UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

T.M.B.A., by and through his next friend, Lauren Fouda,

Petitioner,

v.

Robert F. Kennedy, Jr., et al.,

Respondents.

Case No. 1:26-cv-07604-ALC

APPLICATION FOR ORDER TO SHOW CAUSE WITH TEMPORARY RESTRAINTS

1. Pursuant to 28 U.S.C. § 2243 and Local Civil Rule 6.1, 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, a minor child, challenges his detention in Respondents' custody in violation of the Due Process Clause, the Trafficking Victims Protection Reauthorization Act (8 U.S.C. § 1232), the ORR Foundational Rule (45 C.F.R. Part 410), and the Administrative Procedure Act (5 U.S.C. § 701 et seq.) and seeks immediate release from Respondents' custody to his sponsor parent. *See* Petition for Writ of Habeas Corpus. No prior application for similar relief has been made by Petitioner.
3. Petitioner further requests an order from this Court restraining Respondents from removing him from this District during the pendency of this litigation.
4. Petitioner further requests an order from this Court restraining Respondents from removing him from the United States during the pendency of this litigation.
5. 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.

6. 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."
7. 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." 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."
8. 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 three days after Respondents file the return.
9. Giving Respondents additional time to respond is inappropriate in this case because Petitioner faces irreparable harm due to his unlawful detention, separation from his parent, and ongoing deprivation of his constitutional and statutory rights.

Dated: September 4, 2026
New York, New York

Respectfully submitted,
/s/Matthew A. Johnson
MATTHEW A. JOHNSON
Amy E. Joseph
Robert D. Sanderman
LEGAL SERVICES NYC
40 Worth Street, Suite 606
New York, NY 10013
Phone: (646) 442-3111
Email: mjohnson@lsnyc.org

Grace A. Day
THE DOOR LEGAL SERVICES CENTER
555 Broome Street, 3rd Floor
New York, NY 10013
Phone: (646) 854-8512
Email: gday@door.org