IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

RONNY JOSE RODRIGUEZ SILVA, *Petitioner,*	§	
v.	§	Case No. 1:25-cv-00061
	§	**APPLICATION FOR ISSUANCE OF ORDER TO SHOW CAUSE**
TODD M. LYONS, Acting Director, United States Immigration and Customs Enforcement, in his official capacity; PAMELA BONDI, United States Attorney General, in her official capacity; KRISTI NOEM, Secretary of Homeland Security, in her official capacity; JOSH JOHNSON, Acting Field Office Director, Dallas Field Office, in his official capacity; MARCELLO VILLEGAS, Facility Administrator of the Bluebonnet Detention Center, in his official capacity. *Respondents.*	§	

APPLICATION FOR IMMEDIATE ISSUANCE OF ORDER TO SHOW CAUSE

1. Pursuant to 28 U.S.C. § 2243, Petitioner respectfully requests that this Court "forthwith" issue an order directing Respondents to show cause why the petition for a writ of habeas corpus filed by Petitioner pursuant to 28 U.S.C. § 2241 should not be granted.

2. Petitioner challenges his detention based on his valid Temporary Protected Status ("TPS") under the Immigration and Nationality Act ("INA"). *See* Petition for Writ of Habeas Corpus, Dkt. No. 1. The TPS statute provides that "[a]n alien provided temporary protected status

. . . *shall not be detained* by the Attorney General on the basis of the alien's immigration status in the United States." 8 U.S.C. § 1254a(d)(4) (emphasis added).

3. The federal habeas corpus statute provides that "[a] court, justice or judge entering 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. *See also, Melika Mohammadi Gazvar Olya, v. Angel Garite*, 3:25-cv-00083, (dkt. 7) (W.D. Tex, Mar. 19, 2025) (J. Guaderrama issuing an order to show cause for a habeas petition concerning an immigrant in detention concurrently with serving the petition); *John Doe v. Angel Garite*, 3:25-cv-00046, (Dkt. No. 5) (W.D. Tex. Feb. 21, 2025) (J. Cardone issuing an order to show cause for an immigration-related habeas petition concurrently with serving the petition).

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 further provides that the court shall hold a hearing on the writ or order to show cause "not more than five days after the return unless for good cause additional time is allowed."

6. In addition, Section 2243 states that the court "shall summarily hear and determine the facts, and dispose of the matter as law and justice require." Furthermore, it is axiomatic that "timely resolution is the cornerstone of habeas claims and that prompt decisions are important when undue delay would be highly prejudicial to petitioner." *Castillo v. Pratt*, 162 F. Supp. 2d 575, 576 (N.D. Tex. 2001). The Supreme Court has commanded that "habeas corpus claims should receive 'a swift, flexible, and summary determination.'" *In re Habeas Corpus Cases*, 216 F.R.D. 52, 55 (E.D.N.Y. 2003) (citing *Preiser v. Rodriguez*, 411 U.S. 475, 495 (1973)).

7. Pursuant to Section 2243, Petitioner requests that the Court immediately issue an Order to Show Cause directing Respondent(s) to file a return within three days of the Court's order, showing cause, if any, why the writ of habeas corpus should not be granted, and to provide Petitioner an opportunity to file a reply within five days after Respondents file the return.

8. Giving Respondents additional time to respond is inappropriate in this case. First, Petitioner has been detained in violation of the TPS statute. He is separated from his family, and continues to face harm due to defendants' unlawful actions: they have deprived him of his physical liberty since on or about March 21, 2025, despite the fact that his application for TPS was granted on March 6, 2024, and the federal government extended TPS designation until October 2, 2026. Furthermore, the issues presented by this case are clear and straightforward: Petitioner continues to hold valid TPS status, and the TPS statute forbids his detention.

9. Attorneys for Petitioner have repeatedly allowed opportunities for Respondents to correct this injustice without the need for judicial resources. As discussed in his Petition, Respondents were notified of Petitioner's TPS status and, thus, the unlawful nature of his detention, since at least April 17, 2025. Attorneys for Petitioner have attempted to negotiate with Respondents for his release in good faith. Given Respondents have already had a full opportunity to consider their position on Petitioner's release, little time is needed for Respondents to review the basis for this Petition, and a swift, timely resolution of this petition can be accomplished within the time for response prescribed by 28 USC § 2243.

Dated: April 22, 2025

Respectfully submitted,

/s/ Cesar Diaz

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**Pro have vice applications forthcoming*

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PROPOSED SHOW CAUSE ORDER

On this day, the Court considered Ronny Jose Rodriguez Silva's Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 (Dkt. No. 1) and Application for Issuance of Order to Show Cause (Dkt. No. __) ("Petition").

Upon consideration of Petitioner's Application for Issuance of Order to Show Cause pursuant to 28 U.S.C. § 2243 and Petitioner's Petition for Writ of Habeas Corpus (Dkt. No. 1), the Court determines that Respondents must show cause why the Court should not grant Petitioner the relief he seeks.

IT IS HEREBY ORDERED that:

1. Respondents shall file a return on the Order to Show Cause why the Petition for Writ of Habeas Corpus should not be granted by _____;

2. Petitioner shall have an opportunity to file a reply by _____;

3. This matter shall be heard by this Court on _____ at _____.

4. Service of this Order shall be made by Petitioner on the United States Attorney for the Northern District of Texas by _____ on _____ and shall constitute good and sufficient service.

IT IS SO ORDERED.

_____
UNITED STATES DISTRICT JUDGE