

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

NIZAR TRABELSI,

*Petitioner,*

v.

JEFFREY CRAWFORD, *et al.*,

*Respondents.*

Case No. 1:24-cv-01509

**MOTION FOR ISSUANCE OF ORDER TO SHOW CAUSE**

1. Pursuant to 28 U.S.C. § 2243, Petitioner respectfully requests that the Court issue an order requiring Respondents to show cause as to why the Petition for Writ of Habeas Corpus should not be granted and why the Court should not order Petitioner’s immediate release from Immigration and Customs Enforcement (ICE) custody.

2. In his Petition for Writ of Habeas Corpus, Dkt. No. 1,<sup>1</sup> Petitioner challenges his continued detention by ICE as unlawful under Article 15 of the United States–Belgium Extradition Treaty and the Immigration and Nationality Act; as arbitrary and capricious under the Administrative Procedure Act; and in violation of his due process rights. To remedy these violations, he seeks immediate release from custody.

3. 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.

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<sup>1</sup> The Petition was served on Respondents on September 9, 2024. Dkt. No. 6.

4. Section 2243 mandates 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.” (emphasis added). It also provides that the Court “shall summarily hear and determine the facts, and dispose of the matter as law and justice require.”

5. Section 2243 further requires that the Court promptly hold a hearing on the writ or on the order to show cause. Petitioner does not seek a hearing on the Motion for Issuance of Order to Show Cause, but he does seek a prompt hearing on the petition itself.

6. Pursuant to 28 U.S.C. § 2243 and given that Petitioner has been detained in Respondent’s custody for more than one year in violation of law, Petitioner respectfully requests that the Court immediately issue an order requiring Respondents to promptly show cause, if any, why the writ of habeas corpus should not be granted.

7. Specifically, Petitioner requests that the Court order Respondents to respond within seven days, with Petitioner’s reply due five days thereafter, and that the Court set a hearing on the writ for within five days of Petitioner’s reply.

Dated: September 25, 2024

Respectfully submitted,

/s/

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**CERTIFICATE OF SERVICE**

I, undersigned counsel, hereby certify that I filed this Motion for Issuance of Order to Show Cause and all attachments using the CM/ECF system, which will send a notice of this filing to all participants in this case.

Dated: September 25, 2024

Respectfully submitted,

/s/

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