

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

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MIGUEL AZCUY RUIZ, ET AL.,

Petitioners,

v.

KRISTI NOEM, et al.,

Respondents.

Civil Action No. 1:25-CV-00203-H

**SUPPLEMENTAL RESPONSE**

On November 20, 2025, Respondents filed their response to Petitioners' Amended Habeas Petition. ECF 5. In response, on November 20, 2025, the Court ordered Respondents to file a supplemental response addressing: (1) whether the Court retains jurisdiction over Mr. Azcuy Ruiz's petition; and (2) if the Court may use the All-Writs Act to order Respondents to return Mr. Azcuy Ruiz to Prairieland Detention Center to be reunited with his son. Respondents respectfully answer those questions as follows.

**A. The Court retains jurisdiction over Mr. Azcuy Ruiz.**

A petition for writ of habeas corpus must be filed in the district where the prisoner or detainee is held. *Hooker v. Sivley*, 187 F.3d 680, 682 (5th Cir. 1999). A detainee's transfer from one facility to another during the pendency of a habeas corpus proceeding does not affect the original district court's jurisdiction. *See Ex parte Endo*, 323 U.S. 283 (1944); *see also Moore v. Olson*, 368 F.3d 757, 758 (7th Cir. 2004); *Barden v. Keohane*,

921 F.2d 476, 477 n.1 (3d Cir. 1990). This Court acquired jurisdiction in this case when the original petition was filed on October 8, 2025. ECF 1. The removal of Azcuy Ruiz to another facility after the filing did not cause this Court to lose jurisdiction. *See In re Hall*, 988 F.3d 376, 378 (7th Cir. 2021). Although Azcuy Ruiz's initial habeas was improperly filed, this Court ordered Azcuy Ruiz to amend his petition, which he timely did. ECF 4, 5. The amended petition corrected the problems identified by the Court in his initial filing. ECF 5. The fact that Azcuy Ruiz was transferred out of the district before his amended petition was filed does not disturb this Court's jurisdiction.

**B. Mr. Azcuy Ruiz has been returned to Prairieland.**

Mr. Azcuy Ruiz was returned to Prairieland Detention Center on Monday, November 24, 2025. The All Writs Act does authorize courts to "issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law." 28 U.S.C. § 1651. Courts are permitted to employ "appropriate modes of procedure, by analogy to existing rules or otherwise in conformity with judicial usage," in habeas proceedings. *Harris v. Nelson*, 394 U.S. 286, 299 (1969). Use of the All Writs Act would be improper in this case to order ICE where to detain Mr. Azcuy Ruiz; it is an Executive discretion granted by statute to determine the place of confinement for aliens. *See Gandarillas-Zambrana v. Bd. of Immigr. Appeals*, 44 F.3d 1251, 1256 (4th Cir. 1995); *see also Van Dinh v. Reno*, 197 F.3d 427, 433 (10th Cir. 1999) (holding that "Attorney General's discretionary power to transfer aliens from one locale to another, as she deems appropriate, arises from" statute); *Comm. of Cent. Am. Refugees v. INS*, 795 F.2d 1434, 1440 (9th Cir. 1986) (holding that Executive "has the authority, conferred by statute, to

choose the location for detention and to transfer aliens to that location”), *as amended*, 807 F.2d 769 (1987). The Court need not reach this issue of whether to use the All Writs Act, however, because Mr. Azcuay Ruiz has been returned to Prairieland Detention Center.

Respectfully submitted,

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Attorneys for Respondent

**CERTIFICATE OF SERVICE**

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