

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 25-CV-23810-ALTMAN

WALNER PIERRE,

Petitioner,

v.

PAM BONDI,

Respondent.

**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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Counsel for Defendant

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