

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

ARTEM KONEV) CIVIL ACTION NO. 25-cv-00608
)
VERSUS) JUDGE CAIN
)
JAMIEN A. ARWIE, ET AL.) MAGISTRATE JUDGE LEBLANC
)

MEMORANDUM IN SUPPORT OF
MOTION TO DISMISS FOR
LACK OF SUBJECT MATTER JURISDICTION

Federal Respondents move to dismiss Petitioner's petition for writ of habeas corpus as the issues raised therein are moot.

I. Introduction

On May 5, 2025, Artem Konev, Petitioner, filed an application with this Court through which he seeks the issuance of a writ of *habeas corpus* directing his release from the custody of the United States Immigration and Customs Enforcement ("ICE"). According to Mr. Konev, his continued detention within the custody of the ICE is violative of his due process rights. For the following reasons, the application filed by Artem Konev should be denied and this action dismissed.

II. The Factual Background

According to the petition, petitioner is a native and a citizen of Russia. ECF 1, p. 3. In addition, he is a permanent resident of Brazil. ECF 1, p. 4. He is subject to a final order of removal issued by the Immigration and Customs Enforcement ("ICE"). ECF 1, p. 3. This petition was filed on May 5, 2025. ECF 1. On May 12, 2025, the Court issued a Memorandum Order directing the respondents to file an

answer to the Petition. ECF 2. On July 2, 2025, the petitioner was removed from the ICE's custody to the country of Brazil. See Declaration of Charles G. Ward, Acting Assistant Field Office Director, attached hereto as Exhibit A.

III. Mootness

An action is moot "when the court cannot grant the relief requested by the moving party." *Salgado v. Fed. Bureau of Prisons*, 220 F. App'x 256, 257 (5th Cir. 2007) (citing *Brown v. Resor*, 407 F.2d 281, 283 (5th Cir. 1969) and *Bailey v. Southerland*, 821 F.2d 277, 278 (5th Cir. 1987)). The issue of whether a case is moot presents a jurisdictional matter because it implicates the Article III requirement that an actual controversy exist at all stages of federal court proceedings. *Bailey*, 821 F.2d at 278. A moot case "presents no Article III case or controversy, and a court has no constitutional jurisdiction to resolve the issue it presents." *Adair v. Dretke*, 150 Fed. App'x. 329, 331 (5th Cir. 2005) (citation omitted).

IV. Artem Konev

In the instant case, Mr. Konev has been removed from the United States and repatriated to the country of Brazil. Exhibit A. As such, Mr. Konev's petition for *habeas* relief under *Zadvydas* is now moot. There simply is nothing of which this Court should adjudicate except that of dismissal. Accordingly, the motion to dismiss should be granted in favor of the ICE, and the instant application for a writ of *habeas corpus* dismissed.

V. Conclusion

For the foregoing reasons, this Court should deny or dismiss this petition as to all Respondents.

Respectfully submitted,

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