

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION**

**AZAT GARAEV** CIVIL NO: 1:25-CV-00640

**VERSUS** DISTRICT JUDGE EDWARDS

**KRISTI NOEM, ET AL** MAGISTRATE JUDGE PEREZ-MONTES

**MOTION TO DISMISS PROCEEDINGS FOR LACK OF JURISDICTION**

Since Petitioner filed his petition for writ of habeas corpus on May 12, 2025, he was released from ICE custody on October 1, 2025, and is no longer being detained. *See* Exhibit 1 – Form I-830E. As such, Petitioner can no longer be afforded any habeas relief rendering his petition for writ of habeas moot and depriving the Court of jurisdiction to further consider these claims.

Whether a claim is moot is a jurisdictional question. *See United States v. Lares-Meraz*, 452 F.3d 352, 355 (5th Cir. 2006). “A moot case presents no Article III case or controversy, and a court has no constitutional jurisdiction to resolve the issues it presents.” *Goldin v. Bartholow*, 166 F.3d 710, 717 (5th Cir. 1999). “[A]n actual, live controversy must remain at all stages of federal court proceedings, both at the trial and appellate levels.” *Lares-Meraz*, 452 F.3d at 355. “A case becomes moot only when it is impossible for a court to grant any effectual relief whatever to the prevailing party.” *United States v. Heredia-Holguin*, 823 F.3d 337, 340 (5th Cir. 2016).

This case is moot because this Court cannot grant any effectual relief to Petitioner in his habeas petition, which seeks immediate release from ICE custody and an order prohibiting the transfer of Petitioner during the pendency of the habeas proceedings (also both core requests for relief in the motion for temporary restraining order and injunctive relief). The Petitioner specifically cites 28 U.S.C. §2241(c)(3) in his petition as the legal authority to challenge the lawfulness and constitutionality of his detention because he claimed to be “in custody in violation”

of the law. (ECF 1, p. 8); *see also Zadvydas v. Davis*, 533 U.S. 678, 687 (2001). However, by virtue of the statute itself, “a writ of habeas corpus shall not extend unless. . . he is in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. §2241(c)(3); *see also Maleng v. Cook*, 490 U.S. 488 (1989)(recognizing the 2241(c)(3) custody requirement as jurisdictional for a habeas claim); *see also Rose v. Hodges*, 423 U.S. 19, 21 (1975)(“[a] necessary predicate for the granting of federal habeas relief to respondents is a determination by the federal court that their custody violates the Constitution, laws, or treaties of the United States.”).

Based on applicable law, for Petitioner to maintain a petition for writ of habeas corpus, he must show that he is being held in custody in violation of the law, which he cannot do. Accordingly, this Court has no jurisdiction to consider Petitioner’s habeas claim because he is no longer detained, and this matter is moot.

Respectfully submitted,

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