

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

IANA IVANCHENKO,) CIVIL ACTION NO: 25-01081
Plaintiff,)
v.) JUDGE CAIN
)
KRISTI NOEM ET AL,)
Defendants.) MAGISTRATE JUDGE WHITEHURST
_____)

MOTION TO DISMISS PROCEEDINGS FOR LACK OF JURISDICTION

Since Petitioner filed her petition for writ of habeas corpus on July 28, 2025, she was released from ICE custody on November 12, 2025, and is no longer being detained. As such, Petitioner can no longer be afforded any habeas relief rendering her petition for writ of habeas moot and depriving the Court of jurisdiction to further consider these claims.

Whether a claim is moot is a jurisdictional question. *See United States v. Lares-Meraz*, 452 F.3d 352, 355 (5th Cir. 2006). “A moot case presents no Article III case or controversy, and a court has no constitutional jurisdiction to resolve the issues it presents.” *Goldin v. Bartholow*, 166 F.3d 710, 717 (5th Cir. 1999). “[A]n actual, live controversy must remain at all stages of federal court proceedings, both at the trial and appellate levels.” *Lares-Meraz*, 452 F.3d at 355. “A case becomes moot only when it is impossible for a court to grant any effectual relief whatever to the prevailing party.” *United States v. Heredia-Holguin*, 823 F.3d 337, 340 (5th Cir. 2016).

This case is moot because this Court cannot grant any effectual relief to Petitioner in her habeas petition, which seeks immediate release from ICE custody.

The Petitioner specifically cites 28 U.S.C. §2241 in her petition as the legal authority to challenge the lawfulness and constitutionality of her detention because she claimed to be in custody in violation of the law. However, by virtue of the statute itself, “a writ of habeas corpus shall not extend unless. . . he is in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. §2241(c)(3); *see also Maleng v. Cook*, 490 U.S. 488 (1989)(recognizing the 2241(c)(3) custody requirement as jurisdictional for a habeas claim); *see also Rose v. Hodges*, 423 U.S. 19, 21 (1975)(“[a] necessary predicate for the granting of federal habeas relief to respondents is a determination by the federal court that their custody violates the Constitution, laws, or treaties of the United States.”).

Based on applicable law, for Petitioner to maintain a petition for writ of habeas corpus, she must show that she is being held in custody in violation of the law, which she cannot do because she is no longer in custody. The relief requested in the Petition has been obtained. Accordingly, this Court has no jurisdiction to consider Petitioner’s habeas claim because she is no longer detained, and this matter is moot.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 13, 2025, a copy of the foregoing Motion to Dismiss was filed electronically with the Clerk of Court using the CM/ECF system. I further certify that a copy of same has been forwarded via first class mail, postage prepaid and properly addressed to *pro se* Plaintiff as follows:

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