UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JOHN DOE,

Petitioner,

v.

RAUL MALDONADO, et. al.

Respondents.

Civil Action No. 25-6892

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 John Doe ("Petitioner" or "Mr. Doe") respectfully requests that the Court issue an Order to Respondents Raul Maldonado, William Joyce, Kristi Noem, and Pam Bondi (collectively, "Respondents"), requiring them to show cause why Mr. Doe's Emergency Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 (filed December 15, 2025) should not be granted, and why Respondents should not be ordered to immediately release Petitioner from detention.

2. In his Emergency Petition for Writ of Habeas Corpus and Emergency Application for Order to Show Cause, Petitioner challenges Respondents' detention of him despite having previously released him on his own recognizance 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. *See* Emergency Petition for Writ of Habeas Corpus, Dkt. No. 1 ("Pet.").

3. Mr. Doe's arrest and mandatory detention without bond raises significant constitutional concerns under the Due Process Clause of the Fifth Amendment, in light of the fact that Respondents, having released Mr. Doe on his own recognizance, already determined that he is not a danger to the community or a flight risk, and the fact that Mr. Doe has serious needs that are not being met in detention. And Respondents' classification of him as subject to mandatory detention under 8 U.S.C. § 1225(b)(2) is a position that hundreds of district courts across the country have now rejected as a violation of the Immigration and Nationality Act (INA). *See, e.g. O.F.B. v. Maldonado*, 2025 WL 3277677 (E.D.N.Y. Nov. 25, 2025).

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 urgent needs of the 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 Emergency 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).

13. Petitioner meets both requirements. His Petition raises substantial claims, *see supra* ¶¶ 2-3. Moreover, extraordinary circumstances, including a diagnosis of Post-Traumatic Stress Disorder (PTSD), are clearly present in this case. *See S.N.C. v. Sessions,* No. 18 Civ. 7680 (LGS), 2018 U.S. Dist. LEXIS 199761 at *19 (S.D.N.Y. Nov. 26, 2018*)* (ordering release where a Petitioner's psychologist confirmed "that the difficulties she faced as a human trafficking and domestic abuse survivor have left her with post-traumatic stress disorder, a condition that the detention environment aggravates"); *see also Salgado* at * 15-18 (ordering release of a trans woman with PTSD and bipolar disorder on the basis that continued detention "would serve only to worsen her mental health," undermining her ability to litigate her claim. The Court also noted that release would allow for more access to counsel for the Petitioner).

14. Like the Petitioner in *S.N.C.*, Mr. Doe is suffering from severe symptoms of PTSD which are exacerbated by his detention. He is unable to communicate with the staff at the detention center, causing him significant distress. He has been prevented from fully practicing his religion while detained. His access to legal counsel has been limited, and the conditions of his detention have made preparing for his merits hearing extremely challenging. *See* Pet. ¶¶ 45-55. Extraordinary circumstances exist in this case which require release to make the writ of habeas corpus effective.

15. Finally, Petitioner requests that the Respondents be enjoined from transferring Mr. Doe 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* at *2 (discussing previous

order "directing that Petitioner not be removed from the United States until further order of the Court").

16. At approximately 1:12 P.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 (Dkt. Nos. 1, 2), and will provide him a courtesy copy electronically of the instant motion and accompanying exhibits as well.

Dated: December 15, 2025
Brooklyn, New York

Respectfully submitted,

/s/Alexandra Lampert

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**Admission pending*