IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

B.G.N.V., a minor, by and through his Next Friend, E.V.V.,

Petitioner,

v.

ROBERT F. KENNEDY, JR. in his official capacity as Secretary of Health and Human Services; ALEX J. ADAMS in his official capacity as the Assistant Secretary for the Administration for Children and Families; ANGIE SALAZAR, in her official capacity as Acting Director of the Office of Refugee Resettlement; ROCHELL POLLARD in her official capacity as the Regional Program Director of Children First Residential Care Gasmer; DAWNISHA HELLAND in her official capacity as Deputy Director of the Unaccompanied Alien Children Bureau of the Office of Refugee Resettlement; KHALILAH RAINEY in her official capacity as Division of Sponsor Administration Federal Field Specialist of Children First Residential Care Gasmer; ANA BABUDAR in her official capacity as Division of Case Administration Federal Field Specialist of Children First Residential Care Gasmer; U.S. DEPARTMENT OF HOMELAND SECURITY; and U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT,

Respondents.

Civil Action No. 4:26-cv-8418

PETITIONER'S MOTION FOR ORDER TO SHOW CAUSE

1. Pursuant to 28 U.S.C. § 2243, Petitioner BGNV, by and through his Next Friend, EVV, respectfully requests that this Court forthwith issue an order directing Respondents to show cause why the Petition for Writ of Habeas Corpus filed by Petitioner pursuant to 28 U.S.C. § 2241 should not be granted.

2. Petitioner BGNV is a seventeen-year-old child who has remained in the custody of the Office of Refugee Resettlement for more than 170 days. He challenges Respondents' prolonged failure to adjudicate his mother's completed sponsorship application, arbitrary and capricious dangerousness finding, redesignation and continued detention in violation of substantive due process, and failure to provide constitutionally adequate procedures for challenging the redesignation and detention. *See* Petition for Writ of Habeas Corpus, Dkt. No. 1.

3. The federal habeas statute provides that "[a] court, justice or judge 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, unless it appears from the application that the applicant or person detained is not entitled thereto." 28 U.S.C. § 2243.

4. Section 2243 further provides that the writ or order to show cause "shall be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed."

5. Section 2243 also provides that the Court shall hold a hearing "not more than five days after the return unless for good cause additional time is allowed[]" and shall "summarily hear and determine the facts, and dispose of the matter as law and justice require."

6. Petitioner therefore requests an Order to Show Cause directing Respondents to file a return within three days of the Court's order, showing cause why the Petition should not be granted; permitting Petitioner to file a reply within two days after Respondents file their return;

and setting a prompt hearing consistent with § 2243.

7. Additional time for Respondents to respond is inappropriate because Petitioner faces immediate and irreparable harm from continued detention and separation from his mother. ORR previously approved his mother as his sponsor, she has again submitted a sponsorship application and completed the sponsorship process, and multiple ORR officials and Petitioner's appointed Child Advocate have supported reunification. Yet, Respondents have neither released Petitioner nor issued a final decision that he or his mother can appeal. The need for expedited consideration is heightened because Petitioner will turn eighteen in a few days. If he remains in ORR custody on that date, he faces transfer to the custody of the Department of Homeland Security and U.S. Immigration and Customs Enforcement. That transfer would end the ORR sponsorship process before he can reunify with his mother and could subject him to continued adult detention before the Court resolves the legality of his present custody.

8. Petitioner accordingly requests that the Court forthwith issue the accompanying Order to Show Cause and establish the expedited return, reply, and hearing schedule requested above.

Dated: September 25, 2026

Respectfully submitted,

By: /s/ Alexa L. Sendukas
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