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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

KARIM DAUD MAHMOUD SALEM,)



Petitioner,)

v.)

ERIC ROKOSKY,)
Warden,)
Elizabeth Contract Detention Facility;)

JONATHAN FLORENTINO,)
Acting Newark Field Office Director,)
Enforcement and Removal Operations,)
U.S. Immigration and)
Customs Enforcement (ICE);)

TODD LYONS,)
Acting Director,)
U.S. Immigration and)
Customs Enforcement (ICE); and)

KRISTI NOEM,)
Secretary of the Department of)
Homeland Security (DHS))

in their official capacities,)

Respondents.)

Case No. _____

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 continued prolonged detention by the Respondents on the basis that it violates his Fifth Amendment right to Due Process; it violates 8 U.S.C. § 1231(a) and *Zadvydas v. Davis*, 533 U.S. 678 (2001); it violates the agency’s own regulations, 8 C.F.R. § 241.4; and because the detention has become punitive in nature. *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, Petitioner 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 Petitioner an opportunity to file a reply within a reasonable amount of days after Respondents file the return.

8. Giving Respondents additional time to respond is inappropriate in this case because Petitioner faces irreparable harm due to his continued ICE detention which now exceeds 218 days post removal order. Such detention has caused and continues to cause serious harm to the Petitioner, his U.S. citizen spouse, and their two minor children, as detailed in the Petition for Writ of Habeas Corpus and its attached exhibits.

Respectfully submitted,

s/ Veronica Cardenas
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