

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

ZUHAIR SAAD CHAYAN AL-SUDANI,

Petitioner,

v.

PAMELA BONDI, in their official capacity as Attorney General of the United States;
KRISTI NOEM, in her capacity as Secretary of the United States Department of Homeland Security;
TODD M. LYONS, in his official capacity as Acting Director of the United States Immigration and Customs Enforcement;
MARY DE ANDA-YBARRA in her official capacity as Acting Director, El Paso Field Office, U.S. Immigration and Customs Enforcement; and
DORA CASTRO, in her official capacity as Warden, Otero County Processing Center;

Respondents.

Case No. 26-cv-317

PETITIONER’S APPLICATION FOR ORDER TO SHOW CAUSE

1. Pursuant to 28 U.S.C. § 2243, Petitioner respectfully requests that this Court issue “forthwith” 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 detention in the Otero County Processing Center in Chaparral, New Mexico as a violation of law. *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** (3) 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 **three** (3) days after Respondents file the return.

8. Giving Respondents additional time to respond is inappropriate in this case because Petitioner faces irreparable harm.

DATED: February 8, 2026
Las Cruces, New Mexico

Respectfully Submitted,

/s/ Marisa A. Ong

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**Pro hac vice application forthcoming*

