

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

_____)	
DAVID TERWILLIGER,)	No. 3:20-cv-540
)	
<i>Petitioner,</i>)	
)	April 21, 2020
v.)	
)	
ROLLIN COOK, Commissioner,)	
Connecticut Department of Correction, and)	
NICK RODRIGUEZ, Warden, Osborn)	
Correctional Institution,)	
)	
<i>Respondents.</i>)	
_____)	

MOTION FOR ORDER TO SHOW CAUSE PURSUANT TO 28 U.S.C. § 2243

1. Pursuant to 28 U.S.C. § 2243 (“Section 2243”), Petitioner David Terwilliger respectfully requests that the Court order Respondents to show cause why this Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, filed herewith, should not be granted.

2. In the Petition for Writ of Habeas Corpus, Petitioner, an 80-year-old disabled veteran nearing the completion of his sentence in the custody of the Connecticut Department of Correction and already approved for community release, has filed a habeas petition for his immediate release in light of the grave threat posed to him by COVID-19. Petitioner challenges his continued imprisonment as unlawful and claims that his imprisonment violates the Eighth Amendment and the Americans with Disabilities Act. Petitioner asks Respondents to release him to live with his daughter in Georgia.

3. Section 2243 provides, in part:

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 hereto.

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,” and that the court shall hold a hearing “not more than five days after the return unless for good cause additional time is allowed.” *See also id.* (court “shall summarily hear and determine the facts” and dispose of the petition).

5. Pursuant to 28 U.S.C. § 2243, and given that he faces severe risks of contracting COVID-19 with every day that he remains in custody, Petitioner respectfully requests that this Court immediately issue an Order to Show Cause. Petitioner further requests that this Court schedule a hearing on the Petition for Writ of Habeas Corpus within five days of Respondents’ return, with an opportunity for Petitioner to file a traverse two days before the hearing.

Respectfully submitted,

/s/ Michael J. Wishnie

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