

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO: 25-20384-CIV-CANNON

DAVID SAINT FORT,

Petitioner,

v.

**DEPARTMENT OF HOMELAND SECURITY,
U.S. ATTORNEY GENERAL,
MIAMI FIELD OFFICE-USCIS,**

Respondents.

RESPONDENTS' MOTION TO DISMISS FOR MOOTNESS

Department of Homeland Security, et al., (collectively referred to as Respondents), through the undersigned counsel, hereby file this Motion to Dismiss for Mootness due to Petitioner's removal from custody. In support, Respondents state as follows:

On January 27, 2025, David Saint Fort (Petitioner) filed a Petition for a Writ of Habeas Corpus under § 2241 ("Petition") asking for release from custody claiming that his detention is prolonged and indefinite. (ECF No. 1 at 1).

The Petition is now moot because Petitioner was removed and released from custody on April 6, 2025. *See* Exhibit A, Warrant of Removal.

Although jurisdiction is usually determined at filing, after-arising events can affect jurisdiction because the case-or-controversy requirement of Article III, section 2, of the United States Constitution "subsists through all stages of federal judicial proceedings." *Spencer v. Kemna*, 523 U.S. 1, 7 (1998). Further, a plaintiff "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. Continental Bank Corp., 494 U.S. 472, 477 (1990). Mootness deprives a court of the power to act when there is nothing to remedy. *See Spencer*, 523 U.S. at 19 (“[M]ootness, however it may have come about, simply deprives us of our power to act; there is nothing for us to remedy, even if we were disposed to do so.”).

In this case, there is no injury to redress because Petitioner was released from custody. As such, the Petition should be dismissed. *See Hernandez Rodriguez v. U.S. Atty. Gen.*, No. 19-CV-21647, 2019 WL 2231219, at *2 (S.D. Fla. May 23, 2019) (dismissing case as moot following notification that petitioner had been released).

Respectfully submitted,

HAYDEN O'BYRNE
UNITED STATES ATTORNEY

/s/ Natalie Diaz
NATALIE DIAZ
ASSISTANT U.S. ATTORNEY
Florida Bar No. 85834
E-mail: Natalie.Diaz@usdoj.gov
99 N.E. 4th Street, Suite 300
Miami, Florida 33132
Telephone: (305) 961-9306