

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Tou Pao Lee,

Petitioner,

v.

PAMELA BONDI,
ATTORNEY GENERAL;
KRISTI NOEM,
SECRETARY OF THE DEPARTMENT OF
HOMELAND SECURITY;
MIKE STASKO,
JAIL ADMINISTRATOR FOR FREEBORN
ADULT DETENTION CENTER
TODD M. LYONS,
DIRECTOR OF ICE FOR THE WASHINGTON,
D.C. HEADQUARTERS

Respondents

Civil Action No. 0:25-cv-02923-PSJ-SGE

MOTION FOR AN ORDER TO SHOW CAUSE PURSUANT TO 28 U.S.C. § 2243

Petitioner, Tou Pao Lee, is renewing his Petition for a Writ of Habeas Corpus as Petitioner is still in the U.S. despite Respondent's assertion that Petitioner would be removed from the U.S. on or before August 15, 2025 and despite this Honorable Court allowing Respondents three additional days to accomplish the removal.

Additionally, pursuant to 28 U.S.C. § 2243, Petitioner respectfully requests that the Court order Respondents to show cause why Mr. Lee's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 should not be granted.

Petitioner is requesting immediate release from custody. Pursuant to 28 U.S.C. § 2243, a court "entertaining an application for 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 that the applicant is not so entitled. 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," and that the court shall hold a hearing "not more than five days after the return unless for good cause additional time is allowed."

Counsel for Petitioner spoke with counsel for Respondents on August 18, 2025 where counsel for Respondents confirmed that Respondents were unable to remove Petitioner by the deadline given by this Honorable Court on August 8, 2025 at Docket No. 25. and that Petitioner will be returned to Minnesota by the end of day on August 18, 2025. AUSA further asserted that it will now take two weeks to remove Petitioner to Laos. Petitioner is concerned Respondents are buying time to facilitate Petitioner's removal and that these extension requests will continue to pile on creating an indefinite period of detention for Petitioner. Respondents have not yet provided copies of the travel documents to Respondent or to this Honorable Court.

In light of the fact that Petitioner is still in the U.S. and Respondents still intend to detain Petitioner, pursuant to 28 U.S.C. § 2243, and due to Petitioner's continued detention beyond the six-month presumptively reasonable periods to effect removal, see Zadvydas v. Davis, 533 U.S. 678, 701 (2001), he respectfully requests that the Court issue an order for the government to show cause within three days why the Petition should not be granted, and further schedule a hearing on the Petition for Writ of Habeas Corpus within five days of Respondents' return, with an opportunity for Petitioner to file a traverse or reply, pursuant to 28 U.S.C. § 2248, two days before the hearing. Petitioner additionally, requests that a TRO barring Respondent's removal from Minnesota until the completion of the requested hearing be put in place.

Finally, Petitioner respectfully requests that this Honorable Court award Petitioner attorney's fees and expenses as his continued detention is no longer justifiable.

Respectfully submitted,
The Defendant,
By his Attorney,

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Date: August 18, 2025