UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

M-J-M-A, *an adult*,

Petitioner,

v.

CAMILLA WAMSLEY, *Seattle Field Office Director, Immigration and Customs Enforcement and Removal Operations*; TODD LYONS, *Acting Director of Immigration Customs Enforcement*; U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; KRISTI NOEM, *Secretary of the Department of Homeland Security*; U.S. DEPARTMENT OF HOMELAND SECURITY; and PAMELA BONDI, *Attorney General of the United States*,

Respondents.

Case No. 6:25-cv-02011-MTK

ORDER

KASUBHAI, United States District Judge:

Petitioner M-J-M-A was detained by Respondents in Woodburn, Oregon on October 30, 2025, and filed a Petition for Writ of Habeas Corpus. ECF No. 1. Respondents notified the Court that "Petitioner was removed from the District of Oregon and transferred to the Tacoma ICE detention center on October 30, 2025 . . . because there is no detention facility in Oregon." ECF No. 4. The Court held a Scheduling Conference on October 31, 2025 to discuss a briefing schedule, set a hearing date, and address any requests for interim relief. ECF No. 2.

Although a United States District Court generally lacks subject-matter jurisdiction to review orders of removal, see 8 U.S.C § 1252(a)(1), (g), it does generally have jurisdiction over habeas petitions. *See* 28 U.S.C § 2241(a); *see also Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004) (citing U.S. Const., Art. I, § 9, cl. 2 and stating that "absent suspension, the writ of habeas corpus remains available to every individual detained within the United States"). Moreover, "'a federal court always has jurisdiction to determine its own jurisdiction,'" including its own subject-matter jurisdiction. *Brownback v. King*, 592 U.S. 209, 218–19 (2021) (*quoting United States v. Ruiz*, 536 U.S. 622, 628 (2002)). To give this Court the opportunity to determine whether it has subject-matter jurisdiction, and if so to consider the validity of the habeas petition, a court may order the respondent to preserve the status quo. *See United Mine Workers of Am.*, 330 U.S. 258, 293 (1947) ("[T]he District Court ha[s] the power to preserve existing conditions while it . . . determine[s] its own authority to grant injunctive relief," unless the assertion of jurisdiction is frivolous.). Such an order remains valid unless and until it is overturned, even when the issuing court lacks subject-matter jurisdiction to determine the underlying action's merits. *See id.* at 294–95. This principle applies with even greater force where the action the court enjoins would otherwise destroy its jurisdiction or moot the case. *United States v. Shipp*, 203 U.S. 563, 573 (1906).

The Court hereby ORDERS as follows:

1. Unless otherwise ordered by this Court, Respondents shall not move Petitioner outside of the Western District of Washington without first providing advance notice of the intended move. Such notice must be filed in writing and on the docket in this proceeding and must state the reason that Respondents believe that such a move is necessary and should not be stayed pending further court proceedings. Once that notice has been filed, Petitioner shall

not be moved out of the Western District of Washington for a period of at least 48 hours from the time of the docketing. If the 48-hour period would end on a weekend or legal holiday, the period continues to run until the same time on the next day that is not a weekend or legal holiday. Fed. R. Civ. P. 6(a)(2)(C). This period may be shortened or extended as appropriate by further Court order.

2. Respondents are to confirm Petitioner's location and provide that information to Petitioner's counsel by October 31, 2025 at 5:00pm. Respondents are also ordered to ensure that the ICE detention locator database accurately reflects Petitioner's location.
3. This Court ordered Respondents to show cause why Petitioner's writ should not be granted. ECF No. 2. Respondents' Return to that order is due November 4, 2025 at 11:59pm.
4. Given the rapidly developing circumstances, an expedited briefing schedule is necessary. Petitioner's Motion for Temporary Restraining Order is due November 1, 2025 at 12:00pm. Respondents' Response is due November 3, 2025 at 12:00pm.
5. The Court will hold a hearing on the Motion for Temporary Restraining Order on November 4, 2025 at 8:00am in Portland, in person. The Court will receive appropriate evidence at that hearing.
6. Petitioner is entitled to file Requests for Production by November 1, 2025 at 11:59pm. Respondents' Responses are due by November 15, 2025 at 11:59pm.
7. Petitioner's Brief in support of the Petition for Writ of Habeas Corpus is due November 10, 2025 at 11:59pm. Respondents' Response is due November 17, 2025 at 11:59pm. Petitioner's Reply is due November 21, 2025 at 11:59pm.

8. The parties shall submit a joint Witness List no later than November 28, 2025 at 11:59pm. That document shall list all individuals expected to testify at the December 2 hearing, including the anticipated time needed for direct examination of each witness.

9. An Evidentiary Hearing will be held on the Petition for Writ of Habeas Corpus on December 2, 2025 at 1:30pm.

    a. The Court will receive evidence, including live testimony, at that hearing.

    b. For the reasons discussed on the record, the Court orders that the following individuals attend that hearing, in person, and be available to testify, subject to direct and cross-examination and the examination of this Court: (1) Petitioner; (2) the agent(s) or officer(s) involved in Petitioner's arrest; and (3) anyone else with knowledge of the basis for Petitioner's detention.

    c. Failure to comply and produce those individuals would constitute a violation of this Court's order, subject to sanctions.

IT IS SO ORDERED.

DATED this 31st day of October 2025.

s/ Mustafa T. Kasubhai
MUSTAFA T. KASUBHAI (he/him)
United States District Judge