

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

ANTONIO MOREIRA NETO)	
)	
Petitioner.)	
v.)	Case No. 25-cv-00311-JL-TSM
)	
E.L. TATUM, JR., ¹ et. al.)	
)	
Respondents.)	
_____)	

RESPONDENTS' MOTION TO DISMISS PETITION AS MOOT

Petitioner Antonio Moreira Neto filed the above-captioned habeas petition challenging the lawfulness of his immigration detention. Pet. (ECF No. 1). After the parties submitted briefing, the Court held a status conference on October 1, 2025, and issued a Summary Order to Conduct Bond Hearing in Immigration Court on the following day. ECF No. 14.

As indicated in Petitioner's Status Report filed on October 15, 2025, he was provided a bond hearing on October 9, 2025, at which the Immigration Judge ordered Petitioner's release on \$5,000 bond. ECF No. 16 at 2. Petitioner posted bond on October 10, 2025, and was subsequently released. *Id.*

Petitioner's release moots this litigation. *See Am. C.L. Union of Massachusetts v. U.S. Conf. of Cath. Bishops*, 705 F.3d 44, 52 (1st Cir. 2013) (a case is moot where "the issues presented are no longer 'live' . . . [or] when the court cannot give any 'effectual relief' to the potentially prevailing party."). Because federal jurisdiction requires "the existence of a case or

¹ So named in the original caption. Respondents note that the current acting Warden of FCI Berlin is Andrew Ackley; *see* Fed. R. Civ. P. 25(d) ("[W]hen a public officer who is a party in an official capacity . . . resigns, or otherwise ceases to hold office while the action is pending[, t]he officer's successor is automatically substituted as a party.")

controversy,” *Marchand v. Director, U.S. Probation Office*, 421 F.2d 331, 332 (1st Cir. 1970),

Respondents respectfully request that this petition be dismissed.

Respectfully submitted,

ERIN CREEGAN
United States Attorney

Date: October 15, 2025

By: /s/ Anna Dronzek
Assistant U.S. Attorney
Colorado Bar # 43912
53 Pleasant Street, 4th Floor
Concord, New Hampshire 03301
(603) 225-1552
anna.dronzek@usdoj.gov