

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS**

Danyil Kybukevych,

Petitioner,

v.

**1:25-cv-00242**

Pamela Bondi, Attorney General,

Kristi Noem, Secretary, U.S. Department of  
Homeland Security,

Department of Homeland Security,

Todd M. Lyons, Acting Director of  
Immigration and Customs Enforcement,

Immigration and Customs Enforcement,

Miguel Vergara, Director, Harlingen Field  
Office Immigration and Customs Enforcement

and,

Warden of Port Isabel Service Detention  
Center.

**MOTION FOR ORDER TO SHOW CAUSE UNDER 28 U.S.C. § 2243**

1. Pursuant to 28 U.S.C. § 2243, Petitioner Danyil Kybukevych respectfully requests that this Court 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 unlawful detention and seeks immediate release from custody. See Petition for Writ of Habeas Corpus, Dkt. No. 1. Petitioner is challenging his custody as a violation of 8 U.S.C. § 1254a(d)(4) and the Constitution and laws of the United States.
3. Petitioner is detained despite his *prima facie* eligibility and pending application for Temporary Protected Status. See 8 U.S.C. §§ 1254a(a)(4)(B), 1254a(d)(4).
4. 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.
5. 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.” *Id.*

6. 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.” *Id.*
7. 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.” *Id.*
8. 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 five days after Respondents file the return.
9. Giving Respondents additional time to respond is inappropriate in this case because Petitioner faces irreparable harm due to the deprivation of his physical liberty.

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DATED: October 30, 2025

Respectfully submitted,

/s/ Amanda Waterhouse

Amanda Waterhouse

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