UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Genauris Jose Arias Lara	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 1:25-cv-229-LM-AJ
	)	
Warden, FCI-Berlin, et al.,	)	
	)	
Respondents.	)	
	)	

RESPONDENTS' REPLY TO PETITIONER'S OBJECTION
TO RESPONDENTS'MOTION TO DISMISS

On June 13, 2025, Petitioner Genauris Jose Arias Lara filed a habeas petition seeking his immediate release from ICE custody. That relief has been granted. He now objects to Respondents' motion to dismiss his petition as moot. But because there is no further relief this court can grant, and the voluntary cessation objection to mootness does not apply, Petitioner's objection should be overruled and Respondents' motion to dismiss should be granted.

As discussed in Respondents' motion to dismiss, ECF No. 5, Article III, section 2 of the United States Constitution limits federal courts' jurisdiction "to those claims that involve actual 'cases' or 'controversies.'" *Redfern v. Napolitano*, 727 F.3d 77, 83 (1st Cir. 2013) (quoting U.S. Const. art. III, § 2, cl. 1). "When a case is moot – that is, when the issues presented are no longer live or when the parties lack a [legally] cognizable interest in the outcome – a case or controversy ceases to exist, and dismissal of the action is compulsory." *Id.* at 83-84. In other words, "a case is moot when the court cannot give any effectual relief to the potentially prevailing party." *Bayley's Campground Inc. v. Mills*, 985 F.3d 153, 157 (1st Cir. 2021). Relief is effectual where, if granted, it would "make a difference to the legal interests of the parties (as

distinct from their psyches, which might remain deeply engaged with the merits of the litigation)." *Boston Bit. Labs, Inc. v. Baker*, 11 F.4th 3, 8 (1st Cir. 2021) (cleaned up).

Petitioner does not meaningfully offer any authority to counter the general principle that release from custody moots a habeas petition.[1] Rather, his objection relies on the voluntary-cessation doctrine, which "can apply when a defendant voluntar[ily] ceases the challenged practice in order to moot the plaintiff's case and there exists a reasonable expectation that the challenged conduct will be repeated" after the suit's "dismissal." *Bos. Bit Labs, Inc.*, 11 F.4th at 9–10. The First Circuit has described this doctrine as "an evidentiary presumption that the controversy continues to exist, based on skepticism that cessation of violation means cessation of live controversy." *Id.* at 10. Thus, invoking the doctrine requires "a reasonable expectation that the challenged conduct will be repeated following dismissal of the case." *Am. C.L. Union of Massachusetts v. U.S. Conf. of Cath. Bishops*, 705 F.3d 44, 55–56 (1st Cir. 2013). Moreover, the voluntary cessation exception is "highly sensitive to the facts of a given case." *Id.* at 56.

As a preliminary matter, some courts have questioned whether the voluntary cessation doctrine even applies to habeas petitions under § 2241. The Eleventh Circuit has observed, "we have never addressed the 'voluntary-cessation' doctrine in the habeas immigration context, and it is not clear that it would apply to a claim like this, which is tied to a petitioner's custody." *Djadju v. Vega*, 32 F.4th 1102, 1108 (11th Cir. 2022); *see Picrin-Peron v. Rison*, 930 F.2d 773,

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[1] Petitioner criticizes Respondents' motion for citing out-of-district cases, Pet.'s Obj. at 6 n.2 (ECF No. 6), but does not identify any specific cases as wrongly decided or inconsistent with First Circuit precedent. Further, Petitioner's attempt to distinguish his case from *Ahmed v. Moniz*, No. 21-CV-12133-DLC, 2022 WL 17651984, at *2 (D. Mass. July 7, 2022), is unconvincing; he points out that the petitioner in *Ahmed* challenged the length of his detention, while at issue here is the lawfulness of his arrest and detention in the first place. But he does not explain the significance of this difference, where being overdetained is just as unlawful as being detained without authority.

776 (9th Cir. 1991) (noting that "[[t] he doctrine of voluntary cessation has been interpreted to apply generally in cases in which a type of judgment with continuing force, such as an injunction, is sought" and declining to decide whether the voluntary cessation exception applies in habeas cases).

This hesitation is appropriate given that the "unique purpose of habeas corpus" is "to release the applicant for the writ from unlawful confinement." *Allen v. McCurry*, 449 U.S. 90, 98 n.12 (1980); *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973) ("[T]he essence of habeas corpus is an attack by a person in custody upon the legality of that custody, and . . . the traditional function of the writ is to secure release from illegal custody."). While courts may fashion additional remedies in the context of habeas that carry "continuing force," if a petitioner seeks only release, and receives release, the core of habeas has been satisfied. As one court has observed, "Release from custody is not the type of official conduct that normally triggers the concerns animating the voluntary cessation doctrine." *J.E.C.M. by & Through His Next Friend Saravia v. Lloyd*, 352 F. Supp. 3d 559, 577 (E.D. Va. 2018).

Notably, cases where courts have found that the voluntary cessation exception to mootness applies to immigration habeas petitions have involved requests for relief beyond release, which remained pending despite the petitioner's release from custody. For instance, in a case challenging the government's policy of separating migrant parents and children, the court held that the voluntary cessation exception to mootness applied where plaintiffs had been released, but their motions to certify a national class of migrant parents separated from their minor children and for a preliminary and permanent injunction preventing immigration officials from carrying out such separations and reuniting class member parents and children remained pending. *Ms. L. v. U.S. Immigr. & Customs Enf't*, 302 F. Supp. 3d 1149, 1156 (S.D. Cal. 2018).

For the above reasons, Plaintiff's reliance on *Federal Bureau of Investigation v. Fikre*, is misplaced. 601 U.S. 234, (2024). There, plaintiff alleged violations of his right to due process by placing him on the No Fly List without notice, without means of redress, and based on his race, national origin, and religious beliefs. *Id.* at 238-39. But he was not in U.S. custody and did not file a habeas petition; rather, he alleged constitutional violations and sought a declaratory judgment confirming that the government had violated his rights, as well as an injunction prohibiting it from keeping him on the No Fly List. *Id.* The government's voluntary removal of the plaintiff from the No Fly list did not provide the relief he sought in the way that release from custody provides the relief that petitioner here has sought, and that a habeas petition is intended to provide.

Similarly, the plaintiffs in *Jimenez v. Nielsen*, 334 F. Supp.3d 370 (D. Mass. 2018), sought more relief than simple release from custody. Noncitizens lacking legal status in the United States, they were married to U.S. citizens and applying for lawful permanent residency. *Id.* at 375. Alleging that ICE's attempts to remove them from the country before they could obtain certain waivers required to obtain legal status violated the Immigration and Nationality Act and their own Due Process rights, they asked the court both to issue a preliminary injunction preventing ICE from removing them and to certify a class of similarly situated persons. *Id.* at 376.

Jiminez is also distinguishable from the present case on the facts, which, as noted, the First Circuit has held to be particularly significant for the voluntary cessation exception. *Am. C.L. Union of Massachusetts*, 705 F.3d at 56. There, the court marshalled a damning array of facts showing ICE's conceded violation of the regulations at issue was part of a pattern of practice. *See Jiminez*, 334 F. Supp.3d at 392-93 (including ICE's consistent and conceded

violation of the pertinent regulation governing detention of numerous detainees; evidence that the Boston office had continued to violate the regulation even after internal audits and trainings; evidence that ICE staff may not be receiving or implementing instructions from their superiors; and evidence of turnover in ICE management and consequent inconsistent positions).

Here, Petitioner has demonstrated no similar pattern of systemic violations; he references only two other cases involving a petitioner who was detained while on a grant of parole. Pet.'s Obj. at 7 n.3 (ECF No. 6). And each of these cases arose during a period that witnessed a dramatic intensification in immigration enforcement. *See* ICE, "100 days of record-breaking enforcement in the US interior," April 29, 2025, https://www.ice.gov/news/releases/100-days-record-breaking-immigration-enforcement-us-interior; ICE, "ICE, federal partners arrest nearly 1,500 illegal aliens in Massachusetts during immigration enforcement operation," June 2, 2025, https://www.ice.gov/news/releases/ice-federal-partners-arrest-nearly-1500-illegal-aliens-massachusetts-during. Plaintiff's speculation about the possibility of redetention is insufficient to support the voluntary cessation exception.[2] *See Suarez-Tejeda v. United States*, 85 F. App'x 711, 715 (10th Cir. 2004) ("[T]here is no support for Mr. Suarez-Tejeda's claims that his parole will again be revoked and this claim is merely speculative."). *Ojo v. Wolf*, No. 6:20-CV-06296 EAW, 2021 WL 795320, at *2 (W.D.N.Y. Mar. 2, 2021) ("[T]he existence of a chance of re-detention does not satisfy [the voluntary cessation] exception.)"; *Mohamed v. Sessions*, No. CV 16-3828 (SRN/BRT), 2017 WL 4417706, at *6 (D. Minn. Sept. 14, 2017), *report and*

[2] Petitioner argues that Respondents have not offered any explanation for his arrest and detention. However, as he also notes, Respondents have not defended the arrest, instead releasing Petitioner as soon as practicable. *See W. Virginia v. Env't Prot. Agency*, 597 U.S. 697, 720, 142 S. Ct. 2587, 2607, 213 L. Ed. 2d 896 (2022) (the EPA's voluntary decision not to enforce a challenged regulation did not moot the case where it "vigorously defend[ed]" the legality of the regulation).

recommendation adopted, No. CV 16-3828 (SRN/BRT), 2017 WL 4410765 (D. Minn. Oct. 3, 2017) ("In the absence of evidence suggesting that a detention of Mohamed on similar facts is reasonably likely to occur again, this Court cannot find that the voluntary-cessation exception applies.").

Finally, even presuming that Petitioner has met the standard for the voluntary cessation exception to mootness – which he has not – he has not asked the Court for anything other than to be released from custody. Pet. at 11 (ECF No. 1). He has received that relief. But he has failed to articulate what else he wants this Court to do. He asks only that the Court deny Respondents' motion, without explaining what next steps he wants the Court to take. It is not the Court's job to litigate a party's case for them; "[o]verburdened trial judges cannot be expected to be mind readers," and parties must "articulate" rather than "insinuate" their claims. *McCoy v. Massachusetts Inst. of Tech.*, 950 F.2d 13, 22 (1st Cir. 1991); *Velazquez-Velez v. Molina-Rodriguez*, No. CV 15-1126 (MDM), 2019 WL 13170667, at *3 (D.P.R. May 28, 2019) (denying defendants' motion where they failed to state "what specific relief they are seeking").

For the above reasons, Petitioner's objection should be overruled, and Petitioner's motion to dismiss should be granted.

Respectfully submitted,

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