

United States District Court
Southern District of Texas

ENTERED

September 03, 2025

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

TAHER MOHAMMED TAHER HASAN, §

Petitioner, §

VS. §

KRISTI NOEM, *et al.*, §

Respondents. §

CIVIL ACTION NO. H-25-03990

ORDER TO ANSWER

The petitioner, Taher Mohammed Taher Hasan, is a detainee in the custody of United States Department of Homeland Security, Immigration and Customs Enforcement ("ICE") officials at the Joe Corley Processing Center in Conroe, Texas. Through counsel, he filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241, challenging his prolonged detention by federal officials under a final order of removal. Doc. No. 1. As part of his request for relief, Taher Hasan requests a preliminary injunction and a hearing. Doc. No. 2.

Rule 4 of the Rules Governing § 2254 Cases in the United States District Courts¹ requires the Court to promptly examine the petition and its attached exhibits and dismiss

¹A district court may apply any or all of the rules governing habeas petitions filed under 28 U.S.C. § 2254 to petitions filed under § 2241. *See* Rule 1(b), Rules Governing § 2254 Cases in the United States District Courts.

the petition, in whole or in part, if the face of the petition shows that the petitioner is not entitled to relief. Having conducted the required examination, and concluding that some of the allegations regarding the treatment of Taher Hasan and his placement in high security with dangerous criminals require an expedited answer,² the Court **ORDERS** that the Respondent file an Answer and a response to the motion for summary judgment, as follows:

1. The Clerk must deliver copies of the petition, (Doc. No. 1), motion for preliminary injunction (Doc. No. 2), and this Order to the United States Attorney for the Southern District of Texas, Nicholas J. Ganjei, by certified mail return receipt requested, to the Civil Process Clerk, United States Attorney's Office, 1000 Louisiana St., Suite 2300, Houston, TX 77002, and by electronic mail to USATXS.CivilNotice@usdoj.gov.

2. The Clerk must also serve copies of the petition, (Doc. No. 1), motion for preliminary injunction (Doc. No. 2), and this Order by certified mail on: (1) the United States Attorney General, U.S. Department of Justice, 950 Pennsylvania Avenue NW, Washington, D.C. 20530-0001; and (2) Warden Raymond Thompson, Joe Corley Processing Center, 500 Hilbig Rd., Conroe, Texas 77301.

3. Warden Thompson must file an answer or other appropriate responsive pleading within **twenty (20) days** after the date of service and must forward a copy to the petitioner's counsel. He is advised that under Federal Rule of Civil Procedure 12(d), if matters outside the pleadings are relied upon, his motion will be treated as a motion for

² See 28 U.S.C. § 2243.

summary judgment and should be entitled as such. Warden Thompson must also file a response to the motion for a preliminary injunction at that time.

4. In addition to any defense, in law or fact, to a claim for relief by the petitioner, Warden Thompson's answer must contain: (a) a statement of the authority by which the petitioner is held and, if held under the judgment of a court or administrative tribunal, the name of such court or tribunal and the number and style of the case(s) in which those judgments were entered; and (b) a statement as to whether the petitioner has exhausted all available administrative remedies.

5. Whether Warden Thompson elects to submit an answer or a dispositive motion (*i.e.*, a motion to dismiss or for summary judgment), the petitioner must file any response within **20 days** of the date reflected on the certificate of service. Under the Court's local rules, the petitioner's failure to respond will be considered a representation that the petitioner does not oppose the motion. *See* S.D. Tex. L.R. 7.4. If the petitioner fails to comply on time, the Court may dismiss this case for want of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

6. In addition to Warden Thomson, Taher Hasan has included as respondents to his petition Bret Bradford, Houston Field Office Director; Todd Lyons, Acting Director U.S. Immigration and Customs Enforcement; Pam Bondi, U.S. Attorney General; and Kristi Noem, U.S. Secretary of Homeland Security. Doc. No. 1. The Court questions whether these respondents are properly included in this petition. *See Rumsfeld v. Padilla*, 542 U.S. 426, 434-35 (2004) ("there is generally only one proper respondent to a given

prisoner's habeas petition" and "the default rule is that the proper respondent is the warden of the facility where the prisoner is being held, not the Attorney General or some other remote supervisory official"); *see also* 28 U.S.C. § 2242 (a federal habeas petition shall be directed to "the person who has custody over [the petitioner]"); 28 U.S.C. § 2243 ("The writ . . . shall be directed to the person having custody of the person detained."). Therefore, the Court does not order an expedited response from these respondents at this time. The Court notes that the Clerk has issued summonses to petitioner's counsel for these respondents. (Doc. No. 6). No returns of service for these respondents have been filed to date. Once service is obtained on these defendants, they must file their responses to Taher Hasan's petition within **twenty (20) days** from the date of service.

7. The respondents must notify petitioner's counsel and the Court of any anticipated or planned transfer of Taher Hasan outside of the Southern District of Texas **at least five (5) days before** any such transfer.

SO ORDERED.

The Clerk of Court will provide a copy of this Order to the parties.

SIGNED on this 27th day of August 2025.



ANDREW S. HANEN
UNITED STATES DISTRICT JUDGE