

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION**

OSCAR G. GONZALEZ RENDON,)
)
Petitioner,)
)
v.)
)
KRISTI NOEM, Secretary, U.S. Department))
 of Homeland Security;)
TODD M. LYONS, Acting Director, U.S.)
 Immigration and Customs)
 Enforcement;)
GEORGE STERLING, Atlanta Field)
 Office Director, U.S. Immigration)
 and Customs Enforcement; and)
Warden, Folkston ICE Processing Center,)
)
Respondents.)
_____))

C.A.F.N. 5:25-cv-00104
Agency # 

PETITIONER'S MOTION FOR ISSUANCE OF ORDER TO SHOW CAUSE

Pursuant to 28 U.S.C. § 2243, Petitioner respectfully requests that this Court issue an order requiring Respondents to show cause as to why the Petition for Writ of Habeas Corpus filed by Petitioner should not be granted.

1. In his Petition for Writ of Habeas Corpus, Dkt. No. 1, Petitioner challenges his continued detention as unlawful under the Immigration and Nationality Act ("INA") and in violation of his due process rights. Respondents claim that Petitioner has been detained under 8 U.S.C. § 1225(b)(2), which mandates detention without a bond redetermination hearing for applicants for admission. Under the INA, however, Petitioner is clearly detained under 8 U.S.C. § 1226(a), which allows for a bond to be set by an immigration judge. To remedy these violations, Petitioner seeks immediate release from custody, or in the alternative, a bond hearing pursuant to 8 U.S.C. § 1226(a) within seven days.

2. 28 U.S.C. § 2243 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.” (emphasis added). The federal habeas statutes, 28 U.S.C. §§ 2241 *et seq.*, call for a “swift, flexible, and summary” judicial inquiry into the legality of an individual’s detention. *Preiser v. Rodriguez*, 411 U.S. 475, 495 (1973) (citing 28 U.S.C. § 2243).
3. 28 U.S.C. § 2243 mandates 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.” (emphasis added).
4. 28 U.S.C. § 2243 further requires the Court to promptly hold a hearing on the writ or order to show cause. Petitioner does not seek a hearing on the Motion for Issuance of Order to Show Cause, but he does seek a prompt hearing on the petition itself.
5. Finally, 28 U.S.C. § 2243 provides that the court “shall summarily hear and determine the facts, and dispose of the matter as law and justice require.” At every stage in the proceedings, courts hearing habeas cases should administer the writ “with the initiative and flexibility essential to ensure that miscarriages of justice within its reach are surfaced and corrected.” *Harris v. Nelson*, 394 U.S. 286, 291 (1969).
6. Pursuant to 28 U.S.C. § 2243, Petitioner respectfully requests that the Court immediately issue an order 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; that Petitioner be afforded five days to file a response to Respondents’ return; and that the Court schedule a hearing on the writ within five days of Petitioner’s reply.

7. Giving Respondents additional time to respond is inappropriate in this case because Petitioner faces irreparable harm due to his detention without a meaningful bond redetermination hearing. Such unlawful detention continues to inflict severe harm on both him and his dependent one-year-old U.S. citizen child, and deprives him of his right to physical liberty.

Respectfully submitted this 24th day of September, 2025.

/s/ Marshall Lewis Cohen

Marshall Lewis Cohen

Georgia Bar No. 174580

Attorney for Petitioner

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