

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, Dkt. No. 1. Petitioner challenges his re-detention pursuant to the Fifth Amendment, *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001), and 8 U.S.C. § 1231(a)(1)-(2) and 8 CFR § 241.13(i) 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.”

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.”

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
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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 Central District of California by _____ and shall constitute good and sufficient service.

IT IS SO ORDERED.

UNITED STATES DISTRICT JUDGE