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IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

EDUARDO CEJA AYALA,  
Petitioner,  
v.  
U.S. ATTORNEY GENERAL BONDI, ET AL.,  
Respondents.

CASE NO. 1:25-CV-00463-EPG

MOTION TO DISMISS UNDER  
28 U.S.C. § 2254, RULE 4

On 1/2/2025, Petitioner filed for relief under 28 U.S.C. § 2241. ECF 1. Petitioner, a non-citizen alien, claimed that his detention pending removal from the United States violated the U.S. Constitution's Fifth Amendment. *Id.* at 2, 9-14, 18 (so-called prolonged detention without a detention hearing). For relief, Petitioner demanded this EDCA court-of-custody order another jurist (Immigration Judge) to conduct a detention (bond) hearing or *ab initio* order his release under § 2241. *Id.*

Hereby, Respondent moves to dismiss the instant underlying petition. On 3/13/2025, Petitioner was removed from the United States to his country of origin. *See* Declaration Juan C. Abad p 2. Specifically, after the Board of Immigration Appeals dismissed Petitioner's appeal of the Immigration Judge's deportation order (denying relief from removal and ordering him removed to Mexico), Petitioner apparently elected to forego further removal challenge and acceded to removal. *See id.* Accordingly, the underlying petition must be dismissed for lack of jurisdiction. *Warth v. Seldin*, 422 U.S. 490,498 (1975).

Article III jurisdictionally limits the federal courts to deciding “cases” and “controversies.” To ensure that any matter presented to a federal court meets such requirement, this Court must consider at least the doctrines of mootness, ripeness, and standing. *Kittel v. Thomas*, 620 F.3d 949, 951 (9th Cir. 2010). Also, the jurisdiction of federal courts is limited to “actual, ongoing cases or controversies.” *Lewis v. Continental Bank Corp.*, 494 U.S. 472, 477 (1990). “This case-or controversy requirement subsists through all stages of federal judicial proceedings,” which “means that, throughout the litigation, the plaintiff ‘must have suffered, or be threatened with, an actual injury traceable to the defendant and likely to be redressed by a favorable judicial decision.’” *Spencer v. Kemna*, 523 U.S. 1, 7 (1998) (quoting *Lewis*, 494 U.S. at 477).

As relevant here, as his remedy, Petitioner demanded immediate release from ICE custody. Following deportation, his claim and remedy are now moot. *Singh v. Warden, Mesa Verde ICE Processing Center*, Slip Op., 2024 WL 4894490 (E.D. Cal., Nov. 26, 2024) (dismissing § 2241 petition demanding release from civil detention pending removal proceedings). Following Fed. Rule of Civ. P. 12(h)(3), dismissal is mandatory because, without subject matter jurisdiction and physical custody over Petitioner, there is nothing for this former court-of-custody to remedy. Via deportation from the United States, Petitioner has obtained immediate release from ICE custody. *Ming Kar Fan v. Napolitano*, 2012 WL 6020081 (E.D. Cal., 2012) (dismissing § 2241 petition wherein non-citizen’s challenge to “continued detention pending deportation from the United States” was rendered moot after removal from the United States) citing *Munoz v. Rowland*, 104 F. 3d 1096, 1097–98 (9th Cir. 1997) (observing that a petition seeking relief from conditions of confinement is rendered moot upon the prisoner’s release).

Dated: June 23, 2025

MICHELE BECKWITH  
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By: /s/ MICHELLE RODRIGUEZ  
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CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that he/she is an employee in the Office of the United States Attorney for the Eastern District of California and is a person of such age and discretion to be competent to serve papers. That on June 23, 2025, a copy of the RESPONDENT'S MOTION TO DISMISS was served by placing said copy in a postpaid envelope addressed to the person(s) hereinafter named, at the place(s) and address(es) stated below, which is/are the last known address(es), and by depositing said envelope and contents in the United States Mail at Sacramento, California. Addressee(s): **Eduardo Ceja-Ayala A-245-966-263 Golden State Annex 611 Frontage Road, McFarland, CA 93250.**

/s/ C. Buxbaum  
C. BUXBAUM