

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

Vladimir KIM)	Case No. 4:25-cv-262
Petitioner,)	
)	
v.)	
)	
TERRANCE DICKERSON, <i>in his official capacity</i>)	
<i>as Warden of Stewart Detention Center, and</i>)	
TODD LYONS, <i>in his official capacity as Acting</i>)	Agency # 047202358
<i>Director of Immigration and Customs Enforcement</i>)	
and GEORGE STERLING, <i>Field Office Director</i>)	
<i>ICE Atlanta Field Office, and KRISTI NOEM</i>)	
<i>Secretary of Homeland Security,</i>)	
)	
Respondents.)	
_____)	

PETITIONER’S OPPOSITION TO RESPONDENTS’ MOTION TO DISMISS

Respondents have today filed a Motion to Dismiss this habeas action on the ground that it has been rendered moot by Petitioner’s release on an Order of Supervision. Petitioner opposes on the ground that Respondents have established that the conduct that gave rise to this action is capable of repetition, yet evading review.

A case only becomes moot when events subsequent to the filing of the lawsuit deprive the court of the ability to give the plaintiff meaningful relief. *Troiano v. Supervisor of Elections*, 382 F.3d 1276, 1281–82 (11th Cir. 2004). A case is not moot if “(1) the challenged action is in its duration too short to be fully litigated prior to cessation or expiration, and (2) there is a reasonable expectation that the same

complaining party will be subject to the same action again.” *Weinstein v. Bradford*, 423 U.S. 147, 149 (1975).

In *Moore v. Comm’r of the Ga. Dep’t of Corr*, 2021 WL 707864 (M.D. Ga., Feb. 23, 2021), this court considered the case of a Muslim detainee seeking to enjoin a detention center from serving him forbidden food during an annual religious holiday. The holiday kept passing and defendants moved to terminate as moot. The court eventually granted defendants’ motion, but only after specifically noting, “The Court recognizes that Moore’s 2019 motion arguably presented a dispute that was ‘capable of repetition, yet evading review,’ and thus the mootness doctrine arguably should not have applied”. However, plaintiff never made that argument.

Other cases in the 11th Circuit have mooted habeas petitions where the petitioner had actually been removed from the country, unlike here. *See e.g. Soliman v. United States*, 296 F.3d 1237 (11th Cir. 2002).

In *Oldaker v. Johnson*, 2021 WL 4254864 (M.D. Ga, Sept. 17, 2021). This court considered the case of a group of detainees at Irwin County Detention Center who alleged physical abuse while in detention. In that case, respondents also argued that the case should be denied for being moot following the release of the petitioners. While the respondents’ motion in that case was granted, the situation is distinguishable from the case before the court here. In *Oldaker*, the detainees had been released for some months, and their circumstances did not suggest a likelihood of redetention.

In contrast, Respondents here have already demonstrated their willingness to redetain Petitioner for no reason, and to repeat futile attempts at removal. Indeed,

they have presented Petitioner with an application for a Russian travel document (see, Exhibit A), indicating a readiness to engage in the future in precisely the same conduct. Without an order from this court, Respondents are free to keep detaining Petitioner under vague “plans” to deport him. Respondents provided no evidence to the court at the evidentiary hearing that removal to Russia is even remotely possible.

WHEREFORE, Petitioner prays that this Court deny Respondents’ motion and leave in place the recommendation for an order enjoining Respondents from re-detaining him before providing him a hearing before an Immigration Judge, and enjoining Respondents from removing him to any third country without first providing him with constitutionally-compliant procedures. The only mechanism to ensure that he is not continuously unlawfully detained in violation of his due process rights is an order from this Court.

Respectfully submitted this 26th day of November 2025.

/s/ Helen L Parsonage

Helen L. Parsonage, Esq.
GA Bar No. 435330
Elliot Morgan Parsonage PLLC
328 N Spring Street
Winston-Salem, NC 27101
Telephone: (336) 724 2828
hparsonage@emplawfirm.com
Attorney for Petitioner

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

Vladimir KIM)	Case No. 4:25-cv-262
Petitioner,)	
)	
v.)	
)	
TERRANCE DICKERSON, <i>in his official capacity</i>)	
<i>as Warden of Stewart Detention Center, and</i>)	
TODD LYONS, <i>in his official capacity as Acting</i>)	Agency # 
<i>Director of Immigration and Customs Enforcement</i>)	
and GEORGE STERLING, <i>Field Office Director</i>)	
<i>ICE Atlanta Field Office, and KRISTI NOEM</i>)	
<i>Secretary of Homeland Security,</i>)	
)	
Respondents.)	
_____)	

CERTIFICATE OF SERVICE

I hereby certify that on November 26, 2025, I electronically filed the foregoing with the Clerk of Court using the CM-ECF system which will send notification of such filing to the following: Michael Morrill, Assistant United States Attorneys. I hereby also certify that there are no parties who do not participate in CM/ECF.

/s/ Helen L Parsonage

Helen L. Parsonage, Esq.
GA Bar No. 435330
Elliot Morgan Parsonage PLLC
328 N Spring Street
Winston-Salem, NC 27101
Telephone: (336) 724 2828
hparsonage@emlawfirm.com
Attorney for Petitioner