

Matthew Archambeault, Esq.
Pretty Martinez, Esq.
Law Office of Matthew Archambeault
216 Haddon Avenue, Suite 402
Haddon Township, NJ 08108-2812
Mja@archambeaultlaw.com
215-599-2189 / 856-890-9320
Attorneys for Petitioner

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

DEYBIN JOSE RIVAS
RODRIGUEZ; A 
Petitioner,

v.

ERIC ROKOSKY, in his official capacity as Warden of the Elizabeth Contract Detention Facility; JOHN TSOUKARIS, in his official capacity as Field Office Director of the Immigration and Customs Enforcement, Enforcement and Removal Operations Newark Field Office; TODD LYONS, in his official capacity as the Acting Director of U.S. Immigration and Customs Enforcement; KRISTI NOEM, in her official capacity as Secretary of the Department of Homeland Security, and PAMELA BONDI, in her official capacity as United States Attorney General,

Respondents.

Case No. 1:25-cv-17419

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

1. Pursuant to 28 U.S.C. § 2243, 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 Petitioner pursuant to 28 U.S.C. § 2241 should not be granted.
2. Petitioner challenges his unlawful detention by Respondents. Petitioner is detained pending his removal proceedings without access to a hearing conducted by a neutral decisionmaker--a federal judge or an immigration judge--to determine whether his detention is warranted based on a danger or flight risk. He is detained pursuant to the Board of Immigration Appeal's (BIA) recent decision in *Matter of Yajure Hurtado* 29 I&N Dec. 216 (BIA 2025). The BIA's interpretation in this decision conflicts with the plain language and structure of the Immigration and Nationality Act, as well as decades of uncontroverted agency practice. Therefore, Respondents' application of 8 U.S.C. § 1225(b)(2) to Petitioner is contrary to law and violates the Immigration and Nationality Act (INA) and the Administrative Procedure Act (APA). *See* Petition for Writ of Habeas Corpus, ECF No. 1.
3. The Petitioner is a citizen of Nicaragua who suffered persecution by the government of Nicaragua based on his political opinion. *See* Ex. B. The Petitioner fled Nicaragua and entered the United States, without inspection, on or about September 13, 2021, to seek freedom here in the United States. *See*

Exs. B, D. He was alleged to have been given an Expedited Order of Removal¹ and paroled into the United States. *See* Exs. F, E.

4. The Petitioner moved to Long Island, New York, where he began to live with his grandmother and did so peacefully for four years until his detention. *See* Ex. C. The Petitioner has never been arrested here in the United States.
5. The Petitioner was detained while attending his Credible Fear Interview, conducted at the USCIS Asylum Office in Bethpage, New York. The Petitioner was found to have a credible fear of persecution if returned to Nicaragua and was issued a Notice to Appear. *See* Exs. B, D.
6. Continued unlawful detention of the Petitioner not only constitutes a real hardship to his United States citizen wife, but also impedes the proper preparation of his asylum claim.
7. 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.

¹ The Expedite Removal Order in question is blank in important areas and unsigned.

8. 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.”
9. 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.”
10. 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.”
11. Pursuant to Section 2243, Petitioner 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 Petitioner an opportunity to file a reply within 3 days after Respondents file the return.
12. Giving Respondents additional time to respond is inappropriate in this case because Petitioner faces irreparable harm due to the impediments in properly preparing his asylum application and simply the conditions of unlawful detention.

Dated: November 17, 2025

Respectfully submitted,
/s/Matthew J. Archambeault
Matthew J. Archambeault
Law Office of Matthew Archambeault
216 Haddon Avenue, Suite 402
Haddon Township, New Jersey 08108-2812
Mja@archambeaultlaw.com |(215) 599-2189