

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 25-CV-23810-ALTMAN

**WALNER PIERRE,**

**Petitioner,**

v.

**PAM BONDI,**

**Respondent.**

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**RESPONDENT'S MOTION TO DISMISS PETITION FOR  
WRIT OF HABEAS CORPUS AS MOOT**

Respondent, Pam Bondi, pursuant to Fed. R. Civ. P. 12(b)(1), by and through the undersigned Assistant United States Attorney, hereby moves to dismiss Petitioner's Petition for Writ of Habeas Corpus (Petition) [ECF No. 1] as moot. Petitioner was removed from the United States to Haiti on October 8, 2025, and therefore, there is no action left for the Court to take.

**I. INTRODUCTION**

Petitioner filed this Petition on August 25, 2025, challenging his continued detention in ICE custody. *See* [ECF No. 1]. On October 8, 2025, Immigration and Customs Enforcement (ICE) removed Petitioner from the United States pursuant to a final order of removal. *See, Exhibit A*, Order of the Immigration Judge, dated 1/12/2009; *see also, Exhibit B*, Declaration of Supervisory Detention and Deportation Officer Jahmal Ervin. Accordingly, ICE's removal of Petitioner pursuant to a final order of removal renders moot Petitioner's habeas petition and leaves this Court without subject matter jurisdiction to hear the case.

## ARGUMENT

The case-or-controversy requirement of Article III, 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 respondent and likely to be redressed by a favorable judicial decision in order for the matter to be justiciable. *See Lewis v. Continental Bank Corp.*, 494 U.S. 472, 477 (1990). Given that ICE has removed Petitioner from the United States to Haiti pursuant to a final order of removal, there remains no injury for the Court to redress. When there is nothing for the Court to remedy, a case is moot. *See Spencer*, 523 U.S. at 17.

Relatedly, in *Soliman v. INS*, 296 F.3d 1237 (11th Cir. 2002), the Eleventh Circuit held that an alien's removal from the United States pursuant to a final order of removal rendered that alien's habeas corpus petition, challenging immigration custody of the alien, moot. The Court held that since the alien was no longer in custody, “[q]uite simply, there is nothing for us to remedy, even if we were disposed to do so.” *Id.* at 1243 (internal citation and quotation omitted). By its very nature, a moot suit cannot present an Article III case or controversy, and federal courts lack subject matter jurisdiction to entertain it. *Nat'l Adver. Co. v. City of Miami*, 402 F.3d 1329, 1332 (11th Cir. 2005) (quoting *Coral Springs St. Sys., Inc. v. City of Sunrise*, 371 F.3d 1320, 1328 (11th Cir. 2004) (internal quotations omitted)). If a district court is presented with a moot case, the case must be dismissed because any decision on the merits would constitute an impermissible advisory opinion. *Id.*

**WHEREFORE**, Respondent respectfully request that the Petition be dismissed as moot pursuant to Fed. R. Civ. P. 12(b)(1) due to Petitioner's removal from the United States to Haiti.

Dated: October 22, 2025.

Respectfully submitted,

**JASON A. REDING QUIÑONES**  
**UNITED STATES ATTORNEY**

*/s/Chantel Doakes Shelton*  
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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on October 22, 2025, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF.

*/s/ Chantel Doakes Shelton*  
Chantel Doakes Shelton  
Assistant United States Attorney

**EXHIBIT LIST**  
Case 25-cv-23810-ALTMAN

Exhibit A: Order of the Immigration Judge, dated 1/12/2009

Exhibit B: Declaration of Supervisory Detention and Deportation Officer Jahmal Ervin