

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MEHRAB RAHIM BHAI,

Petitioner,

v.

PAMELA BONDI, *et al.*,

Respondents.

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Civil Action No. 4:25-CV-5382

**FEDERAL RESPONDENTS' RESPONSE TO
PETITIONER'S EMERGENCY MOTION**

Respondents Pamela Bondi, Attorney General of the United States; Kristi Noem, Secretary of U.S. Department of Homeland Security; Todd Lyons, Director, U.S. Immigrations and Customs Enforcement (ICE), and Paul McBride, Field Office Director, ICE Houston Field Officer, (the "Federal Respondents") file this response to Petitioner's Motion to Stay Removal and to Request an Emergency/Expedited Hearing (the "Motion") and in support of ICE's compliance with the Court's November 13, 2025 Order.

BACKGROUND

Petitioner Mehrab Rahim Bhai filed this habeas lawsuit arguing that his detention is unlawful because his removal is not reasonably foreseeable. Dkt. No. 1, p. 1. On November 13, 2025, the Court ordered the Respondents to answer the petition and further ordered that Respondents notify Petitioner's counsel and the Court of any anticipated or planned transfer

of the petitioner outside of the Southern District of Texas at least five (5) days before any such transfer. Dkt. No. 3.

ARGUMENT

A. ICE has complied with the Court's Order.

Since the Court's Order requiring five days' notice of Petitioner's transfer, ICE has not transferred him outside the Southern District of Texas. *See* Exhibit 1, Declaration of Deportation Officer Salinas, ¶ 5 ("BHAI has never been transferred out of the Southern District of Texas since he was taken into custody on August 27, 2025."). Petitioner's Emergency Motion references Petitioner's movement to the Eastern District of Texas, but Petitioner was never transferred to a facility outside the Southern District of Texas. ICE moved Petitioner but realized the potential mistake before such a transfer occurred. Regardless of whether Petitioner was temporarily taken outside the Southern District of Texas, Petitioner was never transferred or housed outside District. He is currently at the Houston Contract Detention Facility, which is in Houston. Ex. 1, ¶ 5.

Petitioner also complains that ICE is in the possession of a travel document to effectuate his removal and states that Federal Respondents has not provided five days' notice (Motion, p. 2). As a courtesy, on January 6, 2026, undersigned counsel provided Petitioner's counsel notice that ICE had obtained a travel document for Petitioner and planned to remove him this month. Dkt. 11-1, p. 6. This clearly did not violate the Court's Order as there is still no exact date for Petitioner's planned removal and he remains in the District. As the Court's

Order states “respondent must notify petitioner’s counsel and the Court of any anticipated or planned transfer...*at least five (5) days before any such transfer.*” Dkt. No. 3, p. 3 (emphasis added).

B. There is no subject matter jurisdiction to stay the execution of a removal order.

After arguing that there was no significant likelihood of removal in the petition, Petitioner now asks the Court to stay his removal so Petitioner can challenge the removal order itself. “It is well established that district courts do not have subject matter jurisdiction to consider any issues pertaining to an order of removal under the REAL ID Act of 2005, codified as amended at 8 U.S.C. § 1252(a).” *Bautista-Leiva v. McAleenan*, No. 4:19-CV-0877, 2019 WL 5864476, at *2–3 (S.D. Tex. Nov. 8, 2019); *see e.g., Onamuti v. I.C.E.*, No. 3:23-CV-331-L-BH, 2023 WL 2958476, at *1 (N.D. Tex. Mar. 14, 2023), report and recommendation adopted, No. 3:23-CV-331-L-BH, 2023 WL 2958472 (N.D. Tex. Apr. 13, 2023); *M.P.G. v. U.S. Dep’t of Homeland Sec.*, No. EP-21-CV-00010-DCG, 2021 WL 232133, at *3 (W.D. Tex. Jan. 21, 2021). Section 1252(g) provides in part that “no court shall have jurisdiction to hear any cause or claim by or on behalf of any alien arising from the decision or action by the Attorney General to . . . execute removal orders” 8 U.S.C. § 1252(g). Even before the enactment of Real ID Act, the Fifth Circuit recognized that that district courts did not have jurisdiction over requests to stay removal. *Idokogi v. Ashcroft*, 66 Fed. App’x 526 (5th Cir. 2003) (per curiam) (stating that a request for a stay of deportation to the district court is connected “directly and immediately” with the Attorney General’s decision to commence removal proceedings, and thus, the district court lack jurisdiction). The Real ID Act further designated the courts of appeals as the “sole and exclusive means for judicial review” of a removal order through a petition for review. 8 U.S.C. § 1252(a)(5). Thus, district courts lack jurisdiction to

review general removal orders through a petition for habeas corpus, leaving review of such orders to the courts of appeals.

CONCLUSION

For the reasons stated in the Motion for Summary Judgment and above, the Court should grant judgment as a matter of law in Federal Respondents' favor and dismiss the petition for writ of habeas corpus (Dkt. No. 1).

Dated: January 15, 2026

Respectfully submitted,

NICHOLAS J. GANJEI
UNITED STATES ATTORNEY

By: /s/ Lisa Luz Parker

Lisa Luz Parker

Assistant United States Attorney

Southern District No. 3495931

Texas Bar No. 24099248

1000 Louisiana, Suite 2300

Houston, Texas 77002

Tel: (713) 567-9569

Fax: (713) 718-3300

E-mail: lisa.luz.parker@usdoj.gov

CERTIFICATE OF SERVICE

I certify that on January 15, 2026, the foregoing was filed and served on counsel for
Petitioner via the Court's CM/ECF service.

/s/ Lisa Luz Parker
Lisa Luz Parker
Assistant United States Attorney