

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

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THIEN CHI LE,

Petitioner,

v.

MARCELLO VILLEGAS,

Respondent.

Civil Action No. 1:25-CV-00173-H

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

In his petition for a writ of habeas corpus under 28 U.S.C. § 2241, Petitioner Thien Le challenges his most recent period of detention with the Immigration and Customs Enforcement (ICE), which began in June 2025, pursuant to a final order of removal entered in 1998. ECF 1, p. 6. As relief, Le seeks release from ICE custody.

Respondents request that the Court dismiss this action under Federal Rule of Civil Procedure 12(b)(1). Dismissal is appropriate because after Le filed the underlying petition, ICE removed him from the United States November 10, 2025, to Vietnam. (*See attached Exhibit A.*) Given that Le has been removed, he is no longer in ICE custody. He has received all of 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,

RYAN RAYBOULD  
UNITED STATES ATTORNEY

/s/ Ann E. Cruce-Haag  
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Attorneys for Respondent

**CERTIFICATE OF SERVICE**

On November 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 parties 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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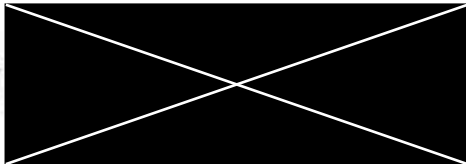
Respondent.

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Case No. 1:25-cv-00173-H

DECLARATION OF BENJAMIN JOHNSON

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

1. I, Benjamin Johnson, am presently employed by the United States Department of Homeland Security (“DHS” or the “Department”), Immigration and Customs Enforcement (“ICE”), in the position of Supervisory Deportation Officer.
2. My duties as a Supervisory Deportation Officer include the review of alien files and monitoring the progress of obtaining travel documents necessary for removing aliens to the designated country of removal. As a Supervisory Deportation Officer, I have access to records maintained in the ordinary course of business by ICE.
3. I am familiar with the case of Thien Chi Le (“Le”), alien file number  a native and citizen of Vietnam.
4. On or about October 28, 2025, ERO obtained a travel document for Le.

5. On November 10, 2025, Le was removed from the United States to Vietnam via a charter flight.

Sworn to and subscribed this 18 day of November, 2025.

B. 6883 Johnson

Date: 2025.11.18

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Benjamin Johnson  
Supervisory Deportation Officer  
Department of Homeland Security  
Immigration and Customs Enforcement