Law Offices of Michael Z. Goldman
Michael Z. Goldman
100 Church Street, Suite 800
New York, NY 10007
212 901-3799
michael@mzglaw.com

Attorney for Petitioner

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DSTRICT OF NEW YORK

AGNALDO CARVALHO DE ROCHA

Petitioner,

v.

FREDERICK AKSHAR,
in his official capacity as Sheriff of Broome County Correctional Facility; and

TODD BLANCHE,
in his official capacity as Acting Attorney General, U.S. Department of Justice,

Respondents.

Case No. 26-cv-1263

APPLICATION FOR ISSUANCE OF ORDER TO SHOW CAUSE

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.

1. Petitioner challenges his present unlawful detention. *See* Petition for Writ of Habeas Corpus, ECF No. 10.

2. 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.

3. 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."

4. 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."

5. 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."

6. 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 why the Petitioner should not be immediately released, and to provide Petitioner an opportunity to file a reply within three days after Respondents file the return.

7. As a corollary request, Petitioner asks the Court enjoin Respondents from moving him from the jurisdiction of the Northern District of New York while his Petition for Habeas Corpus is being considered by this Court.[1]

---

[1] Numerous courts have found authority to issue such an order in The All Writs Act, 28 U.S.C. § 1651(a), which empowers the federal courts to "issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law." *See Perez Y Perez v. Noem*, 2025 WL 1908284, at *2, 25-CV-4828 (DEH) (S.D.N.Y. June 13, 2025) ("In light of Petitioner's interests in participating in further proceedings before this Court and in maintaining adequate access to legal counsel through these proceedings, Petitioner shall not be subsequently transferred except to a facility within this District, the Eastern District of New York, or the District of New Jersey absent further order of this Court."); *Ozturk v. Trump*, No. 25 Civ. 374, 2025 WL 1145250, at *15 (D. Vt. Apr. 18, 2025) (ordering

Dated: June 18, 2026

Respectfully submitted,

/s/ Michael Z. Goldman
100 Church Street, Suite 800
New York, NY 10007
212 901-3799
michael@mzglaw.com

Attorney for Petitioner

petitioner's transfer from Louisiana to Vermont due, in part, to her pending habeas petition), *stay and mandamus denied*, *Ozturk v. Hyde*, 136 F.4th 382, 403 (2d Cir. 2025); Order, *Sillah v. Barr*, No. 19 Civ. 1747 (S.D.N.Y. Feb. 25, 2019), ECF No. 6 (enjoining respondents from transferring defendant outside of the New York City area while defendant's habeas petition was pending). *See also Arostegui-Maldonado v. Baltazar*, -- F.Supp.3d --, No. 25-cv-2205, 2025 WL 2280357, at *16 (D. Colo. Aug 8, 2025) (relying on All Writs Act to enter an injunction preventing immigration detainee's transfer out of the District of Colorado during the pendency of his habeas action).