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

DEVI TSITSOUACHVILI;



Petitioner,

v.

LUIS SOTO, in his official capacity as Warden of Delaney Hall Detention Facility; JOHN TSOUKARIS, in his official capacity as Field Office Director of the Immigration and Customs Enforcement, Enforcement and Removal Operations Newark Field Office; TODD LYONS, in his official capacity as the Acting Director of U.S. Immigration and Customs Enforcement; KRISTI NOEM, in her official capacity as Secretary of the Department of Homeland Security, and PAMELA BONDI, in her official capacity as United States Attorney General,

Respondents.

Case No. 25cv16875

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

Petitioner respectfully petitions this Honorable Court for writ of habeas corpus to remedy Petitioner's unlawful detention by Respondents, as follows:

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 detention by Respondents as unlawful and in contravention of law. Petitioner was re-arrested by DHS without explanation after two decades of lawful existence in this country with his loving family, and despite being Stateless and unable to be removed. He has been charged with no crime, served with no documents or allegations, has not been given the right to request bond, has not been served with a charging document of any kind and Petitioner continues to languish in detention. Petitioner's removal from the United States to any country is not significantly likely to occur in the reasonably foreseeable future, although ICE and the DHS are clearly attempting to make his deportation a reality by side-stepping the law and the Petitioner's rights and due process. There has been no change in circumstances warranting the Petitioner's re-arrest and detention after twenty years. ICE's continued detention of someone like Petitioner under such circumstances is unlawful. 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 Respondent(s) to file a response 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 3 days after Respondent(s) file their response.

8. Giving Respondent(s) additional time to respond is inappropriate in this case because Petitioner faces irreparable harm due to the deprivation of his physical

liberty and faces irreparable harm as Respondents have illegally and unlawfully detained him and are attempting to remove him from the U.S. despite the fact he is Stateless.

Dated: October 23, 2025

Respectfully submitted,

/s/Nicholas J. Mundy

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