

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

C.M.C, a minor,	§	
	§	
Petitioner,	§	
	§	CIVIL NO. 4:25-CV-05389
v.	§	
	§	
KRISTI NOEM, et al	§	
	§	
Respondents.	§	
	§	

**RESPONDENTS' MOTION TO DISMISS,**  
**OR IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT**

Respondents, Kristi Noem, Director of Homeland Security, *et al.*, (“Respondents”), move to dismiss this action pursuant to Federal Rule of Civil Procedure (“Rule”) 12(b)(6), or in the alternative, for summary judgment pursuant to Rule 56. As explained below, Petitioner’s claim for habeas relief should be denied because he is not in the custody of the Respondents.

1. Petitioner is a minor child who is subject to an order of removal. Declaration, attached as Exhibit 1 at ¶ 10.
2. Petitioner was encountered by local police on October 1, 2025 and ultimately transported to the Catholic Charities shelter in Houston, Texas. Exhibit 1 at ¶ 11.
3. Petitioner is not in ICE, ERO, or the Department of Homeland Security’s custody. Petitioner is in the custody of the Office of Refugee Resettlement. Exhibit 1 at ¶ 11.

4. The Office of Refugee Resettlement is an agency of the Department of Health and Human Services. It is responsible for the housing and care of all unaccompanied minors pending reunification with a parent/sponsor or removal. Exhibit 1 at ¶ 6.
5. On November 20, 2025 counsel for Respondents called counsel for the Petitioner and informed them that Petitioner was not in Respondents' custody.

For the foregoing reasons, the Respondents respectfully request that this Court grant their motion and dismiss Petitioner's claims against them.

Respectfully submitted,

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United States Attorney

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**CERTIFICATE OF SERVICE**

I certify that on November 25, 2025, the foregoing was filed and served on counsel of record through the Court's CM/ECF system.

/s/ Christina Cullom  
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Assistant United States Attorney