

ENTERED

January 07, 2026

Nathan Ochsner, Clerk

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

FRANCISCO LOPEZ	§	CIVIL ACTION NUMBER
ALVARADO,	§	4:25-cv-06377
Petitioner,	§	
	§	
	§	
versus	§	JUDGE CHARLES ESKRIDGE
	§	
	§	
PAMELA JO BONDI, <i>et al</i> ,	§	
Respondents.	§	

ORDER

Pending is a petition for a writ of *habeas corpus* and a motion for temporary restraining order filed on December 31, 2025. Dkts 1 (petition) & 3 (motion).

Petitioner Francisco Lopez Alvarado is a citizen of El Salvador who entered the United States without inspection in 2007. Dkt 1 at ¶18. He was detained by ICE and placed in removal proceedings on October 29, 2025. *Ibid*. He remains in custody at the Houston Contract Detention Facility. *Id* at ¶11. He asserts that his detention under 8 USC §1225(b)(2) 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. See *id* at ¶56.

Petitioner alleges violations of the Due Process Clause of the Fifth Amendment and the INA. *Id* at ¶¶57–60. He also contends he is “entitled to consideration for release on bond” as a member of the class purportedly certified in *Bautista v Santacruz*, 2025 WL 3713987 (CD Cal). *Id* at ¶¶52–56. Among other relief, he seeks a writ of *habeas corpus* directing Respondents to release him within one day or, in the alternative, provide him a bond hearing pursuant to 8 USC §1226(a) within seven days. *Id* at 11 ¶¶c–d.

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.

The undersigned is also of the preliminary view that the referenced class-certification order in *Maldonado Bautista* doesn't control disposition of this case as it far exceeds the jurisdiction of the district court issuing that order. See also *Calderon Lopez v Lyons*, 2025 WL 3683918 (ND Tex) (Hendrix, J).

Immediate release isn't warranted with entry of this Order. Petitioner simply hasn't provided sufficient evidence to warrant release before Respondents are given notice and the opportunity to respond. Nor has he met the requirements of Rule 65(b)(1) of the Federal Rules of Civil Procedure, which are mandatory prior to issuance of *ex parte* injunctive relief.

To the extent the motion for temporary restraining order seeks immediate release prior to giving Respondents an opportunity to respond, it is DENIED. Dkt 3.

That said, Petitioner is entitled to the requested show-cause order pursuant to 28 USC §2243. Dkt 1 at 11 ¶b.

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 13, 2026, absent extension.

Petitioner may file any reply by January 16, 2026.

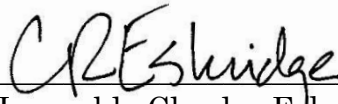
Hearing will be set if determined necessary after briefing closes. But a hearing will be set upon affirmative request by either party, either by Zoom or in person.

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 January 7, 2025, at Houston, Texas.



Honorable Charles Eskridge
United States District Judge