

United States District Court  
Western District of Texas  
Waco Division

Vladimir Chernev,  
Plaintiff,

v.

Kristi Noem, U.S. Department  
of Homeland Security et. al.,  
Defendants.

No. 6:25-CV-00255-ADA

**Response and Notice of Mootness**

Federal Respondents file this Response to notify the Court of Petitioner's release from detention, which action moots this habeas challenge. *See Bacilio-Sabastian v. Barr*, 980 F.3d 480, 483 (5th Cir. 2020); *Ortez v. Chandler*, 845 F.2d 573, 575 (5th Cir. 1988); *Riley v. I.N.S.*, 310 F.3d 1253, 1257 (10th Cir. 2002); *Virani v. Huron*, 2020 WL 7405655, at \*3 (W.D. Tex. Dec. 17, 2020). On or about June 17, 2025, Petitioner brought this habeas claim, seeking release from detention. ECF No. 1. Federal Respondents released Petitioner to an address in Houston, Texas, on July 16, 2025. *See* Exh. A (ICE Declaration (redacted)). The relief Petitioner sought, namely release, has already occurred. This petition is, therefore, moot.

Motions filed under Rule 12(b)(1) of the Federal Rules of Civil Procedure allow a party to challenge the subject matter jurisdiction of the district court to hear a case. *Ramming v. United States*, 281 F.3d 158 (5th Cir. 2001). A plaintiff bears the burden of demonstrating jurisdiction in federal court. *Settlement Funding, L.L.C. v. Rapid Settlements, Ltd.*, 851 F.3d 530, 534, 537 (5th Cir. 2017). Under Article III of the United States Constitution, federal courts may adjudicate only "actual, ongoing controversies between litigants." *Deakins v. Monaghan*, 484 U.S. 193, 199 (1988). An "actual controversy must be at all stages of review, not merely at the time of the

complaint is filed.” *Arizonans for Off. English v. Arizona*, 520 U.S. 43, 67 (1997) (citations omitted). “If a dispute has been resolved or if it has evanesced because of changed circumstances . . . it is considered moot.” *Am. Med. Ass’n v. Bowen*, 857 F.2d 267, 270 (5th Cir. 1988). And if a controversy is moot, the trial court lacks subject-matter jurisdiction over it. *Carr v. Saucier*, 582 F.2d 14, 15-16 (5th Cir. 1978). *See also Jolghazi v. Blinken*, No. 5:23-CV-01071-OLG, 2024 WL 4182593, at \*2 (W.D. Tex. July 30, 2024). Given Petitioner’s release, there is no live controversy here, and therefore, no jurisdiction.

Respectfully submitted,

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Attorneys for Federal Respondents

**Certificate of Service**

I certify that on July 29, 2025, our office mailed a copy of this filing to Petitioner (*pro se*) at the following address on file with ICE (redacted here for privacy concerns):

Vladimir Chernev  
XXXXXXXXXX  
XXXXXX  
Houston, Texas 77007

/s/ Lacy L. McAndrew  
Lacy L. McAndrew  
Assistant United States Attorney