

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

FRICO JEAN ([REDACTED],)
Petitioner,)
v.)
BRYAN PATTERSON, Warden, Pine Prairie) Case No. 6:25-CV-009970-JDC-DJA
ICE Processing Center, MELISSA HARPER,)
Field Office Director, New Orleans Field Office)
U.S. Immigration & Customs Enforcement;)
TODD M. LYONS Acting Director, U.S.)
Immigration & Customs Enforcement; and)
KRISTI NOEM, Secretary, Department of)
Homeland Security.)
Respondents.)

APPLICATION FOR 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. Petitioner challenges his detention considering Petitioner is in Temporary Protected Status from Haiti at least until September 2, 2025, (and possibly February 3, 2026) and the U.S. Code expressly prohibits the detention of a noncitizen in Temporary Protected Status. 8 U.S.C. § 1254a(d)(4). Likewise, the U.S. Code expressly prohibits removal of a noncitizen in Temporary Protected Status. 8 U.S.C. § 244(a)(A); *see also* 89 Fed. Reg. 54484, 54486 (July 1, 2024). Petition for Writ of Habeas Corpus, Dkt. No. 1. Additionally, his detention is in violation of the Fifth Amendment Right to Due Process, considering he has no right to be heard before an Immigration Judge because his case is closed, and his status as a Temporary Protected Status

holder is still valid. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (“freedom from imprisonment . . . lies at the heart of the liberty that [the Due Process] Clause protects.”).

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 two 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 his deprivation of his physical liberty, his separation from his six-year-old U.S citizen daughter, and his inability to assert his rights as a Temporary Protected Status holder, including protection from detention and from removal under the U.S. code. 8 U.S.C. §§ 1254a(d)(4), 244(a)(A); *see also* 89 Fed. Reg. 54484, 54486 (July 1, 2024).

Dated: July 10, 2025

Respectfully Submitted,

/s/ Erin C. Cobb

Signature of Applying Attorney

/s/ Elizabeth M. Carmody

Signature of Local Counsel

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Warden, Pine Prairie ICE Processing Center,
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Pine Prairie, LA 70576

Dated: July 10, 2025

Respectfully Submitted,

Elizabeth M. Carmody
Signature of Local Counsel

CERTIFICATE OF SERVICE

I, hereby certify that on July 10, 2025, I presented the foregoing APPLICATION FOR ISSUANCE OF ORDER TO SHOW CAUSE to the Clerk of Court for filing and uploading to the CM/ECF system which will send notification of such filing to the following: MELISSA HARPER, Field Office Director, New Orleans Field Office, TODD M. LYONS, Acting Director, U.S. Immigration & Customs Enforcement, and KRISTI NOEM, Secretary of Homeland Security. I hereby certify that I have mailed by United States Postal Service this filing to the following non-CM/ECF participants:

BRYAN PATTERSON,

Warden, Pine Prairie ICE Processing Center,
1133 Hampton Dupre Road
Pine Prairie, LA 70576

Dated: July 10, 2025

Respectfully Submitted,

/s/ Erin C. Cobb

Signature of Applying Attorney

/s/ Elizabeth M. Carmody

Signature of Local Counsel

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