

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

SARA VALERIA VELASQUEZ-GOMEZ,

Petitioner,

- against -

LUIS SOTO, in his official capacity as Facility Director, Delaney Hall Detention Center; ALEXANDER CABEZAS, in his official capacity as Director for the Newark Field Office for Immigration and Customs Enforcement; KRISTI NOEM, in her official capacity as Secretary of Homeland Security; PAMELA JO BONDI, in her official capacity as Attorney General of the United States of America,

Respondents.

No. 2:25-cv-17327

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

1. Pursuant to 28 U.S.C. § 2243, Ms. Velasquez-Gomez ("Petitioner") respectfully requests that the Court issue an Order to Respondents Luis Soto, Alexander Cabezas, Pamela Bondi, and Kristi Noem (collectively, "Respondents"), requiring them to show cause why Ms. Velasquez-Gomez'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 her with a constitutionally adequate bond hearing, at which the Government bears the burden of establishing that continued detention is appropriate in her case.

2. In her Petition for Writ of Habeas Corpus and Application for Order to Show Cause, Petitioner challenges Respondents' authority to continue unlawfully detaining her under the mandatory detention statute, 8 U.S.C. § 1225(b)(2)(A), based on the fact that Ms. Velasquez-Gomez is not "seeking admission" and thus is not subject to the statute. She also challenges Respondents' warrantless and unlawful arrest of Ms. Velasquez-Gomez, carried out without any individualized determination as to her dangerousness or risk of flight, notwithstanding Respondents' prior determination that she warranted discretionary release. *See* Petition for Writ of Habeas Corpus, Dkt. No. 1.
3. Ms. Velasquez-Gomez, an asylum-seeker complying with all reporting and other requirements, being re-detained without any pre-deprivation individualized determination of dangerousness or flight risk raises constitutional concerns under the Due Process Clause of the Fifth Amendment. *See id.* Ms. Velasquez-Gomez's warrantless and suspicionless detention violates the Fourth Amendment's protection against unlawful search and seizure. *See id.* And subjecting Ms. Velasquez-Gomez to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) after discretionarily releasing her three years

ago and previously treating her as subject only to discretionary detention under 8 U.S.C. § 1226(a) is arbitrary and capricious and contrary to the Immigration and Nationality Act and implementing regulations. *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 seven (seven) days from the issuance of the Order to Show Cause to file any Opposition brief, and that she 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 her Reply, at a mutually agreed upon date and time.
17. Finally, Petitioner requests that the Respondents be enjoined from transferring Ms. Velasquez-Gomez outside of the jurisdiction of this court. The Court enjoys authority to so order under the All Writs Act, 28 U.S.C. § 1651, and the Court's inherent equitable authority. *See, e.g., Khalil v. Joyce*, No. 2:25-cv-1963 (MEF) (D.N.J.) Mar. 19, 2025), ECF No. 81 (enjoining transfer and removal of an immigration habeas petitioner under the All Writs Act); *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 petitioner outside of the New York City area while petitioner's habeas petition was pending).

Respectfully Submitted,

Dated: November 10, 2025
New York, NY

/s/ Anwen Hughes
Anwen Hughes
HUMAN RIGHTS FIRST
121 W 36th St., PMB 520
New York, NY 10018
Tel: (212) 845-5244
HughesA@humanrightsfirst.org

LAW OFFICE OF MATTHEW BRAY
Nathan Yaffe* (*pro hac vice*
forthcoming)
119 West 23rd Street, Suite 900
New York, NY 10011
Tel: (646) 253-0580
nathan.yaffe@protonmail.ch

* NOT ADMITTED IN THE
DISTRICT OF NEW JERSEY –

Attorneys for Petitioner
SARA VALERIA VELASQUEZ-GOMEZ