

ENTERED

January 12, 2026

Nathan Ochsner, Clerk

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

GLORIA E. CRUZ-PADILLA,	§	CIVIL ACTION NUMBER
Petitioner,	§	4:26-cv-00149
	§	
	§	
versus	§	JUDGE CHARLES ESKRIDGE
	§	
	§	
WARDEN, <i>et al</i> ,	§	
Respondents.	§	

ORDER

Petitioner Gloria E. Cruz-Padilla filed a petition for writ of *habeas corpus* on January 7, 2026. Dkt 1. She states she entered the United States without inspection. Id at ¶7(a)(6). She was apprehended by ICE after local police conducted a traffic stop of her. Id at ¶6(c). She remains in custody at the Joe Corley ICE Processing Center. Id at ¶2(a). She asserts that her detention under 8 USC §1225(b)(2) is unlawful and that she should instead be detained, if at all, under 8 USC §1226(a), which may entitle her to a bond hearing. See id at ¶¶7(a)(6) & 11(c)(5).

Petitioner specifically alleges her detention violates the Due Process Clause of the Fifth Amendment given her alleged membership in the nationwide class purportedly certified in *Maldonado Bautista v Santacruz*, 2025 WL 3713987 (CD Cal). Id at ¶13. Among other relief, she seeks an order that Respondents immediately release her or, in the alternative, grant her a bond hearing at which the Government bears the burden of establishing flight risk and/or danger to the community. Id at ¶15.

To the extent Petitioner requests immediate release prior to service of Respondents, such request 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); 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).

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 19, 2026, absent extension.


Petitioner may file any reply by January 22, 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 12, 2026, at Houston, Texas.



Honorable Charles Eskridge
United States District Judge