

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

CHRISTIAN ANTONIO LEIVA
GARCIA,
Petitioner,

v.

KRISTI NOEM, *Secretary, U.S.
Department of Homeland Security, et al.*,
Respondents.

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EP-25-CV-00624-DB

ORDER TO SHOW CAUSE

On this day, the Court considered the above-captioned case. On December 8, 2025, Petitioner Christian Antonio Leiva Garcia filed a “Petition for Writ of Habeas Corpus and Complaint for Emergency Injunctive Relief,” ECF No. 1. In his Petition, Petitioner asks this Court to “A. Accept jurisdiction over this action; B. Order Respondents not to transfer Petitioner out of the Western District of Texas during the pendency of these proceedings to preserve jurisdiction and access to counsel; C. Declare that Respondents’ actions to detain Petitioner violate the Due Process Clause of the Fifth Amendment and violates the Immigration and Nationality Act; D. Issue a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 and order Respondents to schedule a bond hearing for Petitioner’s removal proceedings within 5 days of the order and accept jurisdiction to issue a bond order, or immediately release Respondent; E. Award reasonable attorneys’ fees and costs for this action; and F. Grant such further relief as the Court deems just and proper.” *Id.* at 16–17. Pursuant to 28 U.S.C. § 2243, “[a] court. . . entertaining an application for 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.” The Court therefore issues the briefing schedule outlined herein.

Further, this case is filed by an alien detainee seeking relief under habeas corpus. Due to prior incidences in this Court of Respondents or their assigns removing petitioners from the United States and/or jurisdiction of the Western District of Texas – El Paso Division even after the Court orders them not to do so,¹ this Court, in its discretion, finds good cause to issue a temporary restraining order restraining Respondents from removing Petitioner from its jurisdiction or the United States until further order of the Court. In the interest of preserving the status quo and the Court’s ability to fully assess this case on the merits, the Court orders that Petitioner not be removed from the United States or to a facility outside the jurisdiction of the Western District of Texas – El Paso Division. *See United States v. United Mine Workers of Am.*, 330 U.S. 258, 293 (1947) (“[T]he District Court had the power to preserve existing conditions while it was determining its own authority to grant injunctive relief.”); *cf. Brownback v. King*, 592 U.S. 209, 218-19 (2021); *see also Santiago v. Noem*, No. 3-25-CV-361-KC, 2025 WL 2606118, at *2–3 (W.D. Tex. Sept. 9, 2025) (collecting cases). The Court also sets an expedited briefing schedule for Respondents to show cause to why Petitioner’s writ shall not be granted, as well as all other claims for relief raised in the Petition, ECF No. 1.

Accordingly, **IT IS HEREBY ORDERED** that Respondents **SHALL NOT** (1) remove or deport Petitioner from the United States, or (2) transfer Petitioner from any facility outside the boundaries of the El Paso Division of the Western District of Texas, until the Court orders otherwise or this case is closed.

¹ *See e.g. Blandon Raudez v. Bondi*, No. 3-25-CV-493-DB, (W.D. Tex. October 30, 2025).

IT IS FURTHER ORDERED that Respondents Kristi Noem and Mary De Anda-Ybarra **SHOW CAUSE** why such writ should not be granted by filing a response no later **no later than Thursday, December 11, 2025.**

Additionally, on November 25, 2025, the Central District of California certified a national class in *Maldonado Bautista v. Santacruz*, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025):

Bond Eligible Class: All noncitizens in the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of Homeland Security makes an initial custody determination.

Maldonado Bautista, 2025 WL 3288403, at *1. In addition, the Central District of California extended to the Bond Eligible Class as a whole the declaratory relief it had previously granted: that the Department of Homeland Security Policy of mandatory detention for all applicants for admission under § 1225 is unlawful. *Maldonado Bautista*, 2025 WL 3288403, at *9.

Accordingly, both Parties are **ORDERED** to submit additional briefing to address: (1) whether Petitioner is a member of the nationally certified Bond Eligible Class; and (2) what affect if any the declaratory relief granted in *Maldonado Bautista v. Santacruz*, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025) has on Petitioner's claims before the Court **no later than December 11, 2025.**

IT IS FURTHER ORDERED that should Petitioner wish to file a reply, Petitioner shall file a reply **no later than Monday, December 15, 2025.**

SIGNED this 8th day of **December 2025.**



THE HONORABLE DAVID BRIONES
SENIOR UNITED STATES DISTRICT JUDGE