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**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Saul Amezcua-Penaloza,

Petitioner,

v.

John Cantu, Field Office Director of
Phoenix Office of Detention and
Removal, U.S. Immigration and
Customs Enforcement, U.S. Department
of Homeland Security, et al.

Respondents.

Case No.: 2:25-cv-02447-DJH-CDB

**ANSWER TO HABEAS PETITION
AND SUGGESTION OF
MOOTNESS**

INTRODUCTION

Respondents, through undersigned counsel hereby respond to Petitioner Saul Amezcua-Penaloza's ("Petitioner") Petition for Writ of Habeas Corpus and suggest to the Court that the petition is now moot since Petitioner is no longer in immigration custody.

FACTUAL AND PROCEDURAL BACKGROUND

On July 12, 2025, Petitioner filed the Petition for Writ of Habeas Corpus in this case challenging his immigration detention. Doc. 1. On the same date, Petitioner filed a Motion for Temporary Restraining Order also challenging his detention and requesting

1 release from immigration detention. Doc. 2. On August 1, 2025, Respondents filed a
2 notice of non-opposition to Petitioner's Motion for a Temporary Restraining Order
3 requesting release from immigration detention. Doc. 12. On August 5, 2025, this Court
4 issued an Order granting Petitioner's Motion for a Temporary Restraining Order and
5 Preliminary Injunction. Doc. 14. The Court ordered Petitioner released from the custody
6 of United States Immigration and Customs Enforcement ("ICE"). *Id.* On August 6,
7 2025, ICE released Petitioner from immigration custody pursuant to an Order of Release
8 on Recognizance. *See* Doc. 12, Exhibit A.

9 **THE PETITION FOR WRIT OF HABEAS CORPUS IS MOOT**

10 The jurisdiction of federal courts depends on the existence of a live case or
11 controversy under Article III of the Constitution. *PUC v. FERC*, 100 F.3d 1451, 1458
12 (9th Cir. 1996). At any stage of the proceeding a case becomes moot when "it no longer
13 present[s] a case or controversy under Article III, § 2 of the Constitution." *Spencer v.*
14 *Kemna*, 523 U.S. 1, 7 (1998). The test for mootness is whether the court can give a party
15 any effective relief in the event that it decides the matter on the merits in their favor.
16 *Reimers v. Oregon*, 863 F.2d 630, 632 (9th Cir. 1989). A case loses its quality as a live
17 controversy and becomes moot when the court can no longer issue effective relief.
18 *Feldman v. Bomar*, 518 F.3d 637, 642-43 (9th Cir. 2008); *see also Picrin-Peron v. Rison*,
19 930 F.2d 773, 775 (9th Cir. 1991) ("if it appears that [the court is] without power to grant
20 the relief requested, then the case is moot.").

21 Furthermore, Article III requires that a live case or controversy exist not only
22 when the complaint is filed, but throughout the litigation. *Seven Words L.L.C. v. Network*
23 *Solutions*, 260 F.3d 1089, 1094-95 (9th Cir. 2001); *Cook Inlet Treaty Tribes v. Shalala*,
24 166 F.3d 986, 989 (9th Cir. 1999). A litigant must continue to have a personal stake in
25 the outcome of the suit throughout "all stages of federal judicial proceedings." *United*
26 *States v. Verdin*, 243 F.3d 1174, 1177 (9th Cir. 2001). The writ of habeas corpus affords
27 relief to persons in custody pursuant to the judgment of a court in violation of the
28 Constitution, laws, or treaties of the United States. *See* 28 U.S.C. § 2241.

1 Here, Petitioner's release from custody renders his habeas petition moot because
2 the only relief the petition requested, his release from custody, is no longer available to
3 him because he is no longer detained. *McCullough v. Graber*, 726 F.3d 1057, 1060 (9th
4 Cir. 2013). Thus, because the Court lacks the power to grant any further effective relief,
5 the habeas petition is now moot. *Reimers*, 863 F.2d 632; *Feldman*, 518 F.3d at 642-43;
6 *Picrin-Peron*, 930 F.2d at 775. Likewise, because Petitioner is no longer in custody, he
7 no longer has a stake in the outcome of his habeas petition which challenged the
8 constitutionality of his continued detention. *Verdin*, 243 F.3d at 1177. Petitioner's case
9 was rendered moot when he was released from detention. *Abdala v. INS*, 488 F.3d 1061,
10 1064-65 (9th Cir. 2007) (discussing and collecting cases wherein a petitioner's release
11 from detention or parole or their removal rendered a habeas petition moot). The Court
12 should dismiss the petition for lack of subject matter jurisdiction because Petitioner's
13 habeas petition is now moot. *McCullough*, 726 F.3d at 1060.

14 Respectfully submitted this 18th day of August, 2025.

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CERTIFICATE OF SERVICE

I hereby certify that on August 18, 2025, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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