

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**Ahmad Fareez THABATEH,**

Petitioner,

v.

**SHERIFF MAT KING, in his official  
capacity as Warden of the St. Clair  
County Jail,**

Respondent.

**Case No. 2:25-cv-14018**

Hon. Robert J. White  
United States District Judge

David R. Grand  
United States Magistrate Judge

Agency No. 

**DETAINED – Detroit Field Office**

**PETITIONER’S EMERGENCY MOTION TO COMPEL RESPONDENTS  
TO RETURN PETITIONER TO THIS DISTRICT**

Petitioner Ahmad THABATEH moves this court to order Respondents to return Petitioner to this District and prohibit Respondents from removing Petitioner from the United States pending these proceedings or until the Court issues a contrary order pursuant to the All Writs Act, 28 U.S.C. §1691. Petitioner further moves this Court to order Respondent to file a status report within 48 hours confirming compliance. Finally, Petitioner moves this Court to expedite adjudication of the underlying Petition for a Writ of Habeas Corpus.

Per Local Rule 7.1(a), Counsel for Plaintiffs communicated today with counsel for the Respondent and determined that Respondent does not concur in this motion.

In support of this motion, Petitioner submits a memorandum of law, one associated exhibit, and a proposed order.

Respectfully submitted this 14<sup>th</sup> day of January, 2026.

/s/ GLENN ERIC SPROULL

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**Case No. 2:25-cv-14018**

Hon. Robert J. White  
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United States Magistrate Judge

Agency No. A 

**DETAINED – Detroit Field Office**

**MEMORANDUM OF LAW IN SUPPORT OF PETITIONER’S MOTION TO  
COMPEL RESPONDENT TO RETURN PETITIONER TO THIS DISTRICT**

Petitioner Ahmad Fareez Thabateh (“Petitioner” or “Ahmad Thabateh”) brings this motion pursuant to the All Writs Act, 28 U.S.C. §1691, and the Court’s inherent equitable authority for an order requiring Respondent to (1) return the Petitioner to the Eastern District of Michigan and (2) prohibit his removal from the United States pending resolution of his habeas petition. Respondent transferred Petitioner to Louisiana without notice and without notice to his counsel, resulting in the denial of

meaningful access to the judicial system. The limited relief he now seeks, which does not require consideration of the merits of his petition, is necessary to preserve the integrity of this Court's jurisdiction over his pending habeas corpus petition challenging the legality of his detention.


Petitioner remains in post-order detention at the direction of Detroit ICE Field Office Director Kevin Raycraft. *See Roman v. Ashcroft*, 340 F.3d 314, 320-21 (6th Cir. 2003). Petitioner's day-to-day physical detention was – until today – under the supervision of Respondent Sheriff Mat King in his role as Warden of the St. Clair County Jail in Port Huron, Michigan – also in the Eastern District of Michigan.

Petitioner was transferred out of the Eastern District of Michigan to Louisiana – today, January 13, 2026 – during the pendency of his habeas proceeding before this Court without any advance notice and without notice to counsel. This Court recently issued a briefing schedule on December 30, 2025. ECF 8. Respondent submitted a Response Brief in Opposition to Habeas today. ECF 9. Petitioner, through undersigned counsel, planned to submit his Reply Brief in Support of Habeas tomorrow. Yesterday, Petitioner's family learned he had been transferred to Louisiana and contacted the office of undersigned counsel.

Respondent's transfer of Petitioner out of this District to Louisiana creates an imminent risk that Petitioner will be removed or further transferred before this Court

can rule, threatening to frustrate judicial review, impair access to counsel, and moot this Court's jurisdiction.

### INTRODUCTION

Petitioner,  born in Ramallah in the Israeli-occupied territories of the West Bank in 1976, was ordered removed by an Immigration Judge in 2018. That order of removal became administratively final upon dismissal of his appeal by the Board of Immigration Appeals (BIA) in 2023. Petitioner was placed on an Order of Supervision (OSUP) by the Detroit Field Office of Immigrations and Customs Enforcement (ICE). ICE unsuccessfully attempted to obtain a travel document in order to remove Petitioner to "Israel and the Occupied Territories" pursuant to his final order. Petitioner complied with the terms of his OSUP, including reporting as required on June 10, 2025. Petitioner was detained by ICE on that day. On September 9, 2025, after 90 days of post-removal-order detention, ICE issued a *Decision to Continue Detention* which indicated that "ICE has submitted a travel document request which remains pending issuance." ECF 1-7, PageID.51. This habeas petition was initially filed on December 12, 2025, (ECF 1) and amended as requested on December 19, 2025 (ECF 4). The case is actively being briefed. This Court unequivocally has jurisdiction over this case and retains jurisdiction over Petitioner.

This evening, January 13, 2026, Petitioner's family contacted the office of undersigned counsel, frantic and consumed with fear after they discovered that

Petitioner had been moved to the Jackson Parish Correctional Center in Jonesboro, Louisiana. **Exhibit 1** (*ICE Online Detainee Locator*). Petitioner clearly remains under the legal control of the ICE Detroit Field Office, as the Detroit, MI, Docket Control Office is listed under the “ERO Office Information” section of the ICE Detainee Locator Facility Page. *Id.* ICE has made no representation to Petitioner or Petitioner’s counsel that it has obtained a travel document that would permit Petitioner’s removal to “Israel or the Occupied Territories.” ICE has not given Petitioner or Petitioner’s counsel any advance notice of intended removal to a third country – a country in which Petitioner may have a fear of future persecution or torture.

Petitioner, therefore, moves this Court under the All Writs Act (“AWA”) and its inherent authority for an order returning him to the Eastern District of Michigan and restoring the status quo as of the filing of his petition for habeas corpus—a status quo ante Respondent has disrupted by transferring him some seven hundred miles away. This Court has ample power conferred to it by the All Writs Act and this Court’s inherent equitable power to issue an order that reverses ICE’s post-habeas-filing transfer of Petitioner so that he may retain access to his family and counsel, ensure that he is not summarily removed from the U.S., and so that this Court may proceed unimpeded in the exercise of its jurisdiction over his underlying case challenging the legality of his detention. Petitioner’s family, his community, and his legal counsel are in Michigan. The relief requested in this emergency motion does not seek to adjudicate

the merits of the underlying habeas petition, and Respondent faces no conceivable prejudice from returning him. An order reversing Petitioner's transfer is essential to preserve the integrity of this Court's proceedings, that Respondent has now disrupted, as well as his access to counsel and to his family and will cause no undue prejudice to Respondent.

## ARGUMENT

### **I. THIS COURT SHOULD ORDER RESPONDENT TO RETURN PETITIONER TO THIS DISTRICT SO HE CAN LITIGATE HIS PENDING HABEAS CASE**

#### **A. The Court Enjoys Broad Authority to Issue an Injunction under the All Writs Act**

The All Writs Act ("AWA") provides federal courts with a powerful tool to preserve the integrity of their jurisdiction to adjudicate claims before them. *See* 28 U.S.C. § 1651(a) (authorizing federal courts to "issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law"); *TBG v. Bendis*, 36 F.3d 916, 925 (10th Cir. 1994). The Act encompasses a federal court's power to "maintain the status quo by injunction pending review of an agency's action through the prescribed statutory channels," *F.T.C. v. Dean Foods Co.*, 384 U.S. 597, 604 (1966), and courts have found that the Act should be broadly construed to "achieve all rational ends of law," *California v. M&P Investments*, 46 F. App'x 876, 878 (9th Cir. 2002) (quoting *Adams v. United States*, 317 U.S. 269, 273 (1942)).

Whereas a traditional preliminary injunction requires a party to state a claim and show injury to the moving party, an injunction based on the AWA requires only that a party identify a threat to the integrity of an ongoing or prospective court proceeding, or of a past order or judgment.

*Klay v. United Healthgroup, Inc.*, 376 F.3d 1092, 1102 (11th Cir. 2004) (a court may enjoin almost any conduct “which, left unchecked, would have . . . the practical effect of diminishing the court’s power to bring the litigation to a natural conclusion”). Thus, to issue an injunction pursuant to the AWA, this Court need not find that there is a likelihood of success on the merits of the underlying claims. *See Arctic Zero, Inc. v. Aspen Hills, Inc.*, No. 17-CV-00459-AJB-JMA, 2018 WL 2018115, at \*5 (S.D. Cal. May 1, 2018) (distinguishing AWA injunction from traditional preliminary injunction). Rather, it is sufficient for the Court to find that a party has identified a threat to the integrity of or “natural conclusion” of an ongoing proceeding such as the instant habeas action.

Courts likewise retain comparable, inherent equitable authority to enjoin transfers pending a habeas petition, *see* 28 U.S.C. § 2243 (habeas courts authorized to order relief “as law and justice require”), and courts regularly exercise that authority. *See, e.g.*, Order, *Khalil v. Joyce*, No. 25-cv-01963 (D.N.J. March 19, 2025), ECF No. 81 (prohibiting the removal of detained Columbia student activist moved to Louisiana after his arrest under 8 U.S.C. § 1227(a)(4)(C)(i)); Mem. Op. & Order, *Perez Parra v.*

*Castro*, No. 24-cv-912 (D.N.M. Feb. 9, 2025) (granting TRO preventing transfer of detained immigrant to U.S. military base at Guantánamo Bay, Cuba) (“Considering the uncertainty surrounding jurisdiction, the Court determines it is necessary to enjoin the transfer of Petitioners to Guantanamo Bay. At this time, the Court cannot say that without this injunction it would not be jurisdictionally deprived to preside over the original writ of habeas corpus should petitioners be transferred. Thus, an injunction is necessary to achieve the ends of justice entrusted to this Court.”); *see also, e.g.*, Order, *Westley v. Harper*, No. 2:25-cv-00229 (E.D. La. Feb. 2, 2025), ECF No. 7; *Santos Garcia v. Wolf*, No. 1:20-cv-821 (LMB/JFA), 2020 WL 4668189 (E.D. Va. Aug. 11, 2020); Order, *Campbell v. U.S. Immigr. & Customs Enf’t*, No. 1:20-cv-22999-MGC (S.D. Fl. July 26, 2020), ECF No. 13; Order, *Sillah v. Barr*, No. 19-cv-1747 (S.D.N.Y. Feb. 25, 2019), ECF No. 3; *see also Zepeda Rivas v. Davis*, 504 F. Supp. 3d 1060, 1077 (N.D. Cal. 2020); *Dorce v. Wolf*, No. 20-CV-11306, 2020 WL 7264869 (D. Mass. Dec. 10, 2020).

**B. The Court Should Order Respondent to Return Petitioner to this District**

Petitioner does not concede that this Court would not continue to have jurisdiction under controlling law. *See Ex parte Mitsuye Endo*, 323 U.S. 283 (1944) (affirming that district court retained jurisdiction over habeas corpus petition despite Petitioner’s transfer to a different site). Nor, for the purposes of the limited relief sought herein, does the Court need to address that question (or even the merits of the

underlying habeas petition). Nevertheless, Respondent in this pending action has chosen to attempt to interfere with the jurisdiction of this Court over pending proceedings challenging the very legality of Petitioner's detention, undermining Petitioner's ability to access his immigration counsel, his counsel of record in this pending habeas, and his family. *See Am. Civil Liberties Union of Maryland, Inc. v. Wicomico Cnty.*, Md., 999 F.2d 780, 785 (4th Cir. 1993) ("The filing of a lawsuit carries significant constitutional protections, implicating the First Amendment right to petition the government for redress of grievances, and the right of access to courts." (quoting *Hoerber on Behalf of NLRB v. Local 30*, 939 F.2d 118, 126 (3d Cir.1991))). The Court need not accept such interference with its role in assessing the legality of government action.

Federal court have previously recognized that transfers can violate a noncitizen's right to counsel. *Orantes-Hernandez v. Thornburgh*, 919 F.2d 549, 565-66 (9th Cir. 1990); *Arroyo v. U.S. Dep't of Homeland Sec.*, No. SACV 19-815 JGB (SHKx), 2019 WL 2912848, at \*17-19 (C.D. Cal. June 20, 2019); *Palamaryuk ex rel. Palamaryuk v. Duke*, 306 F. Supp. 3d 1294, 1304 (W.D. Wash. 2018); *Louis v. Meissner*, 530 F. Supp. 924, 926-27 (S.D. Fla. 1981). Long-distance transfers interfere with the attorney-client relationship so much that they violate detained noncitizens' constitutional and statutory rights to retained counsel. *See Ponce-Leiva v. Ashcroft*, 331 F.3d 369, 374 (3d Cir. 2003); *Batanic v. I.N.S.*, 12 F.3d 662, 667 (7th Cir. 1993); *United States v. Torres-*

*Sanchez*, 68 F.3d 227, 230 (8<sup>th</sup> Cir. 1995); *Baltazar-Alcazar v. I.N.S.*, 386 F.3d 940, 944 (9<sup>th</sup> Cir. 2004); *Frech v. U.S. Att’y Gen.*, 491 F.3d 1277, 1281 (11<sup>th</sup> Cir. 2007).

Courts have explicitly relied upon the AWA to enjoin proceedings commenced after the Court’s assertion of jurisdiction in order to prevent even a risk that a respondent’s actions will diminish the Court’s capacity to adjudicate claims before it. In *Michael v. INS*, 48 F.3d 657, 664 (2<sup>d</sup> Cir. 1995), after the government moved a habeas appellant to the Fifth Circuit, the court of appeals observed that the petitioner “specifically invoked this Court’s jurisdiction via an appeal of his habeas petition,” and demonstrated “his desire to have this Court review his deportation appeal.” Thus, given that the court’s jurisdiction “[was] at issue and at risk,” the court ordered the petitioner returned to its jurisdiction under the AWA “in order to safeguard the court’s appellate jurisdiction” and preserve its ability to hear subsequent appeals by petitioner.

Moreover, just last month, a district court issued an order under the AWA enjoining the government from transferring three immigration detainees to Guantánamo Bay, Cuba, given the potential loss of access to counsel and the mere possibility that the government would question the ongoing jurisdiction of the court. *Perez-Parra v. Castro*, No. 24-cv-00912, Dkt. 47 (“Mem. Op. and Order”) (D.N.M. Feb. 9, 2025) (granting injunction under AWA and court’s inherent authority as “necessary to achieve the ends of justice entrusted to this Court”).

Other courts have done the same. *See Kurnaz v. Bush*, No. 04-cv-1135, 2005 WL 839542, \*1–2 (D.D.C. Apr. 12, 2005) (enjoining Defense Department from transferring Guantánamo detainee with pending habeas petition, absent notice, outside jurisdiction of court); *SEC v. Vision Communs.*, 315 U.S. App. D.C. 384, 74 F.3d 287, 291 (D.C. Cir. 1996) (All Writs Act “empowers a district court to issue injunctions to protect its jurisdiction”); *Abu Ali v. Ashcroft*, 350 F. Supp. 2d 28, 54 (D.D.C. 2004) (federal courts “may and should take such action as will defeat attempts to wrongfully deprive parties” of their right to sue in federal court) (internal citation omitted); *Lindstrom v. Graber*, 203 F.3d 470, 474–76 (7th Cir. 2000) (All Writs Act permits court to stay extradition pending appeal of habeas corpus petition). At a minimum, the AWA authorizes the Court to ensure that the litigant is not put in a worse legal position by virtue of the transfer. *See Al Otro Lado v. McAleenan*, 423 F. Supp. 3d 848, 874–78 (S.D. Cal. 2019) (enjoining application of Trump administration “transit ban” which would categorically bar consideration of class members’ asylum claims who would only be subject to that categorical ban because of the alleged unlawful delays created by the government and subject to adjudication before the court); *N.Y. Tel. Co.*, 434 U.S. at 173 (holding that AWA allows a federal court to “avail itself of all auxiliary writs as aids in the performance of its duties, when the use of such historic aids is calculated in its sound judgment to achieve the ends of justice entrusted to it”).

Here, Respondent has interfered both with the Court's ability to exercise its jurisdiction over this habeas petition and with Petitioner's ability to access this Court and his counsel, including his immigration counsel. They did so by transporting him several hundred miles away from the Court hearing his habeas corpus petition, to a staging facility that is commonly the last stop for many detainees before they are removed from the country permanently, leading undersigned counsel to believe that Petitioner is in imminent danger of being removed from the country – and potentially to a third country without any advance notice. Given the part of the world Petitioner is from – and the attendant religious, ethnic, and political realities – that is a frightening prospect. The All Writs Act and the Court's inherent equitable powers provide this Court ample authority to issue the modest relief that Petitioner seeks: restoration of the status quo ante so as to preserve the Court's ability to exercise its jurisdiction over Petitioner's pending habeas petition until the litigation completes its natural course. This relief is all the more appropriate given the absence of any meaningful or undue prejudice to Respondent. At the least, this Court should issue an order prohibiting Petitioner's removal from the United States while his habeas petition is pending. In sum, this Court should not permit the executive to so cavalierly disrupt its ability to review a case that was properly brought before it.

**II. THIS COURT'S JURISDICTION SURVIVES PETITIONER'S TRANSFER TO LOUISIANA.**

Jurisdiction over this habeas petition attached at the time of filing and is not destroyed by a subsequent transfer of Petitioner to another district. In *Roman*, the Sixth Circuit held unequivocally that “[j]urisdiction attaches on the initial filing for habeas corpus relief, and is not destroyed by a transfer of the petitioner and accompanying custodial change.” *Roman v. Ashcroft*, 340 F.3d 314, 319-21 (6th Cir. 2003). Because Petitioner properly filed his habeas petition while detained within this District, this Court retains jurisdiction notwithstanding Petitioner’s transfer.

### CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the Court issue an order under the All Writs Act and/or the Court’s inherent equitable authority to reverse Petitioner’s transfer and return him to the Eastern District of Michigan and to the status quo at the commencement of this litigation, and to prohibit Respondent from removing Petitioner from the country pending resolution of the habeas petition or until the Court issues a contrary order.

Respectfully submitted this 14<sup>th</sup> day of January, 2026.

/s/ GLENN ERIC SPROULL

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**Certificate of Service**

I certify that on January 14, 2026, I electronically filed the foregoing *PETITIONER'S EMERGENCY MOTION TO COMPEL RESPONDENTS TO RETURN PETITIONER TO THIS DISTRICT* and accompanying *MEMORANDUM OF LAW IN SUPPORT OF PETITIONER'S MOTION TO COMPEL RESPONDENT TO RETURN PETITIONER TO THIS DISTRICT* with the Clerk of the Court using the ECF system, which will send notification of such filing to all counsel of record.

Respectfully submitted this 14<sup>th</sup> day of January, 2026.

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