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8 UNITED STATES DISTRICT COURT
9 FOR THE DISTRICT OF ARIZONA

10 O.C.G.,

11 Petitioner-Plaintiff,

12 v.

13 Fred Figueroa, et al.

14 Respondents-Defendants.
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Case No. 2:25-cv-03048-SHD-
DMF

**MOTION TO DISMISS
PETITION FOR HABEAS
CORPUS PURSUANT TO 28
U.S.C. § 2241 AND
COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

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1 Petitioner filed this First Amended Petition for Habeas Corpus and Complaint for
2 Declaratory and Injunctive Relief to challenge the legality of his continued physical
3 restraint by U.S. Immigration and Customs Enforcement (“ICE”), specifically the
4 requirement that he submit to electronic monitoring via an ankle monitor. *See* Doc. 45 at
5 pp. 18-19. Petitioner requested that the Court order the removal of any restrictions of
6 Petitioner’s liberty imposed by ICE including the ankle monitor and ISAP enrollment
7 because his detention is not reasonably foreseeable in violation of *Zadvydas. Id.* at pp. 18.

8 On approximately December 17, 2025, ICE voluntarily agreed to remove
9 Petitioner’s ankle monitor. Because Petitioner has obtained the relief sought, he
10 respectfully asks that the Court dismiss the petition. However, because DHS is still
11 pursuing its appeal of Petitioner’s release with bond, *see* Doc. 47-1 DHS Bond Appeal,
12 Petitioner respectfully requests that this Court dismiss the matter without prejudice. On
13 December 18, 2025, counsel for petitioner conferred via email with opposing counsel,
14 who has no objection to the instant request.

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17 Respectfully submitted this 18th day of December, 2025
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19 /s/ Laura Belous
20 Laura Belous, AZ Bar No. 028132
21 Attorney for Plaintiff
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