

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

NELSON RAY ALEXANDER	:	
GUZMAN-GONZALEZ,	:	
	:	
Petitioner,	:	
	:	Case No. 4:25-CV-87-CDL-AGH
v.	:	28 U.S.C. § 2241
	:	
WARDEN, STEWART DETENTION	:	
CENTER,	:	
	:	
Respondent.	:	

SECOND MOTION TO DISMISS

On March 11, 2025, the Court received Petitioner’s petition for a writ of habeas corpus (“Petition”) challenging his post-final order of removal detention. ECF No. 1. On April 29, 2025, Respondent moved to dismiss the Petition because (1) Petitioner cannot state a claim for relief pursuant to *Zadvydas v. Davis*, 533 U.S. 678 (2001), and (2) in the alternative, Petitioner fails to show that he is entitled to relief under *Zadvydas*. ECF No. 6. Respondent now files this Second Motion to Dismiss. Petitioner was removed from the United States to Venezuela on April 25, 2025,¹ and he is no longer in the custody of Respondent or Immigration and Customs Enforcement (“ICE”), Enforcement and Removal Operations (“ERO”). The Petition should consequently be dismissed as moot.

ARGUMENT

On April 25, 2025, ICE/ERO removed Petitioner from the United States to Venezuela. Ex. A, Form I-205 Warrant of Removal. Petitioner is no longer in ICE/ERO or Respondent’s custody.

¹ Counsel for Respondent was unaware that Petitioner had already been removed from the United States at the time Respondent filed its first Motion to Dismiss on April 29, 2025.

Because Petitioner is no longer in ICE/ERO or Respondent's custody, the Court lacks subject-matter jurisdiction over his claims. 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). Once a petitioner has been removed from the United States, the dispute regarding his detention is rendered moot and must be dismissed. *See Soliman*, 296 F.3d at 1243.

Here, Petitioner requested release from custody. Pet. 7, ECF No. 1. He was removed from the United States to Venezuela on April 25, 2025 and is no longer in Respondent or ICE/ERO's custody. Ex. A. Because Petitioner is not in Respondent's custody, the Court can no longer give

Petitioner any meaningful relief regarding his detention. Accordingly, the Petition is moot and should be dismissed.

CONCLUSION

For the foregoing reasons, Respondent respectfully requests that the Court dismiss the Petition as moot.

Respectfully submitted, this 5th day of June, 2025.

C. SHANELLE BOOKER
ACTING UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

This is to certify that I have this date filed the Respondent's Second 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:

Nelson Ray Alexander Guzman-Gonzalez
A# 
Coastal Bend Detention Center
4909 FM 2826
Robstown, TX 78380

This 5th day of June, 2025.

BY: s/ Roger C. Grantham, Jr.
ROGER C. GRANTHAM, JR.
Assistant United States Attorney