

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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H.M.	)	
	)	
<i>Petitioner,</i>	)	Civil Action No.
	)	
v.	)	
	)	
ERIC ROKOSKY, in his official capacity as	)	
Warden, Elizabeth Detention Center,	)	
	)	
ALEXANDER CABEZAS, in his official capacity	)	
as Newark Field Office Director, U.S. Immigration	)	
and Customs Enforcement, Enforcement and	)	
Removal Operations	)	
	)	
KRISTI NOEM, in her official capacity as	)	
Secretary of the Department of Homeland Security,	)	
	)	
PAMELA BONDI, in her official capacity	)	
as Attorney General of the United States,	)	
	)	
	)	
<i>Respondents.</i>	)	

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**APPLICATION FOR 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 incommunicado detention by Immigration and Customs Enforcement at an unknown location, preventing him from communicating with his counsel or his family and preventing him and his counsel from preparing for the individual hearing on the merits of his asylum claim for which the Immigration Court today scheduled him for January 21, 2026. Petitioner also seeks an order from this Court prohibiting Respondents from removing him from

the United States pending resolution of his habeas petition. As Petitioner is the subject of removal proceedings that are still pending, Respondents are also prohibited by law from removing him from the United States pending resolution of those proceedings. *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 one after Respondents file the return.

8. Giving Respondents additional time to respond is inappropriate in this case because Petitioner faces irreparable harm due to his inability to communicate with counsel and his family so as to prepare for a final hearing on the merits of his application for asylum that was

just set for a date just over a month from now, and due to the fear that Respondents' refusal to disclose Petitioner's location may indicate that they are in the process of illegally removing him from the United States.

Dated: December 19, 2025.

Respectfully submitted,

s/Anwen Hughes  
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