UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

R.P.L., *Petitioner*, v. **RAUL MALONADO** Jr., *in his official capacity as* Warden of the Metropolitan Detention Center; **LADEON FRANCIS**, *in his official capacity as* Field Office Director of New York, Immigration and Customs Enforcement; **TODD M. LYONS**, *in his official capacity as* Acting Director, United States Immigration and Customs Enforcement; **KRISTI NOEM**, *in her official capacity as* Secretary, U.S. Department of Homeland Security; **PAMELA BONDI**, *in her official capacity as* U.S. Attorney General; *Respondents*.	Case No. 1:25-cv-06886

PETITIONER'S EMERGENCY APPLICATION FOR AN ORDER TO SHOW CAUSE IN SUPPORT OF PETITION FOR HABEAS CORPUS SEEKING IMMEDIATE RELEASE

1. Pursuant to 28 U.S.C. § 2243, Petitioner R.P.L. ("Petitioner" or "R.P.L.") respectfully requests that the Court issue an Order to Respondents Raul Maldonado, Jr., LaDeon Francis, Todd Lyons, Kristi Noem, and Pamela Bondi (collectively, "Respondents"), requiring them to show cause why R.P.L.'s Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 should not be granted, and why Respondents should not be ordered to immediately release Petitioner from detention.

2. In his Petition for Writ of Habeas Corpus and Emergency Application for Order to Show Cause, Petitioner challenges Respondents' detention of him as a misclassification of which statute Petitioner is detained under, without any notice, an opportunity to be heard, or

individualized review of the basis for his detention as the Fifth Amendment requires. He also challenges his detention as a violation of the substantive due process protections of the Fifth Amendment because his detention is unjustified by any legitimate reason and unlawfully punitive, and because Respondents have been deliberately indifferent to his serious medical needs. Lastly, he challenges Respondents' arrest of him as a violation of the Fourth Amendment, Administrative Procedure Act, and the Immigration and Nationality Act. *See* Petition for Writ of Habeas Corpus, ECF No. 1 ("Pet.").

3. R.P.L.'s arrest and mandatory detention without bond raises significant constitutional concerns under the Fourth Amendment and the Due Process Clause of the Fifth Amendment, in light of the fact that Respondents misclassified under which statute Petitioner is detained under and at no point conducted an individualized assessment of the need for Petitioner's detention. *See id.*; *Cuy Comes v. DeLeon*, No. 25 CIV. 9283 (AT), 2025 WL 3206491, at *4–6 (S.D.N.Y. Nov. 14, 2025) (ordering the petitioner's immediate release "because his detention violate[d] the Fifth Amendment" where ICE failed to conduct an individualized custody determination and failed to make an "individualized determination as to his risk of flight or his danger to the community, let alone afford[] him notice or opportunity to be heard").

4. The federal habeas corpus statute provides that "[a] court, justice or judge entertaining an application for 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 (emphasis added).

5. 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." *Id.* (emphasis added).

6. 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." *Id.*

7. In addition, Section 2243 provides that the Court "shall summarily hear and determine the facts, and dispose of the matter as law and justice require." *Id.*

8. Finally, 28 U.S.C § 1657 directs the Court to "expedite the consideration of any action brought under chapter 153," *id.* § 1657(a), which includes habeas petitions under 28 U.S.C. § 2241.

9. Pursuant to 28 U.S.C. § 2243, in light of Petitioner's continued unlawful detention without bond, and considering the humanitarian and urgent healthcare needs of Petitioner, Petitioner respectfully requests that the Court immediately issue an Order to Show Cause against the Respondents. *See, e.g.*, Order to Show Cause, *Artiga v. Genalo*, No. 25-CV-5208 (OEM), ECF No. 8 (E.D.N.Y. Sept. 18, 2025).

10. In light of the clear nature of the constitutional and statutory questions before this Court and Petitioner's continued unlawful detention, Petitioner respectfully requests that Respondents be afforded no more than three (3) days from the issuance of the Order to Show Cause to file any Opposition brief, *see* 28 U.S.C. § 2243, and that he in turn be afforded one (1) day from the filing of any Opposition brief to file a Reply.

11. Petitioner further requests that the Court schedule a hearing on the Petition for Writ of Habeas Corpus as soon as possible after the filing of his Reply, at a mutually agreed upon date and time.

12. Petitioner further requests that the Court release him during the pendency of this action under *Mapp v. Reno*, 241 F.3d 221 (2d Cir. 2011). In exercising authority under *Mapp*, courts look to (1) whether the petition for a writ of habeas corpus raises a substantial claim, and (2) whether extraordinary circumstances exist that require release in order to make the writ effective. *See, e.g.*, *Salgado v. Francis*, No. 25-cv-6524 (VEC), 2025 WL 2806757, at *4 (S.D.N.Y. Oct. 1, 2025). Petitioner meets both requirements: his Petition raises substantial claims, *see supra* ¶¶ 2-3, and his serious medical needs and deteriorating health, *see* Pet. ¶ 56, constitutes an extraordinary circumstance that requires release to make the writ effective, *see Coronel v. Decker*, 449 F. Supp. 3d 274, 289 (S.D.N.Y. 2020) ("Severe health issues have been the prototypical but rare case of extraordinary circumstances that justify release pending adjudication of habeas."); *Avendaño Hernandez v. Decker*, 450 F. Supp. 443, 449 (S.D.N.Y. 2020) (same); *Barbecho v. Decker*, No. 20-cv-2821 (AJN), 2020 WL 2513468 (S.D.N.Y. May 15, 2020) (same). Petitioner was diagnosed with diabetes earlier this year and requires consistent and ongoing medication and dietary needs, care which he has not been able to access at Metropolitan Detention Center. *See* Pet. ¶ 56. Absent such care, he faces a significant risk of harm or even death. *See Katie Rose Quandt, et al., Lockdowns, Violence, and "Barbaric Conditions" in a Federal Jail Known for its Famous Detainees*, The Appeal (Jun. 30, 2025), https://theappeal.org/brooklyn-metropolitan-detention-center-solitary-watch/ (describing how a diabetic man being detained at Metropolitan Detention Center lost consciousness in his cell and

was unable to obtain medical help because "[t]here were no correctional officers working on the unit at the time").

13. Finally, Petitioner requests that the Respondents be enjoined from transferring him outside of the jurisdiction of this court. *See, e.g., Ozturk v. Hyde*, 136 F.4th 382 (2d Cir. 2025) (citing the district court's enjoinment of transfer of the noncitizen outside the jurisdiction of the court); *Sarmiento Guerrero v. Noam*, No. 25-CV-5881, 2025 WL 2962742, at *1 (E.D.N.Y. Oct. 21, 2025) (enjoining Respondents "from moving Mr. Sarmiento Guerrero outside the jurisdiction of this Court and the United States"); *Artiga v. Genalo*, No. 25-CV-5208 (OEM), 2025 WL 2829434, at *2 (E.D.N.Y. Sept. 18, 2025) (discussing previous order "directing that Petitioner not be removed from the United States until further order of the Court").

14. At approximately 11:52 A.M. on December 15, 2025, Petitioner's counsel emailed counsel for Respondents, Richard Hayes, and advised him that an emergency application would be made by Petitioner for an order to show cause why Petitioner should not be immediately released and his Petition should not be granted. Counsel provided him a courtesy copy of the Petition and initiating documents, and will provide him an electronic courtesy copy of this filing and accompanying documents..

Dated: December 15, 2025
Brooklyn, New York

Respectfully submitted,

/s/ Alexandra Lampert

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