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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

O.E.O.,

Petitioner,

v.

Fred Figueroa, et al.,

Respondents.

No. 2:25-cv-02283-PHX-DWL (MTM)

**RESPONSE TO MOTION FOR
PRELIMINARY INJUNCTION**

I. Relevant factual and procedural background.

This habeas case challenged Petitioner's detention in the custody of Immigration and Customs Enforcement (ICE), alleging that he was improperly detained there because he was a minor. Doc. 1. At the time, the Department of Health and Human Services, Office of Refugee Resettlement (ORR) had made a determination that Petitioner, O.E.O., was an adult and transferred Petitioner to the custody of ICE. *Id.* The Government moved the Court to remand the matter back to O.R.R. for a new age determination, which the Court granted. Docs. 75, 80. On remand, Petitioner was determined to be a minor. Doc. 87. On May 2, 2026, Petitioner was released from O.R.R. custody and reunified with his verified sponsor. Exhibit A. There are no release conditions or any further restrictions that were placed on Petitioner's release. The Court no longer has jurisdiction in this habeas matter because

1 Petitioner is no longer “in custody” within the meaning of the habeas statute and cannot
2 meet his burden to show that his release did not moot his habeas claim.

3 **II. Argument.**

4 This case is now clearly moot. There is no further effective relief that this Court can
5 provide. Now that Petitioner has been released from ORR custody and reunified with a
6 sponsor and has no restrictions on his freedom, he can longer be said to be “in custody” as
7 required for habeas jurisdiction. “[F]or a court to exercise habeas jurisdiction over a
8 petitioner no longer in custody, the petitioner must demonstrate that he was in custody at
9 the time he filed the petition *and* that his subsequent release has not rendered the petition
10 moot, *i.e.*, that he continues to present a case or controversy under Article III, § 2 of the
11 Constitution.” *Zalawadia v. Ashcroft*, 371 F.3d 292, 297 (5th Cir. 2004) (emphasis in
12 original) (citing *Spencer*, 523 U.S. 1, 7 (1998)). There is simply no Article III case or
13 controversy remaining here for this Court to decide because Petitioner is no longer detained
14 in any setting or placed on any type of restrictions. He therefore no longer has a stake in
15 the outcome of this litigation.

16 The jurisdiction of federal courts depends on the existence of a live case or
17 controversy under Article III of the Constitution. *PUC v. FERC*, 100 F.3d 1451, 1458 (9th
18 Cir. 1996). A claim is moot if it is no longer a live controversy. *Am. Rivers v. Nat’l Marine*
19 *Fisheries Serv.*, 126 F.3d 1118, 1123 (9th Cir. 1997) (citing *Am. Tunaboat Ass’n v. Brown*,
20 67 F.3d 1404, 1407 (9th Cir. 1995)). The test for mootness is whether the court can give a
21 party any effective relief in the event that it decides the matter on the merits in their favor.
22 *Reimers v. Oregon*, 863 F.2d 630, 632 (9th Cir. 1989). “That is, whether the court can
23 ‘undo’ the effects of the alleged wrongdoing.” *Id.* A case loses its quality as a live
24 controversy and becomes moot when the court can no longer issue effective relief.
25 *Feldman v. Bomar*, 518 F.3d 637, 642-43 (9th Cir. 2008).

26 Furthermore, Article III requires that a live case or controversy exist not only when
27 the complaint is filed, but throughout the litigation. *Seven Words L.L.C. v. Network*
28 *Solutions*, 260 F.3d 1089, 1094-95 (9th Cir. 2001); *Cook Inlet Treaty Tribes v. Shalala*,

1 166 F.3d 986, 989 (9th Cir. 1999). A litigant must continue to have a personal stake in the
2 outcome of the suit throughout “all stages of federal judicial proceedings.” *United States*
3 *v. Verdin*, 243 F.3d 1174, 1177 (9th Cir. 2001). Indeed, throughout all stages of civil
4 proceedings, the plaintiff “must have suffered, or be threatened with, an actual injury
5 traceable to the defendant and likely to be redressed by a favorable judicial decision.” *Lewis*
6 *v. Continental Bank Corp.*, 494 U.S. 472, 477 (1990) (emphasis added).

7 Here, the relief requested in the motion for preliminary injunction—namely
8 O.E.O.’s immediate release from O.R.R.’s custody—is now moot. He was released from
9 O.R.R. custody on May 2, 2026, to a family member, he is no longer in custody and this
10 case no longer presents a live case or controversy as to the issuance of habeas relief.

11 Respectfully submitted this 8th day of May, 2026.

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