

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 25-CV-23665-JB

PEDRO BELLO-RUBIO, et al.,

Plaintiff,

v.

**KRISTI NOEM, in her official
Capacity as the Secretary of
Homeland Security, et al.,**

Defendants.

**DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION FOR ORDER
TO SHOW CAUSE AND FOR ENLARGEMENT OF BRIEFING PAGE LIMITS**

Kristi Noem, Secretary of Homeland Security, *et al.*, (“Defendants”), by and through the undersigned counsel, hereby files Defendants’ Opposition to Plaintiffs’ Motion for Order to Show Cause and for Enlarged Briefing Page Limits. *See* (ECF No. 25).

In Pedro Bello-Rubio, et al., (“Plaintiffs”) Motion for Order to Show Case and for Enlarged Briefing Page Limits, Plaintiffs ask that Defendants be ordered to file a return within ninety days of the Court’s order, and that Plaintiffs be given thirty days to file a traverse after Defendants’ return. (*Id.* at 8). Plaintiffs explain the “entire merits of this case can be resolved through the common law order to show cause procedure for habeas cases, without any need for an answer or the independent resolution of a motion to dismiss followed by cross motions for summary judgment—all of that can be resolved summarily and efficiently through the order to show cause process.” (*Id.* at 9).

Defendants submit that an order to show cause is unwarranted. Although Plaintiffs proceed under habeas corpus, 28 U.S.C. §§ 2241, 2243, under Count I, the two additional counts, Counts

II and III, request declaratory relief under the Administrative Procedure Act, where an order to show cause is inapplicable. The Federal Rule of Civil Procedure 12(b) allows a civil defendant to assert several defenses in a responsive pleading, such as lack of jurisdiction over the subject matter under Fed.R.Civ.P. 12(b)(1). Importantly, an order to show cause is unnecessary because Defendants already have dispositive deadlines in the immediate future: their deadline to file a responsive pleading to the complaint is November 10, 2025, and their deadline to file an opposition to the motion for class certification is November 27, 2025. *See* (ECF No. 30 and 35). The filing of a return in this matter, in addition to a dispositive motion, such as a motion to dismiss, will be duplicative with respect to legal arguments as Defendants will have asserted those arguments in the forthcoming motion to dismiss.

Accordingly, Defendants request that the Court deny Plaintiffs' Motion for Order to Show Cause and for Enlarged Briefing Page Limits.

Respectfully submitted,

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