

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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| RAWLE GERARD SUITE, | : | |
| | : | |
| Petitioner, | : | CIVIL ACTION |
| | : | |
| v. | : | |
| | : | |
| CHRISTOPHER J. LAROSE, et al., | : | No. 25-2613 |
| | : | |
| Respondents. | : | |

**REPLY IN SUPPORT OF RESPONDENTS’
MOTION FOR RECONSIDERATION BASED ON MOOTNESS**

Petitioner Rawle Gerard Suite’s response in opposition (ECF No. 24) to Respondents’ motion for reconsideration based on mootness (ECF No. 20) affirmatively:

- Concedes that on January 13, 2026, the U.S. Court of Appeals for the Third Circuit dismissed Suite’s Petition for Review of his final order of removal;
- Concedes that the Third Circuit lifted the stay on Suite’s final order of removal;
- Concedes that the government’s authority to detain Suite in immigration custody currently falls under 8 U.S.C. § 1231 rather than 8 U.S.C. § 1226(c); and
- Concedes that under 8 U.S.C. § 1231, detention is required for a period of 90 days during which the government can remove Suite.

See ECF No. 24 at 2 ¶¶ 6, 8. Moreover, Suite’s response:

- Does not dispute that Suite’s habeas claims in this current case became moot on January 13, 2025;
- Does not assert or show that any exception to mootness could apply here;
- Does not dispute that this Court lost subject matter jurisdiction over Suite’s habeas petition on January 13, 2026, two days before the Court entered an order granting his petition,¹ and;
- Does not argue that this Court currently has any cognizable basis for subject matter jurisdiction over his habeas claims.

See ECF No. 24 at 2-3.

¹ Indeed, because Suite concedes that the Court’s January 15, 2026 order was issued after this Court had already lost subject matter jurisdiction, Suite does not and cannot argue that the order should instead be enforced. *See, e.g., Wells Fargo, Tr. v. CCC Atl., LLC*, 2013 WL 595625, at *2 n.4 (D.N.J. Feb. 15, 2013) (lack of subject matter jurisdiction is a basis for reversing an order because “[a]ny order issued by a court lacking subject matter jurisdiction is void.”).

Suite's response therefore confirms that despite its prior ruling, this Court must now reconsider it and dismiss Suite's current habeas action for lack of subject matter jurisdiction because it is moot. *See* Fed. R. Civ. P. 12(h)(3) ("If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action."); *In re Kaiser Grp. Int'l Inc.*, 399 F.3d 558, 565 (3d Cir. 2005) ("It is well-settled law that subject matter jurisdiction can be challenged at any point before final judgment, even if challenged for the first time on appeal.") (citing cases).

Without authority, Suite nonetheless suggests that rather than dismiss his case, the Court should simply not act on the Respondents' motion for reconsideration, at least until the Third Circuit has ruled on his motions to proceed *in forma pauperis* and reinstate his petition for review, after which, according to Suite, this Court would not need to rule on the pending motion for reconsideration. *See* ECF No. 24 at 2–3 ¶¶ 11–13.

Suite's suggestion that this Court simply ignore its lack of jurisdiction is wrong. "Where there is no jurisdiction over the subject matter, there is, as well, no discretion to ignore that lack of jurisdiction," *Joyce v. United States*, 474 F.2d 215, 219 (3d Cir. 1973), and "if this Court is without proper jurisdiction, further proceedings become pointless." *Valanga v. Metro. Life Ins. Co.*, 259 F. Supp. 324, 326 (E.D. Pa. 1966). In other words, "the Court cannot, contrary to [Suite's] suggestion, simply stay the case and wait to regain its subject matter jurisdiction." *Mason v. Lake Cumberland Reg'l Hosp.*, 2023 WL 10675879, at *2 (E.D. Ky. Apr. 12, 2023).

Moreover, "subject-matter jurisdiction cannot be forfeited or waived, and should be considered when fairly in doubt." *Ashcroft v. Iqbal*, 556 U.S. 662, 671 (2009). "Without jurisdiction the court cannot proceed at all," it may not assume jurisdiction for the purpose of deciding the merits of the case, and when jurisdiction ceases to exist, "the only function remaining to the court is that of announcing the fact and dismissing the cause." *Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 94 (1998).

If the Third Circuit ultimately (1) grants Suite’s motion for *in forma pauperis* status, (2) reinstates his petition for rehearing, and (3) stays his final order of removal pending resolution of his immigration proceedings—then Suite may attempt a new habeas petition, in the district where he is detained at that time. *See Trump v. J.G.G.*, 604 U.S. 670, 672, (2025) (citing *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004) (jurisdiction for habeas petitions challenging present physical confinement lies only in the district of confinement)).

As it stands currently, however, Suite’s habeas claims before this Court involve only *hypothetical*, future events, and this Court must therefore dismiss them for lack of subject matter jurisdiction. *See Steel Co.*, 523 U.S. at 93. *See also United States v. Virgin Islands*, 363 F.3d 276, 284–85 (3d Cir. 2004) (“If a claim does not present a live case or controversy, the claim is moot, and a federal court lacks jurisdiction to hear it.”).

For these reasons, and those in Respondents’ opening brief (ECF No. 20), the Court should grant reconsideration, vacate its order of January 15, 2026 (ECF No. 19), and dismiss Suite’s habeas petition and all other motions in this matter as moot.

Respectfully submitted,

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Dated: February 2, 2026

CERTIFICATE OF SERVICE

I certify that on this date, the foregoing motion, and its attached exhibit, were filed electronically and are available for viewing and downloading from the CM/ECF system and were electronically served on counsel for petitioner.

Dated: January 2, 2026

/s/ Mark J. Sherer
MARK J. SHERER
Assistant United States Attorney