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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 **IUSUPOV IUSUFZHAN,**
Petitioner,
12

13 v.

14 **WARDEN OF THE GOLDEN STATE**
ANNEX DETENTION FACILITY, et al.,
15 Respondents.
16

Case No. 1:25-cv-00838-CDB (HC)

**RESPONDENTS' MOTION TO DISMISS
BASED ON MOOTNESS**

17 **I. INTRODUCTION**

18 Petitioner Iusupov Iusufzhan filed this petition for writ of habeas corpus under 28 U.S.C. § 2241
19 while in the custody of U.S. Immigration and Customs Enforcement (ICE), challenging his continued
20 detention under 8 U.S.C. § 1225(b) and seeking release or a bond hearing. Since that filing, Petitioner
21 has been removed and is no longer in the United States. Because Petitioner is no longer in ICE custody
22 and the only relief he sought was release from detention or a bond hearing, the petition is moot.

23 Accordingly, Respondents respectfully move to dismiss the petition for lack of subject matter
24 jurisdiction under Federal Rule of Civil Procedure 12(b)(1).

25 **II. BACKGROUND**

26 Petitioner filed this action on July 10, 2025, alleging that his more than twelve months of
27 detention without a bond hearing violated his statutory and constitutional rights. At the time of filing,
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1 Petitioner was detained by ICE at the Golden State Annex in McFarland, California. (Petition, ECF No.
2 1).

3 On July 24, 2025, an Immigration Judge denied Petitioner’s applications for relief and issued a
4 Final Administrative Order of Removal. Petitioner waived appeal, and the order is now administratively
5 final. (Perez Decl. ¶ 24; Exh. 19, ECF 11-1 at 4, 11-2 at 44-47). On September 5, 2025, Petitioner was
6 removed from the United States and he is no longer in the custody of the Respondents. (Perez
7 Supplemental Decl.¹ ¶ 5.).

8 **III. ARGUMENT**

9 **A. Petitioner’s Petition Must Be Dismissed**

10 A case becomes moot when “the issues presented are no longer live or the parties lack a legally
11 cognizable interest in the outcome.” *Already, LLC v. Nike, Inc.*, 568 U.S. 85, 91 (2013). In the habeas
12 context, a petition challenging present physical confinement becomes moot when the petitioner is
13 released, unless there are continuing “collateral consequences” of the detention that the court can
14 remedy. *Spencer v. Kemna*, 523 U.S. 1, 7 (1998).

15 Petitioner’s habeas petition sought only release from ICE detention or a bond hearing. Because
16 Petitioner has been released from ICE custody in connection with his removal, the Court cannot grant
17 him any effective relief. See *Picrin-Peron v. Rison*, 930 F.2d 773, 776 (9th Cir. 1991) (release from
18 immigration detention mooted habeas challenge to detention); *Abdala v. INS*, 488 F.3d 1061, 1064–65
19 (9th Cir. 2007) (same).

20 The Ninth Circuit has consistently dismissed § 2241 petitions as moot where the petitioner has
21 been released from the detention being challenged and there are no ongoing restraints on liberty that the
22 court could redress. *Id.* Here, Petitioner does not allege—and cannot show—any collateral legal
23 consequences from the specific period of ICE custody at issue. His claims for a bond hearing or
24 immediate release are therefore moot.

25 **B. Alternatively, Petitioner’s Habeas Must Be Denied**

26 Even if the Court is inclined to agree with Petitioner regarding his pre-order mandatory
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28 ¹ Perez Supplemental Declaration filed herewith.

1 detention, facts have changed that render his arguments premature. On July 24, 2025, Petitioner received
2 a final administrative order of removal (“FARO”) (Perez Decl. ¶ 24; Exh. 19). Therefore, the authority
3 for his detention switched from 8 U.S.C. § 1225(b) to 8 U.S.C. § 1231(a)(2). Given Petitioner was
4 within the removal period, *see* 8 U.S.C. § 1231(a)(1)(A), he is subject to mandatory detention. 8 U.S.C.
5 § 1231(a)(2); *see generally* *Zadvydas v. Davis*, 533 U.S. 678 (2001). Additionally, Petitioner has a valid
6 travel document and his removal from the United States was imminent (Perez Decl. ¶¶ 25, 29; Exh. 20,
7 ECF 11-1 at 4, 11-2 at 48). On September 5, 2025, Petitioner was removed from the United States.
8 (Perez Supplemental Decl. ¶ 5). Therefore, under the plain language of the INA and Supreme Court
9 precedent, Petitioner’s prolonged detention argument must fail.

10 **IV. CONCLUSION**

11 For all the reasons set forth above, Respondent’s motion to dismiss should be granted.

12 Respectfully submitted,

13 Dated: September 10, 2025

14 ERIC GRANT
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16 By: /s/Eric Chang
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