

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSE FLORES PALMA,

Petitioner,

v.

PAUL ARTETA, et. al.

Respondents.

Civil Action No. 25-9340

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

1. Pursuant to 28 U.S.C. § 2243, Petitioner Jose Flores Palma ("Petitioner" or "Mr. Flores") respectfully requests that the Court issue an Order to Respondents Paul Arteta, William Joyce, Todd M. Lyons, Kristi Noem, and Pamela Bondi (collectively, "Respondents"), requiring them to show cause why Mr. Flores's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 (filed November 7, 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' revocation of his parole and redetention absent any notice, an opportunity to be heard, or individualized review of the basis for his detention. He also challenges Respondents' failure to provide him with a constitutionally adequate bond hearing, based on the Government's position that he is not eligible for a bond hearing and that his detention has now exceeded six months, thus becoming prolonged. *See* Petition for Writ of Habeas Corpus, Dkt. No. 1.

3. Mr. Flores's mandatory detention without bond raises significant constitutional concerns under the Due Process Clause of the Fifth Amendment, in light of Mr. Flores's eligibility for relief from removal and his prolonged detention beyond constitutional limits. *See id.*
4. 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).
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." (emphasis added).
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."
7. 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."
8. 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.
9. 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.

10. 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.
11. 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.
12. Finally, Petitioner requests that the Defendants be enjoined from transferring Mr. Flores 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 habeas 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: November 7, 2025
Brooklyn, NY

/s/ Alexandra Lampert
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