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Attorney for Petitioner

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF TEXAS**

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ELHADJI ALIOUNE TOP, )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 BRET BRADFORD, Houston Field Office )  
 Director, Immigration and Customs Enforcement )  
 and Removal Operations (“ICE/ERO”); WARDEN )  
 OF THE HOUSTON CONTRACT DETENTION )  
 FACILITY; TODD LYONS, Acting Director of )  
 Immigration Customs Enforcement (“ICE”); U.S. )  
 IMMIGRATION AND CUSTOMS )  
 ENFORCEMENT; KRISTI NOEM, Secretary of )  
 the Department of Homeland Security (“DHS”); )  
 U.S. DEPARTMENT OF HOMELAND )  
 SECURITY; and PAMELA BONDI, Attorney )  
 General of the United States, )  
 )  
 Respondents. )  
 )  
 )

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Case No.: **4:25-cv-6109**

**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 the lawfulness of his continued civil immigration detention, which is unauthorized by statute, violates the Due Process Clause of the Fifth Amendment, and causes ongoing and irreparable harm. See Petition for Writ of Habeas Corpus, Dkt. No. 1.

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 5 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 the ongoing deprivation of his physical liberty, which is

constitutionally protected, and because each additional day of unlawful detention exacerbates his serious medical and psychological conditions, causing harm that cannot be remedied through later relief.

Dated: December 29, 2025.

Respectfully submitted,

By:  \_\_\_\_\_

Tetyana Jabber

Texas State Bar No.: 24128688

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