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DETAINED

Attorney for Plaintiff

6 **THE UNITED STATES DISTRICT COURT**
7 **FOR THE WESTERN DISTRICT OF WASHINGTON**
8 **SEATTLE, WASHINGTON**

8 LUIS CALDERON,

9 Petitioner,

10 v.

11 KRISTI NOEM, Secretary of U.S.
12 Department of Homeland Security;
13 PAMELA BONDI, United States Attorney
14 General;
15 TODD LYONS, Acting Director, U.S.
16 Immigration and Customs Enforcement;
17 CAMMILLA WAMSLEY, Seattle Field
18 Office Director, Immigration and Customs
19 Enforcement;
20 BRUCE SCOTT, Warden, Northwest ICE
21 Processing Center;

22 Respondents.

Case No.: 2:25-cv-2136

EX PARTE MOTION FOR ORDER TO
SHOW CAUSE

Agency File Number:



18 **MOTION FOR ORDER TO SHOW CAUSE**

19
20 1. Pursuant to 28 U.S.C. § 2243, Petitioner respectfully requests that this Court “forthwith”
21 issue an order directing Respondents to show cause why the petition for a writ of habeas corpus
22 filed by Petitioner pursuant to 28 U.S.C. § 2241 should not be granted.

1 2. Petitioner challenges his detention on the ground that he was not provided with any written
2 notice explaining the basis for the revocation of his release nor was he provided with a hearing
3 before a neutral decisionmaker where the Department of Homeland Security was required to
4 justify the basis for re-detention or explain why Petitioner is a flight risk or a danger to the
5 community. By failing to provide such a hearing, Respondents have violated Mr. Calderon'
6 constitutional right to due process. *See* Petitioner for Writ of Habeas Corpus, Dkt. No. 1.

7 3. The federal habeas corpus statute provides that “[a] court, justice or judge entering a writ
8 of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show
9 cause why the writ should not be granted, unless it appears from the application that the applicant
10 or person detained is not entitled thereto.” 28 U.S.C. § 2243.

11 4. Section 2243 further provides that the writ or order to show cause “shall be returned within
12 three days unless for good cause additional time, not exceeding twenty days, is allowed.”

13 5. Section 2243 also provides that the court shall hold a hearing on the writ or order to show
14 cause “not more than five days after the return unless for good cause additional time is allowed.”

15 6. In addition, Section 2243 states that the court “shall summarily hear and determine the
16 facts, and dispose of the matter as law and justice require.”

17 7. Pursuant to Section 2243, Petitioner requests that the Court immediately issue an Order to
18 Show Cause directing Respondents to file a return within three days of the Court’s order, showing
19 cause, if any, why the writ of habeas corpus should not be granted, and to provide Petitioner an
20 opportunity to file a reply within two days after Respondents file the return.

21 8. Giving Respondents additional time to respond is inappropriate in this case because
22 Petitioner faces irreparable harm due to his deprivation of his physical liberty. “It is well
23 established that the deprivation of constitutional rights’ unquestionably constitutes irreparable

1 injury.” *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (quoting *Elrod v. Burns*, 427
2 U.S. 347, 373 (1976).

3
4 WHEREFORE, Petitioner respectfully requests that this court:

- 5 (1) Issue an order directing Respondents to show cause within three days why the writ of
6 habeas corpus should not be granted;
- 7 (2) Enter the Proposed Order to Show Cause today; and
- 8 (3) Grant such other relief as may be just and reasonable.

9
10 Dated: October 29, 2025.

11 /s/ Hilary Smith

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12 Attorney for Petitioner

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