

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

SEN LAI LY,	:	
	:	
Petitioner,	:	
	:	Case No. 4:25-CV-35-CDL-AGH
v.	:	28 U.S.C. § 2241
	:	
WARDEN, STEWART DETENTION CENTER,¹	:	
	:	
Respondent.	:	

RESPONDENT’S MOTION TO DISMISS

On January 27, 2025, Petitioner filed an application for a writ of habeas corpus (“the Petition”). ECF No. 1. On January 30, 2025, Respondent was served with the Petition and the Court’s Order instructing Respondent to file a Response within twenty-one days. ECF No. 3. Petitioner was released from Department of Homeland Security (“DHS”) custody on February 6, 2025, under an Order of Supervision (“OSUP”). Because he is no longer in Respondent’s custody, Respondent files this Motion to Dismiss in lieu of a Response and asks that the Petition be dismissed as moot.

ARGUMENT

On February 6, 2025, DHS released Petitioner on an OSUP. *See* Ex. A, OSUP. Petitioner signed the OSUP and did not object to any of the conditions of his release from custody. *Id.* Because Petitioner is no longer in Respondent’s custody, the Court cannot give Petitioner any

¹ In addition to the Warden of Stewart Detention Center, Petitioner also names former officials with the Department of Justice, Immigration and Customs Enforcement (“ICE”), and DHS as respondents. “[T]he default rule [for claims under 28 U.S.C. § 2241] 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.” *Rumsfeld v. Padilla*, 542 U.S. 426, 434-35 (2004) (citations omitted). Thus, Respondent has substituted the Warden of Stewart Detention Center as the sole appropriately named respondent in this action.

meaningful relief regarding his claims, and the Court lacks subject-matter jurisdiction. Accordingly, the Court should dismiss the Petition as moot.

The case-or-controversy requirement of Article III, section 2 of the United States Constitution subsists through all stages of federal judicial proceedings. *See Spencer v. Kemna*, 523 U.S. 1, 7 (1998). A petitioner “must have suffered, or be threatened with, an actual injury traceable to the defendant and likely to be redressed by a favorable judicial decision.” *Lewis v. Cont’l Bank Corp.*, 494 U.S. 472, 477 (1990). “The doctrine of mootness derives directly from the case or controversy limitation because an action that is moot cannot be characterized as an active case or controversy.” *Soliman v. United States*, 296 F.3d 1237, 1242 (11th Cir. 2002) (internal quotation marks and citation omitted). “Put another way, a case is moot when it no longer presents a live controversy with respect to which the court can grant meaningful relief.” *Fla. Ass’n of Rehab. Facilities, Inc. v. Fla. Dep’t of Health & Rehab. Servs.*, 225 F.3d 1208, 1217 (11th Cir. 2000) (internal quotation mark and citation omitted). Thus, “[i]f events that occur subsequent to the filing of a lawsuit or an appeal deprive the court of the ability to give the plaintiff or appellant meaningful relief, then the case is moot and must be dismissed.” *Al Najjar v. Ashcroft*, 273 F.3d 1330, 1336 (11th Cir. 2001). “Indeed, dismissal is required because mootness is jurisdictional.” *Id.*; *see also De La Teja v. United States*, 321 F.3d 1357, 1362 (11th Cir. 2003).

Here, Petitioner requested release from Respondent’s custody. Pet. 9, ECF No. 1. On February 6, 2025, he was released from Respondent’s physical custody on an OSUP. Ex. A. He is thus no longer detained by Respondent. Because Petitioner is not in Respondent’s custody, this Court cannot give him meaningful relief regarding his detention—he cannot be released from immigration detention. There is consequently no longer a live controversy affecting Petitioner

regarding his prolonged detention claims. Accordingly, Petitioner's claims are moot and should be dismissed.

CONCLUSION

For the foregoing reasons, Respondent requests that the Petition be dismissed as moot.

Respectfully submitted, this 18th day of February, 2025.

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CERTIFICATE OF SERVICE

This is to certify that I have this date filed the Respondent's Motion to Dismiss with the Clerk of the United States District Court using the CM/ECF system, which will send notification of such filing to the following:

N/A

I further certify that I have this date mailed by United States Postal Service the document and a copy of the Notice of Electronic Filing to the following non-CM/ECF participants:

Sen Lai Ly
A# 
770 Jackson Bank Place
Lilburn, GA 30047

This 18th day of February, 2025.

BY: s/ Roger C. Grantham, Jr.
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