

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

EKATERINA BUMBOSHKINA,	:	
	:	
Petitioner,	:	
	:	Case No. 4:25-CV-103-CDL-MSH
v.	:	28 U.S.C. § 2241
	:	
WARDEN, STEWART DETENTION CENTER,¹	:	
	:	
Respondent.	:	

MOTION TO DISMISS

On March 21, 2025, the Court received Petitioner’s petition for a writ of habeas corpus (“Petition”) seeking release from custody. ECF No. 1. On March 25, 2025, the Court ordered Respondent to file a response. ECF No. 3. In lieu of a response, Respondent now files this Motion to Dismiss. Petitioner was removed from the United States to Russia on March 20, 2025, and she 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.

BACKGROUND

Petitioner is a native and citizen of Russia who was previously detained by Immigration and Customs Enforcement (“ICE”), Enforcement and Removal Operations (“ERO”) pursuant to 8 U.S.C. § 1231(a) based on her final order of removal. Karwowski Decl. ¶ 4. On or about May 27,

¹ Petitioner names the United States Department of Homeland Security, United States Immigration and Customs Enforcement, and officials with both agencies as Respondents in the Petition. “[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.

2024, she unlawfully entered the United States near Tecate, California without lawful entry documents and was taken into custody by immigration authorities. *Id.* ¶ 5. On June 25, 2024, ICE/ERO served Petitioner with a Notice to Appear (“NTA”) charging her with removability pursuant to (1) 8 U.S.C. § 1182(a)(6)(A)(i), based on her unlawful presence in the United States, and (2) 8 U.S.C. § 1182(a)(7)(A)(i)(I), based on her application for admission without a valid entry document. *Id.* ¶ 6 & Ex. B.

On July 25, 2024, an immigration judge (“IJ”) ordered Petitioner removed to Russia, and Petitioner reserved appeal. *Id.* ¶ 7 & Ex. C. Her removal order became final on August 26, 2024 when she failed to timely file an appeal within 30 days. *Id.* ¶ 7; *see* 8 C.F.R. § 1003.38(b) (requiring an appeal from a decision of an IJ to be filed within 30 days); 8 C.F.R. § 1241.1(c) (providing that a removal order becomes final when the time to appeal expires). On September 25, 2024, Petitioner was transferred to Stewart Detention Center in Lumpkin, Georgia. Karwowski Decl. ¶ 8. On March 20, 2025, Petitioner was removed from the United States to Russia via commercial flight. *Id.* ¶ 9 & Ex. D.

ARGUMENT

Because Petitioner is no longer in Respondent or ICE/ERO’s custody following her removal to Russia on March 20, 2025, 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 his detention is rendered moot and must be dismissed. See *Soliman*, 296 F.3d at 1243.

Here, Petitioner requested release from custody. Pet. 5, ECF No. 1. She was removed from the United States to Russia on March 20, 2025 and is no longer in Respondent or ICE/ERO’s custody. Karwowski Decl. ¶¶ 4, 9 & Ex. D. 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 15th day of April, 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 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:

Ekaterina Bumboshkina
A# 
Stewart Detention Center
P.O. Box 248
Lumpkin, GA 31815

This 15th day of April, 2025.

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