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Pro Bono Counsel for Petitioner

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

ALEX YOVANYS PEREZ,

Petitioner,

v.

TODD LYONS, in his official capacity as
Acting Director of the Immigration and
Customs Enforcement;

KRISTI NOEM, in her official capacity as
Secretary of the Department of Homeland
Security;

PAMELA BONDI, in her official capacity as
Attorney General of the United States;

LUIS SOTO, in his official capacity as
Director of the Delaney Hall;

Respondents.

Case No. 25-17186

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

1. Pursuant to 28 U.S.C. § 2243, Petitioner Alex Yovanys Perez (“Mr. Perez” or “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 Mr. Perez pursuant to 28 U.S.C. § 2241 should not be granted.

2. Mr. Perez is a 20-year resident of New Jersey who was detained during a car stop on October 27, 2025. He challenges his unlawful detention in Respondents' custody. *See* ECF No. 1, Verified 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. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

8. Pursuant to Section 2243, Mr. Perez 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 Mr. Perez an opportunity to file a reply within seven days after Respondents file the return. Mr. Perez requests that this Court order Respondents to not transfer him out of this district while his petition and this application are adjudicated.

9. Giving Respondents additional time to respond is inappropriate in this case because Mr. Perez faces irreparable harm due to the deprivation of his physical liberty. Absent the issuance of a show cause order, Mr. Perez will continue to suffer irreparable harm from the violation of his constitutional, statutory and regulatory rights. He has been plucked from his life in New Jersey, which he has called home for 20 years, separated from his community, church, and loved ones, and unable to work to support his family. Critically, DHS has indicated that he will be imminently transferred out of the state and away from his community, loved ones and legal counsel.

Dated: November 4, 2025

Respectfully submitted,

s/ Alex Mintz
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CERTIFICATE OF SERVICE

I, undersigned counsel, hereby certify that on this date, I filed this Application for Issuance of Order to Show Cause with the Clerk of the Court using the CM/ECF system, and that in accordance with Fed. R. Civ. P. 5, all counsel of record shall be served electronically through such filing.

Dated: November 4, 2025

s/ Alex Mintz
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