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Attorney for Petitioner

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Mahamed Cabdilaahi Awaale,)
)
 Petitioner,)
)
 v.)
)
 Kristi NOEM, Secretary of DHS;)
 Pamela BONDI, Attorney General, DOJ;)
 Todd M. LYONS, Acting Director of ICE;)
 Peter BERG, Director of St. Paul Field Office, ICE;)
 Joel L. BROTT, Warden, Sherburne County Jail;)
)
 in their official capacities,)
)
 Respondents.)
 _____)

0:25-cv-4551
Case No. _____

**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 mandatory detention under 8 U.S.C. § 1225 as he is not an “arriving alien” as he has been in the United States since 2022 after having been released under 8 USC § 1226(a). *See* Petition for Writ of Habeas Corpus.

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 3 days after Respondents file the return.

8. Giving Respondents additional time to respond is inappropriate in this case because Petitioner faces irreparable harm due to unlawful detention without the possibility of bond under 8 USC 1225 whereas decades of law and practice show that an alien located within the United States for several years is not an “arriving alien.”

Dated: December 7, 2025

/s/ John Ogden Arnold
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 Respondents.)
 _____)

Case No. 0:25-cv-4547

**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, 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 _____ [Date];
2. Petitioner shall have an opportunity to file a reply by _____ [Date];
3. This matter shall be heard by this Court on _____ [Date] at _____ [Time];
4. Service of this Order shall be made by Petitioner on the United States Attorney for the District of Minnesota by _____ [Time] on _____ [Date] and shall constitute good and sufficient service.

IT IS SO ORDERED.

UNITED STATES DISTRICT JUDGE