

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

VLADIMIR KIM,	:	
Petitioner,	:	
	:	Case No. 4:25-CV-262-CDL-AGH
v.	:	28 U.S.C. § 2241
	:	
WARDEN, STEWART DETENTION	:	
CENTER,	:	
	:	
Respondent.	:	

RESPONDENT’S MOTION TO DISMISS

On August 15, 2025, the Court received Petitioner’s petition for a writ of habeas corpus (“Petition”). ECF No. 1. On November 26, 2025, the Court issued a Report and Recommendation recommending that the Petition be granted. ECF No. 21. The Court granted the parties fourteen (14) days in which to file objections to the Recommendation and the Recommendation has not yet been adopted by the District Judge. On November 25, 2025, Petitioner was released from Department of Homeland Security (“DHS”) custody under an Order of Supervision (“OSUP”). Because Petitioner is no longer in Respondent’s custody, Respondent files this Motion to Dismiss and asks that the Petition be dismissed as moot. Further, because the case is now Moot, Respondent respectfully asks that the Report and Recommendation be withdrawn, or alternatively, rejected based upon the changed circumstances of the case, and the Court’s loss of jurisdiction over the Petition.

ARGUMENT

On November 25, 2025, DHS released Petitioner on an OSUP. *See* Ex. A, OSUP. Petitioner signed the OSUP and did not object to any of the conditions of his release from custody. Ex. A at 1-3, 6. Because Petitioner is no longer in Respondent’s custody, the Court cannot give Petitioner

any meaningful relief regarding his claims, and the Court lacks subject-matter jurisdiction. Accordingly, the Court should dismiss the Petition as moot.

The case-or-controversy requirement of Article III, section 2 of the United States Constitution subsists through all stages of federal judicial proceedings. *See Spencer v. Kemna*, 523 U.S. 1, 7 (1998). A petitioner “must have suffered, or be threatened with, an actual injury traceable to the defendant and likely to be redressed by a favorable judicial decision.” *Lewis v. Cont’l Bank Corp.*, 494 U.S. 472, 477 (1990). “The doctrine of mootness derives directly from the case or controversy limitation because an action that is moot cannot be characterized as an active case or controversy.” *Soliman v. United States*, 296 F.3d 1237, 1242 (11th Cir. 2002) (internal quotation marks and citation omitted). “Put another way, a case is moot when it no longer presents a live controversy with respect to which the court can grant meaningful relief.” *Fla. Ass’n of Rehab. Facilities, Inc. v. Fla. Dep’t of Health & Rehab. Servs.*, 225 F.3d 1208, 1217 (11th Cir. 2000) (internal quotation mark and citation omitted). Thus, “[i]f events that occur subsequent to the filing of a lawsuit or an appeal deprive the court of the ability to give the plaintiff or appellant meaningful relief, then the case is moot and must be dismissed.” *Al Najjar v. Ashcroft*, 273 F.3d 1330, 1336 (11th Cir. 2001). “Indeed, dismissal is required because mootness is jurisdictional.” *Id.*; *see also De La Teja v. United States*, 321 F.3d 1357, 1362 (11th Cir. 2003).

Here, Petitioner requested release from Respondent’s custody. ECF No. 1. On November 25, 2025, he was released from Respondent’s physical custody on an OSUP. Ex. A. He is thus no longer detained by Respondent. Because Petitioner is not in Respondent’s custody, this Court cannot give him meaningful relief regarding his detention—he cannot be released from immigration detention. There is consequently no longer a live controversy affecting Petitioner

regarding his prolonged detention claims. Accordingly, Petitioner's claims are moot and should be dismissed.

Furthermore, because the case became moot upon Petitioner's release on November 25, 2025, prior to the Magistrate Judge's Report and Recommendation on November 26, 2025, Respondent respectfully requests that the Court overrule the Report and Recommendation.

CONCLUSION

For the foregoing reasons, Respondent requests that the Petition be dismissed as moot.

Respectfully submitted, this 26th day of November, 2025.

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