FILED
FEB 04 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____
DEPUTY CLERK

EDIXON AUGUSTO PUCHE-SANCHEZ
A# [redacted]

Case No. 5:26-cv-00295

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Petitioner,

v.

KRISTI NOEM
SECRETARY OF THE U.S. DEPARTMENT
OF HOMELAND SECURITY;

TODD M. LYONS
DIRECTOR, U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT;

MIGUEL VERGARA
FIELD OFFICE DIRECTOR, ICE ENFORCEMENT
AND REMOVAL OPERATIONS
SAN ANTONIO FIELD OFFICE);

WARDEN/ADMINISTRATOR,KARNES, COUNTY
IMMIGRATION PROCESSING CENTER;

Respondents.

MOTION FOR SUMMARY GRANTING OF THE WRIT OF HABEAS CORPUS AND IMMEDIATE RELEASE

Petitioner, Edixon Augusto Puche-Sanchez, A# [redacted] appearing *pro se*, respectfully moves this Honorable Court to summarily grant the Petition for Writ of Habeas Corpus and order his immediate release. In support, Petitioner states:

1. Procedural History On **1/23/2026**, this Court issued an Order for Service, directing Respondents to file a response to the Petition for Writ of Habeas Corpus within five (5) days of service.

2. Failure to Comply with Court Deadline Respondents were served with the Order on **January 23, 2026**, as evidenced by the verified receipt received that same day. Under the Court's Order and the Federal Rules of Civil Procedure, Respondents' deadline to file a response or "Return" expired on **January 30, 2026** (excluding weekends).

3. Current Status As of today, **February 3, 2026**, a review of the Court's electronic docket (PACER) confirms that Respondents have failed to file a response, a motion for an extension of time, or any other pleading in this matter.

4. Argument for Immediate Relief Under 28 U.S.C. § 2243, the writ or order to show cause must be directed to the person having custody of the person detained, and they are required to respond within the timeframe set by the Court. By failing to respond, Respondents have failed to demonstrate a legal basis for Petitioner's continued detention.

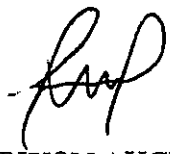
The deprivation of physical liberty is a matter of the highest priority. Respondents' silence and failure to comply with this Court's order should be construed as an admission that the detention is not legally justified or that Respondents do not oppose the relief requested. To allow continued detention after the government has defaulted on its obligation to respond would cause irreparable harm to the Petitioner.

WHEREFORE, Petitioner respectfully requests that this Court:

1. **GRANT** the Petition for Writ of Habeas Corpus;
2. **ORDER** Respondents to release Petitioner from custody immediately; and
3. Grant any other relief this Court deems just and proper.

Respectfully submitted,

Dated: February 3rd, 2026



EDIXON AUGUSTO PUCHE-SANCHEZ **(PRO SE)**

[redacted]

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EXHIBIT A

FILED
January 23, 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY: NM
DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

EDIXON AUGUSTO PUCHE–SANCHEZ, A#[redacted]

Petitioner,

v.

KRISTI NOEM, Secretary of the U.S. Department of Homeland Security, ET AL.,

Respondents.

NO. SA-26-CV-00295-OLG

ORDER FOR SERVICE

Before the Court is the Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 (Dkt. No. 1) filed by Petitioner Edixon Augusto Puche–Sanchez, who is currently detained at the Karnes County Immigration Processing Center in Karnes City, Texas, located in the Western District of Texas.

Upon review, it is **ORDERED** that the Clerk of Court shall send copies of the Petition (Dkt. No. 1) and this Order by certified mail return receipt requested to the Office of the United States Attorney at the following address:

Mary F. Kruger
United States Attorney's Office
Chief, Civil Division
601 NW Loop 410, Suite 600
San Antonio, TX 78216

Delivery by certified mail return receipt requested of those documents shall constitute sufficient service of process upon the federal Respondents.

It is further **ORDERED** that the Clerk of Court shall serve Respondent Warden, Karnes County Immigration Processing Center, with copies of the Petition (Dkt. No. 1) and this Order by certified mail return receipt requested at the following address:

Warden
Karnes County Residential Center
409 FM-1144
Karnes City, TX 78118

Delivery by certified mail return receipt requested of those documents shall constitute sufficient service of process.

It is further **ORDERED** that:

1. Respondents must file a response to the Petition (Dkt. No. 1) **within 5 days** after service. *See* 28 U.S.C. § 2243. Respondents may, in lieu of a response, file a motion requesting additional time of up to 20 days to respond. *See id.*

2. Because this proceeding appears to turn entirely on whether Petitioner is a detainee subject to § 1225(b) or § 1226(a), **in preparing their response, Respondents must consider the attached orders and identify any material differences that exist between the facts in this case and those presented in those cases.**

3. If Petitioner elects to file a reply, he may do so **no later than 7 days** after the Respondents' response is filed.

SIGNED on January 23, 2026.

ORLANDO L. GARCIA
United States District Judge

EXHIBIT B

Date Filed	#	Docket Text
01/21/2026		THIS CASE HAS BEEN RANDOMLY ASSIGNED TO JUDGE ORLANDO L. GARCIA. (tt) (Entered: 01/21/2026)
01/21/2026		If ordered by the court, all referrals will be assigned to Magistrate Judge Farrer. (tt) (Entered: 01/21/2026)
01/21/2026	1	Petition for Writ of Habeas Corpus (Filing fee $ 5 receipt number 9587), filed by Edixon Augusto Puche-Sanchez. (Attachments: # 1 Civil Cover Sheet, # 2 Exhibits, # 3 Receipt).(tt) (Entered: 01/21/2026)
01/21/2026	2	MOTION for Temporary Restraining Order by Edixon Augusto Puche-Sanchez. (Attachments: # 1 Proposed Order).(tt) (Entered: 01/21/2026)
01/21/2026	3	Case Opening Letter to Edixon Augusto Puche-Sanchez. (tt) (Entered: 01/21/2026)
01/23/2026	4	ORDER FOR SERVICE-- It is ORDERED that the Clerk of Court shall send copies of the Petition (Dkt. No. 1) and this Order by certified mail return receipt requested to the Office of the United States Attorney. It is further ORDERED that the Clerk of Court shall serve Respondent Warden, Karnes County Immigration Processing Center, with copies of the Petition (Dkt. No. 1) and this Order.It is further ORDERED that Respondents must file a response to the Petition (Dkt. No. 1) within 5 days after service.. Signed by Judge Orlando L. Garcia. (vl) (Entered: 01/23/2026)
01/23/2026	5	Certified Mail Receipt of 1 Petition for Writ of Habeas Corpus, 4 Order,. (vl) (Entered: 01/23/2026)
01/23/2026	6	ORDER DENYING 2 Motion for TRO Signed by Judge Orlando L. Garcia. (vl) (Entered: 01/23/2026)

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of February, 2026, a true and correct copy of the Motion For Summary Granting Of The Writ Of Habeas Corpus And Immediate Release, and all supporting documents was served in accordance with Federal Rule of Civil Procedure 5. By regular U.S.P.S Mail upon the following:

• **United States Attorney for the Western District of Texas**
Office of the United States Attorney
Western District of Texas
601 NW Loop 410, Suite 600
San Antonio, Texas 78216.

• **Attorney General of the United States**
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

• **Respondent – Immediate Custodian**
Warden/Administrator
Karnes County Immigration Processing Center
409 Fm 1144 Karnes City, Texas78118

DATED this 3rd day of February, 2026.



EDIXON AUGUSTO PUCHE-SANCHEZ **(PRO SE)**