

1 ERIC GRANT  
United States Attorney  
2 AUDREY B. HEMESATH  
Assistant United States Attorney  
3 501 I Street, Suite 10-100  
Sacramento, CA 95814  
4 (916) 554-2700

5  
6  
7 IN THE UNITED STATES DISTRICT COURT  
8 EASTERN DISTRICT OF CALIFORNIA

9 Y.S.G.,

10 Petitioner,

11 v.

12 TONYA ANDREWS, in official capacity, Facility  
13 Administrator of Golden State Annex, et al.,

14 Respondents.

CASE NO. 2:25-CV-1884 TLN SCR

RESPONDENTS' MOTION TO DISMISS  
THE PETITION AND RETURN TO WRIT  
OF HABEAS CORPUS

Date: October 16, 2025  
Time: 10 a.m.

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 **NOTICE OF MOTION**

2 Please take notice that on October 16, 2025, at 10:00am, before the Honorable Sean Riordan,  
3 501 I Street, Sacramento, California, Respondents, by their attorneys, will move this Court for an order  
4 dismissing this action for lack of subject matter jurisdiction. Respondents’ motion is based on this  
5 notice, the points and authorities in support of this motion, on such oral argument as this Court may  
6 permit, and other good cause.

7  
8 **STATEMENT OF RELIEF**

9 Respondents move for an order dismissing the Petition for Writ of Habeas Corpus for lack of  
10 subject matter jurisdiction. In the alternative, the Petition should be denied.

11  
12 **MEMORANDUM OF POINTS AND AUTHORITIES**

13 On July 14, 2025, this Court ordered Petitioner released from immigration detention—an order  
14 that Respondents immediately complied with.

15 On August 27, 2025, the immigration judge conducted a bond redetermination hearing.  
16 Attachment A. This hearing comported with this Court’s order that any re-detention of Petitioner must  
17 be preceded by “a hearing before an immigration judge to determine whether detention is warranted. At  
18 the hearing, the Government shall bear the burden of establishing, by clear and convincing evidence,  
19 that Petitioner poses a danger to the community or a risk of flight.” ECF 14.

20 Because Petitioner has received all of the relief he requested in his habeas petition, this matter is  
21 now moot. There is no longer any live case or controversy for this Court to resolve, and the Court must  
22 dismiss the petition. *Picrin–Peron v. Rison*, 930 F.2d 773, 776 (9th Cir.1991) (finding that because  
23 petitioner only requested release from custody and had been released, the court could provide no further  
24 relief and the petition was properly dismissed); *see also Abdala v. INS*, 488 F.3d 1061, 1064–65 (9th  
25 Cir.2007) (discussing and collecting cases in which a petitioner’s release from detention, parole, or  
26 removal rendered a habeas petition moot); *Flores–Torres v. Mukasey*, 548 F.3d 708, 710 n.3 (9th  
27 Cir.2008) (dismissing as moot a challenge to immigration detention without a hearing because the alien  
28

1 had subsequently received a hearing). The Court does not have subject matter jurisdiction to consider a  
2 habeas claim that is moot. *McCullough v. Graber*, 726 F.3d 1057, 1060 (9th Cir. 2013).

3 Should ICE re-detain Petitioner as authorized by the immigration judge’s order, Petitioner’s  
4 recourse would be to first pursue an administrative appeal of the immigration judge’s order, rather than  
5 immediately seeking to resume litigation in this Court. “[Courts] require, as a prudential matter, that  
6 habeas petitioners exhaust available judicial and administrative remedies before seeking relief under  
7 § 2241.” *Castro-Cortez*, 239 F.3d at 1047.

8 For the foregoing reasons, this Court should dismiss the habeas petition in its entirety as moot.  
9 Alternatively, because Petitioner has been granted a constitutionally adequate bond redetermination  
10 hearing, the Court should deny the petition on the merits.

11  
12 Respectfully submitted,

13 Dated: September 5, 2025

14 /s/ AUDREY B. HEMESATH  
15 By: \_\_\_\_\_  
16 AUDREY B. HEMESATH  
17 Assistant United States Attorney  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28