UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

S[redacted]
By his Next Friend
And Father, Luis Edgar Vimos Rivera,

Petitioner,

v.

Lorraine M. Sánchez, EMBA, President & CEO,
Cayuga Centers –NYC Program, Facility Custodian
in her official capacity as custodian of the children;
Angie Salazar, Director of
Refugee Resettlement (ORR)
Robert F. Kennedy, Jr. U.S. Department of Health
and Human Services (HHS)

in their official capacities,

Respondents.

Case No. 1:26-cv-2276

APPLICATION FOR ISSUANCE ORDER TO SHOW CAUSE

1. 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.

2. Petitioner challenges her on going detention, as is violates section 8 U.S.C. § 1231, as well as the Due Process Clause of the Fifth Amendment; *See* Petition for Writ of Habeas Corpus.

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 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 # days after Respondents file the return.

8. Giving Respondents additional time to respond is inappropriate in this case, because Petitioner faces irreparable physical and emotional harm in detention, due to the deprivation of his physical and emotianal liberty, being separated from his mother, attorneys, and community connections. In addition, his detention will most likely lead to Respondents transferring Petitioner, S[redacted], outside this judicial district, which would further, isolate him from his family, attorneys and community ties, as they will not be able to visit him and support him both legally and emotionally from afar.

/s/ Avi Silberberg
Counsel for Petitioner

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

S[redacted], By his Next Friend And Father, Luis Edgar Vimos Rivera, Petitioner, v. Lorraine M. Sánchez, Chief Executive Officer, Cayuga Centers, in her official capacity as facility custodian; Angie Salazar, Director, Office of Refugee Resettlement, U.S. Department of Health and Human Services, in her official capacity; Robert F. Kennedy, Jr., Secretary, U.S. Department of Health and Human Services, in his official capacity, Respondents.	Case No. 1:26-cv-2276 **ORDER TO SHOW CAUSE** File No. A-[redacted]

Upon consideration of Petitioner's Application for Issuance of Order to Show Cause pursuant to 28 U.S.C. § 2243 and Petitioner's Petition for Writ of Habeas Corpus,

IT IS HEREBY ORDERED that:

1. Respondent shall file a return on the Order to Show Cause why the Petition for Writ of Habeas Corpus should not be granted by [Date];

2. Petitioner shall have an opportunity to file a reply by [Date];

3. This matter shall be heard by this Court on [Date] at [Time].

4. Service of this Order shall be made by Petitioner on the United States Attorney for the Southern District of New York by [Time] on [Date] and shall constitute good and sufficient service.

IT IS SO ORDERED.

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UNITED STATES DISTRICT JUDGE