

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

Rosaura Genchi Garcia v. Greg London et al.

Genchi Garcia · No. 8:25CV624 · Decided November 24, 2025

SUMMARY

The United States District Court for the District of Nebraska grants Rosaura Genchi Garcia’s application for an order to show cause in her 28 U.S.C. § 2241 habeas action challenging her immigration detention. The court directs the respondents to certify the true cause of her detention and explain why habeas relief should not be granted, with a deadline of December 1, 2025. The court also permits Garcia to file a reply and states that it will set a prompt hearing after the reply is filed.

CASE DETAILS

COURT	United States District Court for the District of Nebraska
JURISDICTION	United States District Court for the District of Nebraska
DECIDED	November 24, 2025
DOCKET	8:25CV624
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 and an order to show cause under 28 U.S.C. § 2243 challenging her immigration detention and the denial of a bond hearing. The court granted the application for an order to show cause but did not grant the writ at that stage.
STANDARD OF REVIEW	Under 28 U.S.C. § 2243, the court must award the writ or issue an order to show cause unless the application makes clear that the applicant is not entitled to relief.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Rosaura Genchi Garcia v. Greg London, Sarpy County Sheriff, Kristi Noem, Pamela Bondi, Department of Homeland Security, Immigration and Customs Enforcement, Executive Office for Immigration Review, Omaha Immigration Court, Daren Margolin, Todd Lyons, Peter Berg, Jo Martin

TOPICS

- immigration detention
- removal proceedings
- due process
- administrative procedure act
- civil procedure

PRACTICE AREAS

immigration law

habeas corpus

administrative law

civil procedure

constitutional law

QUESTIONS PRESENTED

1. Whether the court was required under 28 U.S.C. § 2243 to issue an order to show cause or award the writ because it was not clear from the application that petitioner was entitled to no relief.
2. Whether the court should immediately award habeas relief based solely on petitioner's allegations.
3. What deadlines and procedures should govern respondents' return, petitioner's reply, and a subsequent show-cause hearing.

HOLDINGS

1. Because it was not clear from Genchi Garcia's application that she was not entitled to habeas relief, the court was required to proceed by awarding the writ or issuing an order to show cause; the court chose to issue the order to show cause.
2. The court declined to award the writ immediately based solely on Genchi Garcia's allegations and instead required respondents to make a return addressing the true cause of detention.
3. Respondents were required to file a return certifying the true cause of detention by December 1, 2025, subject to a good-cause extension; petitioner could reply within three days, after which the court would set a prompt hearing.

KEY QUOTATIONS

“Under 28 U.S.C. § 2243, ‘[a] court, justice or judge entertaining an application for a writ of habeas corpus’ must schedule a hearing on the matter unless it is clear from the application that a petitioner is not entitled to relief.” (Legal Analysis)

“This Court concludes that it is not clear from Genchi Garcia’s application that she is not entitled to relief.” (Legal Analysis)

FACTUAL BACKGROUND

Rosaura Genchi Garcia, a Mexican citizen who had lived in the United States since approximately 2003 or 2004, was detained by ICE beginning September 24, 2025, following an arrest in Sarpy County. She sought a bond review hearing in immigration court, but the immigration judge denied the request for lack of jurisdiction, citing *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025). She filed a habeas petition alleging statutory, due-process, substantive-due-process, and Administrative Procedure Act violations based on the denial of a bond hearing and her continued detention.

PROCEDURAL HISTORY

Genchi Garcia filed a petition alleging that ICE unlawfully detained her pending removal proceedings after an immigration judge denied her request for a bond hearing for lack of jurisdiction based on *Matter of Yajure-Hurtado*. She then applied for an order requiring respondents to show cause why habeas relief should not be

granted. The district court granted the application, ordered service, required respondents to file a return by December 1, 2025 unless good cause supported an extension, allowed a written reply, and stated that it would set a prompt hearing after the reply.

DISPOSITION

other

CASES CITED

- Jones v. Hendrix, 599 U.S. 465, 473 (2023)
- Munaf v. Geren, 553 U.S. 674, 693 (2008)
- Ex parte Royall, 117 U.S. 241, 251 (1886)
- Crayton v. United States, 27 F.4th 652, 656 (8th Cir. 2022)
- Matter of Yajure-Hurtado, 29 I&N Dec. 216 (BIA 2025)

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