

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

O.G.

Petitioner,

v.

LaDeon FRANCIS, et. al.

Respondents.

Civil Action No. 25-cv-8977

**PETITIONER'S APPLICATION FOR AN ORDER TO SHOW CAUSE IN SUPPORT OF
PETITION FOR HABEAS CORPUS**

1. Pursuant to 28 U.S.C. § 2243, O.G. ("O.G." or "Petitioner") respectfully requests that the Court issue an Order to Respondents LaDeon Francis, Paul Arteta, Teresa Riley, Daren K. Margolin, Pamela Bondi, Kristi Noem, and Todd M. Lyons (collectively, "Respondents"), requiring them to show cause why O.G.'s Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 (filed October 29, 2025) should not be granted, and why Respondents should not be ordered to either release Petitioner from detention or provide him with a constitutionally adequate bond hearing, at which the Government bears the burden of establishing that continued detention is appropriate in his case.
2. In his Petition for Writ of Habeas Corpus and Application for Order to Show Cause, Petitioner challenges Respondents' authority to continue unlawfully detaining him under the mandatory detention statute, 8 U.S.C. § 1225(b)(2)(A), based on the fact that O.G. is not "seeking admission" and thus is not subject to the statute. He also challenges Respondents' failure to provide him with a constitutionally adequate bond hearing, based on the fact that he was required to bear the burden of proof at his prior hearing and argues

that his detention has now exceeded six months, thus becoming prolonged. *See* Petition for Writ of Habeas Corpus, Dkt. No. 1.

3. O.G.'s initial inadequate bond hearing and *ultra vires* mandatory detention without bond raise significant statutory concerns and constitutional concerns under the Due Process Clause of the Fifth Amendment, in light of O.G.'s pending affirmative relief applications and his prolonged detention beyond constitutional limits. *See id.*
9. The federal habeas corpus statute provides that “[a] court, justice or judge entertaining an application for 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 (emphasis added).
10. 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.” (emphasis added).
11. 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.”
12. In addition, Section 2243 provides that the court “shall summarily hear and determine the facts, and dispose of the matter as law and justice require.”
13. Finally, 28 U.S.C § 1657 directs the court to “expedite the consideration of any action brought under chapter 153,” which includes habeas petitions under 28 U.S.C. § 2241.
14. Pursuant to 28 U.S.C. § 2243, in light of Petitioner’s continued unlawful detention without bond, and considering the humanitarian needs of the Petitioner, Petitioner

respectfully requests that the Court immediately issue an Order to Show Cause against the Respondents.

15. In light of the clear nature of the statutory and constitutional question before this Court and Petitioner's continued unlawful and prolonged detention, Petitioner respectfully requests that Respondents be afforded no more than ten (10) days from the issuance of the Order to Show Cause to file any Opposition brief, and that he in turn be afforded five (5) days from the filing of any Opposition brief to file a Reply.
16. Petitioner further requests that the Court schedule a hearing on the Petition for Writ of Habeas Corpus as soon as possible after the filing of his Reply, at a mutually agreed upon date and time.
17. Finally, Petitioner requests that the Defendants be enjoined from transferring O.G. outside of the jurisdiction of this court. *See, e.g., Ozturk v. Hyde*, 136 F.4th 382 (2d Cir. 2025) (citing the District Court's enjoinder of transfer of the noncitizen outside the jurisdiction of the court); *Perez y Perez v. Noem*, No. 25-CV-4828, 2025 WL 1908284 (S.D.N.Y. June 13, 2025) (ordering Petitioner not to be transferred outside of the District pending adjudication of the Petition); Order, *Sillah v. Barr*, No. 19 Civ. 1747 (S.D.N.Y. Feb. 25, 2019), ECF No. 6 (enjoining respondents from transferring defendant outside of the New York City area while defendant's habeas petition was pending).

Respectfully Submitted,

Dated: October 29, 2025
Brooklyn, NY

/s/ Alexandra Lampert
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*Motion to permit law student appearance pending