

**THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
CINCINNATI DIVISION**

M.K., M.R., and S.D.

Petitioner-Plaintiff,

v.

RICHARD JONES, Sheriff of Butler County, in his official capacity; **PAMELA BONDI**, Attorney General of the United States, in her official capacity; **KRISTI NOEM**, Secretary of the U.S. Department of Homeland Security, in her official capacity; **TODD LYONS**, Acting Director of U.S. Immigration and Customs Enforcement, in his official capacity; **ROBERT LYNCH**, Director of the Detroit Field Office for U.S. Immigration and Customs Enforcement, in his official capacity.

Respondents-Defendants.

Case No. 25-281

Hon. Matthew W. McFarland
Mag. Stephanie K. Bowman

APPLICATION FOR ISSUANCE OF ORDER TO SHOW CAUSE

1. Pursuant to 28 U.S.C. § 2243, Petitioners respectfully request that this Court “forthwith” issue an Order directing Respondents to show cause why the Petition for Writ of Habeas Corpus (Dkt. No. 1) should not be granted.
2. Petitioners are stateless Nepali-speaking Bhutanese refugees detained at the Butler County Jail. They challenge the unlawful execution of removal orders that would expose them to third-country expulsion and persecution on account of their ethnic group in Bhutan, India, or Nepal—countries in which they have no legal status and face a credible threat of arbitrary detention, prosecution, and torture.
3. The federal habeas 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.
4. Section 2243 also states 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. Further, it 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. The Court is directed to “summarily hear and determine the facts, and dispose of the matter as law and justice require.”
7. Petitioners respectfully request that the Court immediately issue an Order to Show Cause directing Respondents to file a return within three (3) days, and allowing Petitioners to file a reply within two (2) days thereafter.

8. Granting Respondents extended time to respond would be inappropriate because Petitioners face imminent and irreparable harm due to the risk of removal to countries that have already rejected individuals in their exact circumstances. Removal would effectively foreclose Petitioners' ability to seek protection under 8 U.S.C. § 1231(b)(3), the Convention Against Torture, and the Fifth Amendment.

Respectfully submitted,



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Dated: May 2, 2025

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[PROPOSED] ORDER TO SHOW CAUSE

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),

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 Southern District of Ohio by _____ and shall constitute good and sufficient service.

IT IS SO ORDERED.

UNITED STATES DISTRICT JUDGE/MAGISTRATE