


**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**WENDING MAI, Clinton Cnty.
Corr. Facility ID No. 1005092,
DHS File No. A ,**

Plaintiff,

v.

**UNITED STATES
IMMIGRATION AND
CUSTOMS ENFORCEMENT,
et al.,
Respondents.**

Case No. 3:25-CV-00742

**Hon. Joseph F. Saporito,
United States District Judge**

**RESPONDENT'S SUPPLEMENTAL BRIEF AND
SUGGESTION OF MOOTNESS**

This is a habeas action filed on April 28, 2025, by Petitioner Wending Mai, an immigration detainee formerly in the custody of the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) at the Clinton County Correctional Facility in McElhattan, Pennsylvania. *See* Doc. 1, Petition, at 1, ¶ 1. On April 28, 2025, this Court entered an order directing Respondent to respond to the Petition on or before May 12, 2025. Doc. 3, Order to Show Cause. On May 12, 2025, Respondent filed a Response in accordance with that Order, in which Respondent represented that the Petitioner was

scheduled for a custody redetermination hearing on May 13, 2025. Doc. 6, Response to Petition, at 4.

On May 13, 2025, the Petitioner appeared for a custody redetermination hearing before the Honorable Leo Finston, United States Immigration Judge. See Exhibit 8, Bond Order. Following the hearing, Judge Finston granted the Petitioner bond. *Id.* at 1. ICE's Detainee Locator System confirms that Mai is no longer in custody. See *U.S. Immigration and Customs Enforcement Online Detainee Locator System* available at <https://locator.ice.gov/odls/#/index> (enter Mai's Alien Number and select People's Republic of China from the country drop-down list) (last accessed May 15, 2025, at 4:37 p.m.).

On May 15, 2025, this Court issued a further Order instructing the Respondent to file a supplemental response within seven (7) days to provide an update on the outcome of the Petitioner's custody redetermination hearing. Doc. 10, Order. Following receipt of that Order, Respondent's counsel conferred with Agency Counsel for ICE, and ICE informed Respondent's counsel of Petitioner's bond. This Supplemental Brief and Suggestion of Mootness is filed in accordance with the Court's Order of May 15, 2025.

ARGUMENT

This Court should dismiss Mai's petition as moot where the Petitioner is no longer in ICE custody and there is no further relief available to him. Blanciak v. Allegheny Ludlum Corp., 77 F.3d 690, 698-99 (3d Cir. 1996) (finding that "[i]f developments occur during the course of adjudication that eliminate a plaintiff's personal stake in the outcome of a suit or prevent a court from being able to grant the requested relief, the case must be dismissed as moot."). "A necessary predicate for the granting of federal habeas relief to [petitioners] is a determination by the federal court that their custody violates the Constitution, laws, or treaties of the United States." Rose v. Hodges, 423 U.S. 19, 21 (1975) (citing 28 U.S.C. § 2241). "[A] petition for habeas corpus relief generally becomes moot when a prisoner is released from custody before the court has addressed the merits of the petition." DeFoy v. McCullough, 393 F.3d 439, 441 (3d Cir. 2005). See also McCarthy v. Sessions, No. 3:18-CV-1900, 2019 WL 1672432, at *1 (M.D. Pa. Feb. 28, 2019), *report and recommendation adopted*, No. 3:18CV1900, 2019 WL 1670806 (M.D. Pa. Apr. 17, 2019); Bermudez v. U.S. Dep't. of Homeland Sec., No. 3:18-CV-1434, 2019 WL 1246271, at *2 (M.D. Pa. Feb. 11, 2019) (Carlson, M.J.),

*report and recommendation adopted sub nom. Bermudez v. U.S. Dep't of Homeland Sec., No. 3:18-CV-1434, 2019 WL 1239430 (M.D. Pa. Mar. 18, 2019) (Rambo, J.); Ssendikwanawa v. Lowe, No. 3:14-CV-01241, 2015 WL 5037573 (M.D. Pa. Aug. 25, 2015) (Mariani, J.); Dehaney v. Sabol, No. 3:11-CV-0616, 2012 WL 1417592, *2 (M.D. Pa. Apr. 24, 2012) (Nealon, J.); Tahic v. Holder, 2011 WL 1793270 (M.D. Pa. May 10, 2011) (same).*

CONCLUSION

Based upon Mai's release from custody on bond, the Court should dismiss the Petition.

Respectfully submitted,

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Dated: May 15, 2025

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FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

WENDING MAI, Clinton Cnty.
Corr. Facility ID No. 1005092, DHS
File No. A 

Plaintiff,

v.

UNITED STATES
IMMIGRATION AND CUSTOMS
ENFORCEMENT, *et al.*,
Respondents.

Case No. 1:21-CV-1839

Hon. Joseph F. Saporito,
United States District Judge

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers. That on May 15, 2025, she served a copy of the attached

SUPPLEMENTAL BRIEF AND SUGGESTION OF MOOTNESS

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Scranton, Pennsylvania.

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Huan Wang
720 Tanager Drive
State College, PA 16803

/s/ Stephanie Kakareka
STEPHANIE KAKAREKA
Legal Administrative Specialist