

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

AIDA IUSUBOVA,	:	
	:	
Petitioner,	:	
	:	Case No. 4:25-CV-91-CDL-AGH
v.	:	28 U.S.C. § 2241
	:	
WARDEN, STEWART DETENTION CENTER,	:	
	:	
Respondent.	:	

SECOND MOTION TO DISMISS

On September 5, 2025, Respondent filed a Motion to Dismiss based on Petitioner’s removal from the United States. ECF No. 10. Therein, Respondent stated his intention to supplement the Motion to Dismiss with additional information not included in the I-205 confirming Petitioner’s removal. ECF No. 10 at 1, n.1. For the reasons listed in the Motion to Dismiss and this Second Motion to Dismiss, the Court should dismiss the Petition.

BACKGROUND

For ease of reference, Respondent will restate Petitioner’s immigration and habeas proceedings here. Petitioner is a native of Azerbaijan and a citizen of Russia who was detained as an arriving alien pursuant to 8 U.S.C. § 1225(b) at the time she filed her Petition. Declaration of Frederick Askew (“Askew Decl.”), ECF No. 4-1, ¶¶ 4, 10 & Ex. A, ECF No. 4-2. On April 1, 2024, Petitioner applied for admission into the United States at the Tecate, California Port of Entry. Askew Decl. ¶ 4 & Ex. A.

On June 27, 2024, Petitioner was personally served with a Notice to Appear (“NTA”) charging her with inadmissibility pursuant to Immigration and Nationality Act (“INA”)

§ 212(a)(7)(A)(i)(I), 8 U.S.C. § 1182(a)(7)(A)(i)(I), based on her lack of a valid entry document at the time she applied for admission into the United States. Askew Decl. ¶ 6 & Ex. B, ECF No. 4-3. On July 10, 2024, Petitioner appeared with counsel for her master hearing, she was given advisals, and the NTA was sustained. Askew Decl. ¶ 7. On January 2, 2025, the immigration judge (“IJ”) issued the final decision denying Petitioner’s applications for relief from removal and ordering her removed to Russia and to Azerbaijan in the alternative. *Id.* ¶ 8 & Ex. C, ECF No. 4-4. Petitioner reserved appeal. Askew Decl. ¶ 8 & Ex. C.

On January 2, 2025, Petitioner filed her appeal with the Board of Immigration Appeals (“BIA”). Declaration of Deportation Officer Jeffery Knowles (“Knowles Decl.”) ¶ 4. On June 2, 2025, the BIA issued its decision, dismissing Petitioner’s appeal and upholding the IJ’s order of removal. *Id.* ¶ 5 & Ex. F. On July 4, 2025, Immigration and Customs Enforcement, Enforcement and Removal Operations (“ICE/ERO”) collected Petitioner’s personal travel documents from Petitioner. *Id.* ¶ 6. On July 7, 2025, the Consulate of Azerbaijan provided a permit for Petitioner to return to Azerbaijan. *Id.* On August 22, 2025, ICE/ERO successfully facilitated Petitioner’s removal to Azerbaijan. *Id.* ¶ 7.

ARGUMENT

On August 22, 2025, ICE/ERO removed Petitioner from the United States to Azerbaijan. Knowles Decl. ¶ 7 & Ex. A to Mot. to Dismiss, ECF No. 10-1. Because Petitioner is no longer in Respondent’s custody, the Court lacks subject-matter jurisdiction over her 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 her detention is rendered moot and must be dismissed. *See Soliman*, 296 F.3d at 1243.

Here, Petitioner requested release from custody. Pet. 6, ECF No. 1. She was removed from the United States on August 22, 2025, and is no longer in Respondent’s custody. Knowles Decl. ¶ 7. Because Petitioner is not in Respondent’s custody, the Court can no longer give Petitioner any meaningful relief regarding her detention. Accordingly, the Petition is moot and should be dismissed.

CONCLUSION

For the reasons stated herein, Respondent respectfully requests that the Court dismiss the Petition.

Respectfully submitted, this 9th day of September, 2025.

WILLIAM R. KEYES
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:

Aida Iusubova
A# 
Stewart Detention Center
P.O. Box 248
Lumpkin, GA 31815

This 9th day of September, 2025.

BY: /s/ Michael P. Morrill
MICHAEL P. MORRILL
Assistant United States Attorney