

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TAMAY-TAMAY, NORMA BEATRIZ,)
GONZALEZ BERMEJO, JUAN)
SHERLY DEYANEIRA GONZALEZ TAMAY)

Petitioners,)

v.)

Judith ALMODOVAR, Acting Director of the)
New York City Field Office of Immigration and)
Customs Enforcement; **Kristi Noem**, Secretary of)
the Department of Homeland Security;)
Pamela Bondi, Attorney General,)

Respondents.)

Case No. **25-7984**

**APPLICATION FOR ISSUANCE
OF ORDER TO SHOW CAUSE**

1. Pursuant to 28 U.S.C. § 2243, Petitioners respectfully request that this Court “forthwith” issue an order directing Respondents to show cause why the petition for a writ of habeas corpus filed by Petitioners pursuant to 28 U.S.C. § 2241 should not be granted.

2. Petitioners challenges their ongoing detention, and their likely transfer outside the judicial district of this Court, of the Eastern District of New York, as is violates the Due Process Clause of the Fifth Amendment; *See* Petition for Writ of Habeas Corpus.

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, Petitioners 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 Petitioners an opportunity to file a reply within # days after Respondents file the return.

8. **Giving Respondents additional time to respond is inappropriate in this case,** because Petitioners continue to face irreparable physical and emotional harm in detention, due to the deprivation of their physical and emotional liberty, being separated from their family, attorneys, and community connections.

9. **In addition, ICE likely plan to transfer Petitioners,** Mrs. Norma Tamay-Tamay, Mr. Juan Gonzalez, and Sherly Dwyaneira Gonzalez Tamay, outside this judicial district. This illegal transfer will further, isolate Petitioners from their families, attorneys and community ties, as they will not be able to visit them and support Petitioners both legally and emotionally from a far.

/s/ Reuben S. Kerben
Counsel for Petitioners

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ORDER TO SHOW CAUSE

Upon consideration of Petitioners' Application for Issuance of Order to Show Cause pursuant to 28 U.S.C. § 2243 and Petitioners' Petition for Writ of Habeas Corpus,

IT IS HEREBY ORDERED that:

1. Respondent shall file a return on the Order to Show Cause why the Petition for Writ of Habeas Corpus should not be granted by [Date];
2. Petitioners shall have an opportunity to file a reply by [Date];
3. This matter shall be heard by this Court on [Date] at [Time].
4. Service of this Order shall be made by Petitioners on the United States Attorney for the Southern District of New York by [Time] on [Date] and shall constitute good and sufficient service.

IT IS SO ORDERED.

UNITED STATES DISTRICT JUDGE