

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

ARTURO SOTO HERNANDEZ,	:	
	:	
Petitioner,	:	
	:	Case No. 4:25-CV-269-CDL-AGH
v.	:	28 U.S.C. § 2241
	:	
WARDEN, STEWART DETENTION CENTER,	:	
	:	
Respondent.¹	:	

RESPONDENT’S MOTION TO DISMISS

On August 26, 2025, the Court received Petitioner’s petition for a writ of habeas corpus (“Petition”). ECF No. 1. On the same day, the Court ordered Respondent to file a response to the Petition within twenty-one (21) days. ECF No. 3. Petitioner was released from Department of Homeland Security (“DHS”) custody on September 11, 2025, after posting a bond in the amount of \$6,000. Because he is no longer in Respondent’s custody, Respondent files this Motion to Dismiss in lieu of a Response and asks that the Petition be dismissed as moot.

ARGUMENT

On September 11, 2025, DHS withdrew the EOIR-43 notice of intent to appeal the IJ’s custody redetermination. Ex. A, Withdrawal of Notice. Also on September 11, 2025, DHS released

¹ In addition to the Warden of Stewart Detention Center, Petitioner also names the Attorney General of the United States, the Secretary of Homeland Security, the Department of Homeland Security (“DHS”), Immigration and Customs Enforcement (“ICE”), and officials with DHS and ICE and as Respondents in his Petition. “[T]he default rule [for claims under 28 U.S.C. § 2241] is that the proper respondent is the warden of the facility where the prisoner is being held, not the Attorney General or some other remote supervisory official.” *Rumsfeld v. Padilla*, 542 U.S. 426, 434-35 (2004) (citations omitted). Thus, Respondent has substituted the Warden of Stewart Detention Center as the sole appropriately named respondent in this action.

Petitioner on bond. *See* Ex. B, Form I-830. Because Petitioner is no longer in Respondent's custody, the Court cannot give Petitioner any meaningful relief regarding his claims, and the Court lacks subject-matter jurisdiction. Accordingly, the Court should dismiss the Petition as moot.

The case-or-controversy requirement of Article III, section 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 defendant and likely to be redressed by a favorable judicial decision." *Lewis v. Cont'l Bank Corp.*, 494 U.S. 472, 477 (1990). "The doctrine of mootness derives directly from the case or controversy limitation because an action that is moot cannot be characterized as an active case or controversy." *Soliman v. United States*, 296 F.3d 1237, 1242 (11th Cir. 2002) (internal quotation marks and citation omitted). "Put another way, a case is moot when it no longer presents a live controversy with respect to which the court can grant meaningful relief." *Fla. Ass'n of Rehab. Facilities, Inc. v. Fla. Dep't of Health & Rehab. Servs.*, 225 F.3d 1208, 1217 (11th Cir. 2000) (internal quotation mark and citation omitted). Thus, "[i]f events that occur subsequent to the filing of a lawsuit or an appeal deprive the court of the ability to give the plaintiff or appellant meaningful relief, then the case is moot and must be dismissed." *Al Najjar v. Ashcroft*, 273 F.3d 1330, 1336 (11th Cir. 2001). "Indeed, dismissal is required because mootness is jurisdictional." *Id.*; *see also De La Teja v. United States*, 321 F.3d 1357, 1362 (11th Cir. 2003).

Here, Petitioner requested release from Respondent's custody. Pet. 10, ECF No. 1. On September 11, 2025, he was released from Respondent's physical custody on bond. Ex. B. He is thus no longer detained by Respondent. Because Petitioner is not in Respondent's custody, this Court cannot give him meaningful relief regarding his detention—he cannot be released from immigration detention. There is consequently no longer a live controversy affecting Petitioner

regarding his prolonged detention claims. Accordingly, Petitioner's claims are moot and should be dismissed.

CONCLUSION

For the foregoing reasons, Respondent requests that the Petition be dismissed as moot.

Respectfully submitted, this 16th day of September, 2025.

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