



U.S. Department of Justice

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October 2, 2025

Via ECF

Honorable Brian R. Martinotti
United States District Judge
Martin Luther King Jr. United States Courthouse
50 Walnut Street
Newark, New Jersey 07102

**Re: *Calderon v. Bondi, et al.*, Civil No. 25-14827 (BRM)
Letter Answer to Amended Verified Habeas Corpus Petition**

Dear Judge Martinotti:

This Office represents Respondents Pam Bondi, Kristi Noem, Todd Lyons, and Yolanda Pittman (“Respondents”) in the above immigration habeas matter filed by Petitioner Carlos A. Calderon, a noncitizen previously in the custody of U.S. Immigration and Customs Enforcement (“ICE”). Respondents respectfully submit this letter in lieu of a more formal answer to the Amended Verified Habeas Corpus Petition under 28 U.S.C. § 2241, ECF 3. As discussed below, Respondents respectfully submit that this matter is now moot in light of Petitioner’s removal from the United States of America.

I. Immigration Background and Procedural History

Petitioner is a native and citizen of Venezuela and subject to a final order of removal since 2016. ECF 5, Sep. 5, 2025 Memorandum Order, n.1; ECF 3, Amended Verified Habeas Corpus Petition (“Pet.”) ¶ 1; Declaration of Kevin J. Brown, Jr. (“Brown Decl.”) ¶ 5. On August 15, 2025, ICE arrested Petitioner to effectuate his removal from the United States. *See* Brown Decl. ¶¶ 5-6; Pet. ¶ 1.

On August 21, 2025, Petitioner filed a Verified Habeas Corpus Petition under § 2241 alleging that his detention violates the Due Process Clause and the Immigration and Nationality Act, because “[his] removal from the United States cannot be effectuated in the reasonably foreseeable future.” ECF 1, Verified Habeas

Corpus Petition ¶¶ 13-15. Petitioner sought release from detention “absent a showing that he can be removed to Venezuela in the reasonably foreseeable future or that circumstances have materially changed in his case.” *Id.*, Prayer for Relief ¶ 1.

On September 5, 2025, Petitioner filed an Amended Verified Habeas Corpus Petition alleging that his detention violates the Due Process Clause and the Immigration and Nationality Act, because “there is no proof that he can be removed to Venezuela.” Pet. ¶¶ 1, 14-15. Petitioner alleges that ICE sought to remove him in 2016, based upon his final order of removal, but “ultimately released [Petitioner] because Respondents were unable to remove him.” Pet. ¶ 11. Petitioner asks this Court to direct Respondents to release him from detention “absent a showing that he can be removed to Venezuela in the reasonably foreseeable future or that circumstances have materially changed in his case.” *Id.*, Prayer for Relief ¶ 1. The same day he submitted the Amended Petition, Petitioner also filed a Motion for an Order to Show Cause seeking a stay of removal “to any country other than Venezuela.” ECF 4, OTSC at 2.

On September 5, 2025, the Court denied the request for a stay of removal “because it appears that Petitioner is presently subject to a final order of removal,” Sept. 5, 2025 Memorandum Order at 2, and under 8 U.S.C. § 1252(a)(5), the Court “lacks jurisdiction to review the challenge to his order of removal,” *id.* at 3. The Court set a briefing schedule to address the Amended Petition. *Id.*

In the meantime, on September 17, 2025, ICE attempted to remove Petitioner to Venezuela. ECF 6-2, Petitioner’s Brief in Support of Petition and OTSC at 2; ECF 10 (Respondents’ Sept. 23, 2025 letter). However, Venezuela denied Petitioner entry because he did not possess documentation establishing his Venezuelan citizenship, and ICE returned Petitioner to detention at the Port Isabel Detention Center in Texas. Respondents’ Sept. 23, 2025 letter.

On September 18, 2025, Petitioner filed another Motion for an Order to Show Cause seeking a declaration that his detention is unlawful and seeking a stay of his removal from the United States. ECF 6, OTSC at 1-2. On September 19, 2025, the Court entered an order directing, *inter alia*, Respondents to address any new allegations raised in the Motion in their response to the Amended Petition. ECF 9, Text Order.

On September 26, 2025, ICE removed Petitioner to Mexico, pursuant to his final removal order. Brown Decl. ¶¶ 5-6.

II. The Petition is Moot

Because Petitioner has been removed from the United States, his habeas action challenging his detention is moot, and the Court lacks jurisdiction over the Amended Petition.

“Under Article III, § 2 of the United States Constitution, the exercise of judicial power depends upon the existence of a case or controversy.” *Chong v. Dist. Dir., I.N.S.*, 264 F.3d 378, 383 (3d Cir. 2001). For a case or controversy to exist, a party “must have suffered, or be threatened with, an actual injury traceable to the defendant and likely to be redressed by a favorable judicial decision.” *DeFoy v. McCullough*, 393 F.3d 439, 442 (3d Cir. 2005) (citation omitted). As a result, “a petition for habeas corpus relief generally becomes moot when a prisoner is released from custody before the court has addressed the merits of the petition.” *Id.*

In *Vasquez v. Aviles*, the Third Circuit affirmed this Court’s dismissal of a habeas petition under the same circumstances here, finding that a “petition was moot insofar as it challenged the legality and length of his detention, for upon his removal his petition no longer presented a justiciable case or controversy.” 639 F. App’x 898, 902 (3d Cir. 2016). *See also Kurtishi v. Cicchi*, 270 F. App’x 197, 199 (3d Cir. 2008) (affirming district court’s dismissal of petition as moot because petitioner was no longer detained and had already been deported, noting “[i]n view of Kurtishi’s deportation, there are no remaining collateral consequences that may be redressed by success on Kurtishi’s challenge under § 2241 to his ‘continued restraint by DHS–ICE’”). Here, too, Petitioner’s removal renders the Amended Petition moot.

Accordingly, Respondents respectfully request that the Court dismiss the Amended Petition for lack of subject matter jurisdiction and deny the Motion for an OTSC. We thank the Court for its consideration of this matter.

Respectfully submitted,

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