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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Juan Ojeda Chang,

Petitioner,

v.

United States Immigration and Customs
Enforcement, et al.,

Respondents.

No. 2:25-cv-02884-JAT-JZB

**RESPONSE TO PETITION FOR WRIT
OF HABEAS CORPUS**

Respondents, by counsel, hereby respond to the Petition for Writ of Habeas Corpus (Doc. 1). Petitioner was removed from the United States on September 8, 2025. A copy of the I-205, Warrant of Removal/Deportation, is attached hereto as Exhibit 1. In light of Petitioner's removal, the Petition for Writ of Habeas Corpus (Doc. 1) should be denied as moot.

I. THE PETITION FOR WRIT OF HABEAS CORPUS IS MOOT.

In February 2025, Petitioner was detained by ICE subject to a final order of removal. On August 11, 2025, Petitioner filed a Petition for Writ of Habeas Corpus (Doc. 1) challenging his immigration detention. The habeas petition asserted four causes of action: (1) prolonged detention in violation of 8 U.S.C. § 1231; (2) prolonged detention in violation

1 of the Fifth Amendment; (3) wrongful imprisonment in violation of the Fourteenth
2 Amendment; and (4) a Sixth Amendment violation related to the right to be informed of
3 the nature and cause of the accusations against him and to confront his accusers in court.
4 Petitioner sought an order directing his immediate release from immigration detention on
5 an order of supervised release or on an immigration bond. Petitioner's removal from the
6 United States moots his habeas petition.

7 The Court may grant a writ of habeas corpus to a detainee who is "in custody in
8 violation of the Constitution or laws or treaties of the United States." 28 U.S.C.
9 § 2241(c)(3). 8 U.S.C. § 1231 governs the detention of aliens whose order of removal is
10 administratively final. "The case or controversy requirement of Article III admonishes
11 federal courts to avoid premature adjudication and to abstain from entangling themselves
12 in abstract disagreements." *U.S. West, Inc. v. Tristani*, 182 F.3d 1202, 1208 (10th Cir.
13 1999) (internal quotation marks and citations omitted). A court must dismiss a case as moot
14 if, at any point, it becomes certain either that "the allegedly wrongful behavior could not
15 reasonably be expected to recur," *Friends of the Earth Inc. v. Laidlaw Envtl. Ass'n (TOC),*
16 *Inc.*, 528 U.S. 167 (2000) (citation omitted), or that there is no effective relief remaining
17 for the court to provide. *See Calderon v. Moore*, 518 U.S. 149, 150 (1996). The case or
18 controversy requirement warrants a finding of mootness if: (1) the petitioner has received
19 the relief requested in the petition; or (2) the court is unable to provide the petitioner with
20 the relief sought. *Munoz v. Rowland*, 104 F.3d 1096, 1097-98 (9th Cir. 1997). A court does
21 not have subject matter jurisdiction to consider a habeas claim that is moot. *See, e.g.,*
22 *McCullough v. Graber*, 726 F.3d 1057, 1060 (9th Cir. 2013).

23 In this case, Petitioner sought release from detention, but he is no longer detained.
24 Petitioner's case is rendered moot because there is no case or controversy. *See Spencer v.*
25 *Kemna*, 523 U.S. 1 (1998) ("[M]ootness, however it may have come about, simply deprives
26 us of our power to act; there is nothing for us to remedy, even if we were disposed to do
27 so. We are not in the business of pronouncing that past actions which have no demonstrable
28 continuing effect were right or wrong."); *Abdala v. INS*, 488 F.3d 1061, 1064-65 (9th Cir.

1 2007) (discussing and collecting cases wherein a petitioner's release from detention or
2 parole or their removal rendered a habeas petition moot); *Sayyah v. Farquharson*, 382 F.3d
3 20, 22 n.1 (1st Cir. 2004) (holding that a "claim[of] indefinite detention . . . was mooted
4 by [petitioner's] subsequent release."); *Mensah-Yawson v. Lowe*, No. 3:16-cv-200, 2016
5 WL 3704878, *1 (M.D. Pa. July 12, 2016) ("[T]he habeas petition challenges petitioner's
6 continued detention pending removal. Because petitioner has since been released from ICE
7 custody and removed from the United States, the petition no longer presents an existing
8 case or controversy. Accordingly, the instant habeas corpus petition will be dismissed as
9 moot.").

10 **II. CONCLUSION.**

11 The only claim for relief made by Petitioner in the habeas petition was to be released
12 from ICE custody. On September 8, 2025, Petitioner was successfully removed from the
13 United States and is no longer in ICE custody. Because the habeas petition did not seek to
14 redress any collateral consequences arising from Petitioner's deportation, Respondents
15 respectfully requests that the Court deny the petition and dismiss it as moot.

16 Respectfully submitted this 11th day of September, 2025.

17 TIMOTHY COURCHaine
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19 District of Arizona

20 s/ Katherine R. Branch
21 KATHERINE R. BRANCH
22 Assistant United States Attorney
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CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of September, 2025, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing, and served a copy, via first-class mail, postage prepaid, of the filing to the following recipient who is not a CM/ECF registrant:

Juan Ojeda Chang 
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Petitioner, *Pro Se*

s/ Katherine R. Branch
U.S. Attorney's Office