

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

JOSE ROBERTO ORTIZ-RIVERA

Petitioner

Case No. 25-cv-1148 SEC P

VS.

Judge Edwards
Magistrate Judge Perez-Montez

TODD LYONS, ET AL.

Defendant

**NOTICE OF VOLUNTARILY DISMISSAL OF
PETITION FOR WRIT OF HABEAS CORPUS**

Pursuant to Federal Rules of Civil Procedure 41(a)(1), Petitioner Jose Roberto Ortiz-Rivera who voluntarily dismisses his petition for writ of habeas corpus without prejudice. As reasons therefor, the Petitioner states as follows:

1. On July 25, 2025, the Petitioner was arrested and taken into custody by Immigration and Customs Enforcement (“ICE”) in Vermont.
2. Two days later, on Saturday, August 9, 2025, the Petitioner was flown to Louisiana and was told that he was to be deported the following day, Sunday, August 10, 2025.
3. Such a deportation would have been unlawful as the Petitioner had received no due process in full removal proceedings nor had he received even the limited due process protections of an expedited removal proceeding.
4. Accordingly, he sought a writ of habeas corpus seeking to challenge the constitutionality of such a deportation without due process.
5. A hearing was held on this matter on Wednesday, August 13, 2025 where the government provided assurances that the Petitioner was not in expedited removal proceedings and that

he would not be removed from the country prior to receiving a final order of removal from an immigration judge.

6. That same day, the Petitioner was removed from this Court's jurisdiction.

Because the Petitioner is no longer in this Court's jurisdiction, he voluntarily dismisses his petition without prejudice.

Respectfully submitted,

/s/Melissa Allen Celli
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Attorneys for Petitioner
**Admitted pro hac vice*

Dated: August 19, 2025

CERTIFICATE OF SERVICE

I hereby certify that on August 19, 2025, I electronically filed the foregoing Motion with the Clerk of the Court using the CM/ECF system. I further certify that on August 19, 2025, I will send by electronic mail the foregoing Motion to the U.S. Attorney's Office for the Western District of Louisiana at the following electronic mail addresses:

Shannon.Smitherman@usdoj.gov

Amy.Miller2@usdoj.gov

/s/Charles Andrew Perry