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Attorneys for Petitioner

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA EASTERN DIVISION

Sunday Kayode Kunkushi,	Case No. 5:25-cv-01608
Petitioner,	
v.)	APPLICATION FOR ISSUANCE OF ORDER TO SHOW CAUSE
Warden, Desert View Annex; Ernesto	
Santacruz Jr. Acting Field Office Director of	
Los Angeles Field Office, U.S. Immigration	11
and Customs Enforcement; Todd M. Lyons,	
Acting Director, U.S. Immigration and Customs	
Enforcement; Kristi Noem, Secretary of the	
U.S. Department of Homeland Security; and	
Pamela J. Bondi, Attorney General of the	
United States, in their official capacities,	
Respondents.	

1. Pursuant to <u>28 U.S.C. § 2243</u>, 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 <u>28 U.S.C. § 2241</u> should not be granted.

- 2. Petitioner challenges his re-detention over four years after his removal order became final despite prior release by ICE because his removal was not reasonably foreseeable. *See* Petition for Writ of Habeas Corpus, <u>Dkt. No. 1</u>. Petitioner challenges his re-detention pursuant to the Fifth Amendment, *Zadvydas v. Davis*, <u>533 U.S. 678, 690</u> (2001), and <u>8 U.S.C. § 1231(a)(1)-(2)</u> and <u>8 CFR § 241.13(i)</u> as ICE has failed to explain whether Petitioner has violated the conditions of release or why there is significant likelihood that Petitioner may now be removed in the reasonably foreseeable future.
- 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.
- 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."
- 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."
- 7. Pursuant to Section 2243, Petitioner requests that the Court immediately issue an Order to Show Cause directing Respondents 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 3 days after Respondents file the return.

8. Giving Respondents additional time to respond is inappropriate in this case because Petitioner faces irreparable harm due to Respondent's ongoing unjustified detention and inadequate medical care leading to dangerously high blood sugar levels.

/s/ Veronica Barba VERONICA BARBA, California State Bar No. 254155

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v.) [PROPOSED] ORDER TO SHOW) CAUSE
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U.S. Department of Homeland Security; and	j .
Pamela J. Bondi, Attorney General of the)
United States, in their official capacities,)
Respondents.)
)

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;	
4.	Petitioner shall not be removed from this jurisdiction pending resolution of this	
petition;		
5.	Service of this Order shall be made by Petitioner on the United States Attorney	
for the Cer	ntral District of California by and shall constitute good and	
sufficient s	service.	
IT IS SO	ORDERED.	
	UNITED STATES DISTRICT JUDGE	