challenges her continued detention. She asserts violations of (i) the Fourth Amendment, (ii) the INA, and (iii) procedural and substantive due process. *Id* at ¶¶16–30. Among other relief, she requests a temporary restraining order directing Respondents to immediately release her from custody or, in the alternative, an order directing Respondents to provide a bond hearing under §1226(a) within seven days. *Id* at 7.

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); see also *Montelongo Zuniga v Lyons*, 2025 WL 3755126 (ND Tex) (Hendrix, J). Such determination would appear to dispose of all contentions in the petition, absent distinguishing facts or other legal authority that causes reconsideration.

To the extent the motion for temporary restraining order seeks immediate release prior to giving Respondents an opportunity to respond, it is DENIED. Dkt 1.

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 January 9, 2026, at noon, absent extension.


Petitioner may file any reply by January 13, 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 31, 2025, at Houston, Texas.

  
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Honorable Charles Eskridge  
United States District Judge