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

EDWIN GAMALIEL MURALLES,

A 

Petitioner,

v.

ERIC ROKOSKY, in his official capacity as Warden of the Elizabeth Detention Center; JOHN TSOUKARIS, in his official capacity as the Newark Field Office Director of Immigration and Customs Enforcement, Enforcement and Removal Operations; 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-18208

**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.
3. He is detained pursuant to the BIA's 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 *Pet. for Writ of Habeas Corpus*, Dkt. No. 1:25-cv-18208, ECF No. 1.
4. Petitioner is a 39-year old Guatemalan national who entered the United States without inspection in approximately 2004. He has lived in the state of New

York since his entry. For about the past six years, Petitioner has lived with his wife and children in Shirley, New York.

5. Petitioner is married to a United States citizen, Delmi Elizabeth Mejia, and together they have two United States citizen children,  (9) and  (4).
6. Petitioner is currently detained at Elizabeth Contract Detention Facility in Elizabeth, New Jersey. *See* Pet'r's Ex. A, ECF No. 1. He was informed he has been placed in removal proceedings to be held at the Elizabeth Immigration Court, with a Master Calendar hearing scheduled for December 16, 2025. *See* Pet'r's Exs. B, C; ECF No. 1. Since his detention, Petitioner's wife, Delmi, has been struggling emotionally, mentally, and financially. Petitioner's two young children have been separated from their father.
7. Continued unlawful detention of the Petitioner not only constitutes a real hardship to his United States citizen wife and two young children, but also impedes preparation of his applications for immigration relief. Given his long history in the United States, he is eligible for EOIR-42B, Cancellation of Removal. He is also eligible for to file Form I-601A, Application for Provisional Unlawful Presence Waiver. Petitioner has never been arrested in the United States or anywhere else in the world.
8. As detention centers across the country become packed with noncitizens like Petitioner, access to counsel, even by remote virtual visits, become increasingly

difficult to schedule. This exacerbates violations of due process rights, and negatively impacts Petitioner twofold—visits with his immigration counsel to apply for immigration relief and access to undersigned counsel are more and more difficult to schedule.

9. 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.
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.”
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 states that the court “shall summarily hear and determine the facts, and dispose of the matter as law and justice require.
13. Pursuant to Section 2243, Petitioner requests that the Court immediately issue an Order to Show Cause directing Respondent(s) 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 Respondent(s) file the return.

14. Petitioner respectfully renews his request that this Honorable Court order Respondents not remove him from the state of New Jersey, that he may physically remain within this Court's jurisdiction.
15. Giving Respondents additional time to respond is inappropriate in this case because Petitioner faces irreparable harm due to the impediments in properly preparing his application for cancellation of removal as coordination for virtual attorney visits with the detention facility become increasingly difficult, as well as the irreparable harm faced by his United States citizen wife and young daughters.

Dated: December 5, 2025

Respectfully submitted,

*/s/Matthew J. Archambeault*

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