

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION

Thomas O'Connor,)
Petitioner,) Case No. 0:25-cv-61569
v.)
Warden, Broward Transitional Center, et al.,)
Respondents.)

)

**MOTION FOR 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 should not be granted.
2. Petitioner challenges his detention without a bond hearing. *See* Verified Petition for Writ of Habeas Corpus, Dkt. No. 1.
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 (emphasis added).
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. 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 one day after Respondents file the return.
8. Petitioner asks that any hearing be conducted remotely to allow cost-effective appearance of lead counsel, who maintains his office in Washington, D.C. and works remotely from the Boston metropolitan area.
9. Giving Respondents additional time to respond is inappropriate due to the ongoing and unlawful deprivation of liberty.

Respectfully submitted,

/s/ Frank Scaglione

Frank Scaglione, Florida Bar # 1015929
Clark Hill PLC
2301 Broadway
San Antonio, Texas 78215
Telephone: 210-250-6068
fscaglione@clarkhill.com

Mark Stevens, Virginia Bar # 86247 (PHV forthcoming)
Clark Hill PLC
1001 Pennsylvania Ave. NW
Suite 1300 South
Washington, DC 20004
Telephone: 202-552-2358
Facsimile: 202-552-2379
mstevens@clarkhill.com

Counsel for Petitioner