

District Judge Tiffany M. Cartwright
Magistrate Judge Grady J. Leupold

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NESTOR ALONZO HERNANDEZ-
GONZALEZ,

Petitioner,

v.

PAMELA BONDI, *et al.*,

Respondents.

Case No. 2:25-cv-00351-TMC-GJL

FEDERAL RESPONDENTS' MOTION
TO DISMISS FOR MOOTNESS AND
NOTICE OF CHANGE IN CUSTODY
STATUS

Noted for Consideration:
May 19, 2025

Federal Respondents, by and through the undersigned counsel, respectfully moves to dismiss this habeas petition as moot.

Petitioner Nestor Alonzo Hernandez-Gonzalez filed the instant habeas petition on February 25, 2025, seeking release from immigration detention. Dkt. 1. This case is now moot because U.S. Immigration and Customs Enforcement ("ICE") removed Hernandez-Gonzalez from the United States on April 4, 2025. Decl. of Enrique Rodriguez, ¶ 4.

For a federal court to have jurisdiction, "an actual controversy must exist at all stages of the litigation." *Biodiversity Legal Foundation v. Badgley*, 309 F.3d 1166, 1173 (9th Cir. 2002). "For a habeas petition to continue to present a live controversy after the petitioner's release or deportation . . . there must be some remaining 'collateral consequence' that may be redressed by

1 success on the petition.” *Abdala v. INS*, 488 F.3d 1061, 1064 (9th Cir. 2007). Here, Hernandez-
2 Gonzalez’s habeas petition challenges his detention, and does not allege any collateral
3 consequence that can be addressed by this Court. Dkt. 1 at 6 (Relief Requested). Now that
4 Hernandez-Gonzalez is no longer in custody due to his deportation, his habeas petition is moot.
5 *Abdala*, 488 F.3d at 1065 (describing habeas petitions that claim indefinite detention as fully
6 resolved and rendered moot by the petitioner’s release from custody); *Babak v. ICE FOD*, 20-cv-
7 212-RSM-BAT, 2020 WL 1976798, at *1 (W.D. Wash. Mar. 31, 2020) *R&R adopted by* 2020
8 WL 1974335, at *1 (W.D. Wash. Apr. 24, 2020) (dismissing habeas petition as moot after ICE
9 released petitioner on supervision).

10 Accordingly, this Court should dismiss the habeas petition in its entirety. *Foster v.*
11 *Carson*, 346 F.3d 742, 745 (9th Cir. 2003) (court lacks jurisdiction to hear claims that are moot).

12 DATED this 21st day of April, 2025.

13 Respectfully submitted,

14 TEAL LUTHY MILLER
15 Acting United States Attorney

16 s/ Sean M. Arenson

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Attorney for Federal Respondents

*I certify that this memorandum contains 278
words, in compliance with the Local Civil
Rules*

CERTIFICATE OF SERVICE

I hereby certify that I am an employee in the Office of the United States Attorney for the Western District of Washington and of such age and discretion as to be competent to serve papers.

I further certify on this date, I electronically filed the foregoing and the following [Proposed] Order and the Declaration of Enrique Rodriguez with the Clerk of the Court using the CM/ECF system, which will send notice of such filing to the following CM/ECF participant(s):

- 0 -

I further certify on this date, I arranged for service of the foregoing on the following non-CM/ECF participant(s), via Certified Mail with return receipt, postage prepaid, addressed as follows:

Nestor Alonzo Hernandez-Gonzalez, *Pro Se Petitioner*

A# [REDACTED]
NW ICE Processing Center
1623 E. J Street, Suite 5
Tacoma, WA 98421-1615

DATED this 21st day of April, 2025.

s/ Katie Reed-Johnson

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