

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

MOHAMED ALSHEREF,

Petitioner,

v.

KRISTI NOEM, et al.,

Respondents.

No. 1:25-CV-190-H

NOTICE

The respondents file this notice in response to the Court's September 23, 2025 order (Dkt. No. 10). The respondents advise the Court that the government will not remove the petitioner from the United States pending the Court's resolution of the motion for preliminary injunction and temporary restraining order and the petitioner's habeas petition. And if circumstances change in some material way such that the government comes to believe that a removal should occur before resolution of those matters, the government will provide the Court and the petitioner's counsel with at least five days' notice of that.

With respect to the issue of what notice might be provided before moving the petitioner out of the Northern District of Texas (but still within the United States), the respondents respectfully submit that no such notice is necessary or should be required. Detainees are routinely moved between and among facilities due to capacity limitations and other operational issues, but any such move of the petitioner, even if to a facility in

another district, would not affect this Court's jurisdiction over this case or the continuing availability of venue. *See Smith v. Fleming*, No. 4:02-CV-440-Y, 2002 WL 31114021, at *2 (N.D. Tex. Sept. 20, 2002) ("It is well established that jurisdiction over the petitioner attaches with the initial filing for habeas corpus relief, and it is not destroyed by a transfer of the petitioner and the accompanying custodial change"); *see also Moler v. Wells*, 18 F.4th 162, 166 n.7 (5th Cir. 2021) (explaining that "'venue [is] determined at the outset of litigation and [is] not affected by subsequent events'" (quoting *Smilde v. Snow*, 73 F. App'x 24, 26 (5th Cir. 2003))).

Respectfully submitted,

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Certificate of Service

On September 25, 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/ Brian W. Stoltz
Brian W. Stoltz
Assistant United States Attorney