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

JOSE AMILCAR BENITEZ
CASTRO; 
Petitioner,

v.

LUIS SOTO, in his official capacity as Warden of Delaney Hall 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. **2:25-cv-17598**

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

1. Pursuant to 28 U.S.C. § 2243, Petitioner, JOSE AMILCAR BENITEZ CASTRO (hereinafter “Jose Castro”) 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. Mr. Jose Castro was arrested on October 16, 2025 by the ICE-ERO Central Islip, NY Sub Office while attending a scheduled appointment at Nassau County Probation, 400 County Seat Drive, Mineola, NY, and subsequently detained at Delaney Hall Detention Facility. He has been living in Glen Cove, New York since he entered the United States in April 2004. He has a DWI from 2018 and one from Spring 2025, and he has attended any/all court appearances and complied with all judicial orders for both. Aside from these incidents, he has had no criminal arrests or encounters with law enforcement during his approximately 21 years in the United States. He has substantial community ties, including three U.S. citizen children, residence at the same address since 2012 and employment at the same painting company since 2012, such that he is not a flight risk nor a danger to society. He is not subject to mandatory detention. *See* Petition for Writ of Habeas Corpus, Dkt. No. **2:25-cv-17598**.

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. 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 7 days after Respondents file the return.

8. Giving Respondents additional time to respond is inappropriate in this case because Petitioner faces irreparable harm to his mental and physical health as

a result of his detention. Petitioner has a long-term partner and three U.S. citizen minor children in New York who rely on him for support. He is being subject to the avoidable and unnecessary suffering of being separated from his loved ones and to the physical and mental distress associated with incarceration. Absent an order to show cause, Petitioner will continue to be deprived of his physical liberty.

Dated: November 14, 2025

Respectfully submitted,

/s/Catherine E. Reilly

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Respondents.

**[PROPOSED]
ORDER TO SHOW
CAUSE**

Upon consideration of Petitioner's Application for Issuance of Order to Show Cause pursuant to 28 U.S.C. § 2243 and Petitioner's Petition for Writ of Habeas Corpus (Dkt. No. **2:25-cv-17598**), IT IS HEREBY ORDERED that:

1. Respondents shall file a return on the Order to Show Cause why the Petition for Writ of Habeas Corpus should not be granted by November ____, 2025;
2. Petitioner shall have an opportunity to file a reply by November ____, 2025;
3. This matter shall be heard by this Court on _____ at _____.
4. Service of this Order shall be made by Petitioner on the United States Attorney for the District of New Jersey by _____ at _____ and shall constitute good and sufficient service.

IT IS SO ORDERED.

UNITED STATES DISTRICT JUDGE