

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

IURI USUBOV,	:	
	:	
Petitioner,	:	
	:	Case No. 4:25-CV-151-CDL-CHW
v.	:	28 U.S.C. § 2241
	:	
WARDEN, STEWART DETENTION CENTER,¹	:	
	:	
Respondent.	:	

MOTION TO DISMISS

On May 5, 2025, the Court received Petitioner’s petition for a writ of habeas corpus (“Petition”) asserting that his post-final order of removal detention is unconstitutional. ECF No. 1. On May 21, 2025, the Court ordered Respondent to file a response within twenty-one days. ECF No. 5. In lieu of a response, Respondent now files this Motion to Dismiss. Petitioner was removed from the United States to Russia on May 25, 2025, and he 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.

ARGUMENT

On May 25, 2025, ICE/ERO removed Petitioner from the United States to Russia via a charter flight. Ex. A, Form I-205 Warrant of Removal. Petitioner is no longer in Respondent or

¹ In addition to Warden of Stewart Detention Center Terrence Dickerson, Petitioner also names current or former officials with the Department of Justice, Department of Homeland Security, and Immigration and Customs Enforcement as Respondents in his 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.

ICE/ERO's custody. Because Petitioner is no longer in Respondent or ICE/ERO'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. 8, ECF No. 1. He was removed from the United States to Russia on May 25, 2025 and is no longer in Respondent or ICE/ERO'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. *See Soliman*, 296 F.3d at 1243.

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 11th day of June, 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:

Iurii Usubov
A# 
Stewart Detention Center
P.O. Box 248
Lumpkin, GA 31815

This 11th day of June, 2025.

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