

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

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ODEMNIS PRATS LEIVA,

Petitioner,

v.

PRAIRIELAND DETENTION CENTER,

Respondent.

Civil Action No. 3:25-CV-02301-G-BN

**RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS**

In his petition for a writ of habeas corpus under 28 U.S.C. § 2241, Odemnis Prats Leiva seeks release from detention pending his removal from this country by the United States Immigration and Customs Enforcement (ICE). Petitioner alleges that release is required because there is no evidence that makes his removal reasonably foreseeable and therefore his detention is impermissible. ECF 1, ¶ 13.

Respondent requests that the Court dismiss this action under Federal Rule of Civil Procedure 12(b)(1). Dismissal is appropriate because after Petitioner filed the underlying petition, ICE was able to effectuate his removal and in fact removed him from the United States on today, September 19, 2025. (*See* attached Exhibit A.) Given that Petitioner has been removed, he is no longer in ICE custody. He has therefore received all the relief that he requested and to which he would be entitled if successful in his petition, so there is no further relief that the Court may award. Accordingly, the Court should dismiss the

habeas petition for lack of jurisdiction as moot. *See, e.g., Chay v. Holder*, 470 F. App'x 406, 406–07 (5th Cir. 2012); *Singh v. Mukasey*, No. 3:08-CV-2162-O, 2009 WL 1097255, at \*1 (N.D. Tex. Apr. 22, 2009); *Caquias v. Dist. Dir. of ICE*, No. 3:08-CV-1808-D, 2008 WL 5378173, at \*1 (N.D. Tex. Dec. 23, 2008).

Respectfully submitted,

NANCY E. LARSON  
ACTING UNITED STATES ATTORNEY

/s/ Ann E. Cruce-Haag  
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ATTORNEYS FOR RESPONDENT

**CERTIFICATE OF SERVICE**

On September 19, 2025, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all counsel and/or pro se parties of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Ann E. Cruce-Haag  
ANN E. CRUCE-HAAG  
Assistant United States Attorney

# Exhibit A

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Case No. 3:25-cv-2301-G-BN

DECLARATION OF MICHAEL WINKLE

In accordance with the provisions of Section 1746 of Title 28, United States Code, I, the undersigned, Michael Winkle, do hereby make the following declaration, under penalty of perjury in the above-styled and numbered cause:

1. I, Michael Winkle, am presently employed by the United States Department of Homeland Security, Immigration and Customs Enforcement (“DHS” or the “Department”), in the position of Assistant Field Office Director for Enforcement and Removal Operations (“ERO”).
2. My duties as an Assistant Field Office Director include the review of alien files and facilitating third country removals to Mexico. As an Assistant Field Office Director, I have access to records maintained in the ordinary course of business by ICE.

3. I am familiar with the case of Odemnis PRATS LEIVA ("PRATS LEIVA"), alien file number XXXXXXXXXX a native and citizen of Cuba. I have reviewed his case, and I am familiar with the efforts to remove him.
4. On September 19, 2025, the government of Mexico accepted PRATS LEIVA as a third country removal, and he was removed from the United States to Mexico through the Hidalgo, Texas International Port of Entry.

Sworn to and subscribed this 19th day of September, 2025.

**MICHAEL T**  
**WINKLE**

Digitally signed by  
MICHAEL T WINKLE  
Date: 2025.09.19  
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Michael Winkle  
Assistant Field Office Director  
Department of Homeland Security  
Immigration and Customs Enforcement