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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

TOMAS CANA ATZ,

Petitioner,

v.

KRISTI NOEM, Secretary, U.S. Department of
Homeland Security; U.S. DEPARTMENT OF
HOMELAND SECURITY; PAMELA BONDI,
U.S. Attorney General; EXECUTIVE OFFICE
FOR IMMIGRATION REVIEW; TODD M.
LYONS, Acting Director of Immigration and
Customs Enforcement, Newark Field Office,
Immigration and Customs Enforcement; LUIS
SOTO, Director, Delaney Hall Detention Facility,

Respondents.

Case No. 2:25-cv-16240

**APPLICATION FOR ISSUANCE
OF 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 filed by Petitioner pursuant to 28 U.S.C. § 2241 should not be granted.

2. Petitioner challenges his detention as violating the mandatory detention provisions of the Immigration and Nationality Act (INA), in particular, 8 U.S.C. § 1225 and the Due Process Clause of the Fifth Amendment. *See* Petition for Writ of Habeas Corpus, Dkt. No. .

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, Petitioner requests that the Court immediately issue an Order to Show Cause directing Respondent 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 five days after Respondent file the return.

8. Giving Respondent additional time to respond is inappropriate in this case because Petitioner faces irreparable harm due to the deprivation of his liberty. As petitioner is the breadwinner and primary economic support of his family, his four year old United States Citizen son relies on Petitioner to be able to afford his basic needs. The separation from his young son and the economic insecurity of his family is causing undue mental anguish and hardship.

/s/ Alexander Mena

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ORDER TO SHOW CAUSE

Upon consideration of Petitioner’s Application for Issuance of Order to Show Cause pursuant to 28 U.S.C. § 2243 and Petitioner’s Petition for Writ of Habeas Corpus (Dkt. No.), 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 _____;

2. Petitioner shall have an opportunity to file a reply by _____;

3. Respondent show cause before this Court on the _____ day of _____, 2025 in Courtroom _____, of the United States Courthouse, Newark, New Jersey at _____ m., or as soon thereafter as counsel may be heard why a writ of habeas corpus should not issue and the petitioner’s detention declared unlawful.

4. Service of this Order shall be made by Petitioner on the United States Attorney for the District of New Jersey by _____ on _____ and shall constitute good and sufficient service.

5. That pending further order of this Court any transfer of Petitioner outside the District of New Jersey is hereby stayed.

IT IS SO ORDERED.

UNITED STATES DISTRICT JUDGE