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8 UNITED STATES DISTRICT COURT
9 FOR THE DISTRICT OF ARIZONA

10
11 Hijran Malik,
12 Petitioner

13 v.

14 Fred Figueroa, et al.
15 Respondents.
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Case No. CV25-03570-PHX-
GMS-JFM

**MOTION FOR ORDER TO
SHOW CAUSE**

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

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5 2. Petitioner challenges the legality of his detention after a final order of removal,
6 which has extended for more than nine months after the date that the immigration judge
7 denied relief and ordered Petitioner removed to Afghanistan. *See* First Amended Petition
8 for Writ of Habeas Corpus, Dkt. No. 7. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the
9 Supreme Court held that the U.S. government cannot detain immigrants indefinitely after
10 a removal order if their deportation is not reasonably foreseeable, limiting detention to a
11 presumptively reasonable period of six months. Petitioner’s continuing detention at the
12 Eloy Detention Center violates his due process rights as articulated by the Supreme Court
13 in *Zadvydas*.
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16 3. The federal habeas corpus statute provides that “[a] court, justice or judge entering
17 a writ of habeas corpus shall forthwith award the writ or issue an order directing the
18 respondent to show cause why the writ should not be granted, unless it appears from the
19 application that the applicant or person detained is not entitled thereto.” 28 U.S.C. § 2243.
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22 4. Section 2243 further provides that the writ or order to show cause “shall be returned
23 within three days unless for good cause additional time, not exceeding twenty days, is
24 allowed.”
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26 5. Section 2243 further provides that the court shall hold a hearing on the writ or order
27 to show cause “not more than five days after the return unless for good cause additional
28 time is allowed.”

1 6. In addition, Section 2243 states that the court “shall summarily hear and determine
2 the facts, and dispose of the matter as law and justice require.” Courts have long
3 recognized the significance of the habeas statute in protecting individuals from unlawful
4 detention or interference. The Great Writ has been referred to as “perhaps the most
5 important writ known to the constitutional law of England, affording as it does a *swift* and
6 imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S.
7 391, 400 (1963) (emphasis added).
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10 7. Habeas corpus must remain a swift remedy. Importantly, “the statute itself directs
11 courts to give petitions for habeas corpus ‘special, preferential consideration to insure
12 expeditious hearing and determination.’” *Yong v. INS*, 208 F.3d 1116, 1120 (9th Cir. 2000)
13 (internal citations omitted).
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15 8. Pursuant to Section 2243, Petitioner requests that the Court immediately issue an
16 Order to Show Cause directing Respondents to file a return within seven days of the
17 Court’s order, showing cause, if any, why the writ of habeas corpus should not be granted,
18 and to provide Petitioner an opportunity to file a reply within five days after Respondent(s)
19 file the return.
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21 9. Giving Respondents additional time to respond is inappropriate in this case because
22 Petitioner faces irreparable harm due to the lengthy deprivation of liberty that Respondents
23 have imposed upon him. He has been detained for 18 months thusfar, more than half of
24 those after being subject to a final order of removal. Dkt. 7, ¶1. Petitioner’s illegal
25 deprivation of his physical liberty has caused him hardship; he reports that he is suffering
26 from poor conditions while detained, including verbal abuse from guards who “talk to us
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1 in ways that are less than human.” Dkt. 7-3. He respectfully asks that this Court intervene
2 to require Respondents to show cause as to why his petition should not be granted
3 forthwith.

4 Dated: November 10, 2025

Respectfully submitted,

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6 By s/ Laura Belous
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