

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

SAMUEL FRIMMBONG ADUSAH,	:	
	:	
Petitioner,	:	
	:	Case No. 4:25-CV-129-CDL-AGH
v.	:	28 U.S.C. § 2241
	:	
WARDEN, STEWART DETENTION CENTER,	:	
	:	
	:	
Respondent.	:	

SECOND MOTION TO DISMISS

On April 18, 2025, the Court received Petitioner’s petition for a writ of habeas corpus (“Petition”) seeking release from immigration custody. ECF No. 1. Petitioner subsequently filed two supplemental pleadings. ECF Nos. 5, 7. On May 12, 2025, Respondent filed a Motion to Dismiss, arguing that the Petition—as supplemented—should be dismissed, *inter alia*, because Petitioner failed to comply with removal efforts by refusing to board a prior removal flight. 1st Mot. to Dismiss 5-16, ECF No. 9. The Court received Petitioner’s Response on June 9, 2025. ECF No. 13. Respondent now files this Second Motion to Dismiss. As explained below, Petitioner has been removed from the United States to Ghana pursuant to a final order of removal and is no longer in Respondent’s custody. Accordingly, the Petition should be dismissed as moot.

ARGUMENT

On June 17, 2025, the Department of Homeland Security (“DHS”), Immigration and Customs Enforcement (“ICE”) removed Petitioner from the United States to Ghana. *See* Ex A, Form I-205, Warrant of Removal/Deportation. Because Petitioner is no longer in Respondent or

ICE'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. 9, ECF No. 1. He was removed from the United States to Ghana on June 17, 2025, and is no longer in Respondent or ICE'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 Petition be dismissed as moot.

Respectfully submitted this 1st day of July, 2025.

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CERTIFICATE OF SERVICE

This is to certify that I have this date filed the 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:

Samuel Frimmbong Adusah
A# 
Stewart Detention Center
P.O. Box 248
Lumpkin, GA 31815

This 1st day of July, 2025.

BY: s/ Roger C. Grantham, Jr.
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