

1 SIGAL CHATTAH
Acting United States Attorney
2 District of Nevada
Nevada Bar No. 8264
3 VIRGINIA T. TOMOVA
Assistant United States Attorney
4 Nevada Bar No. 12504
501 Las Vegas Blvd. So., Suite 1100
5 Las Vegas, Nevada 89101
Phone: (702) 388-6336
6 Fax: (702) 388-6336
Virginia.Tomova@usdoj.gov
7 *Attorneys for the Federal Respondents*

8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 AGUSTIN MARTINEZ-CELIS,

11 Petitioner,

12 v.

13 KRISTI NOEM, Secretary of the U.S.
Department of Homeland Security; PAM
14 BONDI, Attorney General of the United
States; TODD LYONS, Director of U.S.
Immigration and Customs Enforcement;
15 BRYAN WILCOX, Field Office Director for
Detention and Removal, U.S. Immigration
and Customs Enforcement; JOHN
16 MATTOS, Warden, Nevada Southern
Detention Center; U.S. Department of
17 Homeland Security; U.S. Immigration and
Customs Enforcement;
18

19 Respondents.

Case No. 2:25-cv-01599-JAD-NJK

**Motion to Dismiss Petition for Writ of
Habeas Corpus (ECF No. 1) Based on
Mootness**

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21 Federal Respondents file their Motion to Dismiss Petitioner Agustin Martinez-
22 Celis' Petition for Writ of Habeas Corpus (ECF No. 1) because the Petitioner's claims are
23 moot. For these reasons, Petitioner's Petition should be denied.

24 This motion is supported by the following memorandum of points and authorities.

25 Respectfully submitted this 30th day of September 2025.

26 SIGAL CHATTAH
Acting United States Attorney
27 /s/ Virginia T. Tomova
VIRGINIA T. TOMOVA
Assistant United States Attorney
28 *Attorneys for the Federal Respondents*

1 **Memorandum of Points and Authorities**

2 Claims are moot “when the issues presented are no longer live or the parties lack
3 a legally cognizable interest in the outcome.” *Powell v. McCormack*, 395 U.S. 486, 496, 89
4 S.Ct. 1944, 23 L.Ed.2d 491 (1969) (internal quotation marks omitted). Stated another way,
5 a **case** is moot when “interim relief or events have completely and irrevocably eradicated
6 the effects of the alleged violation” at issue. *L.A. Cnty. v. Davis*, 440 U.S. 625, 631, 99 S.Ct.
7 1379, 59 L.Ed.2d 642 (1979).

8 On July 23, 2025, Petitioner was placed in ICE custody and was detained at the
9 Nevada Southern Detention Center. ECF No. 1, p. 2. While his bond proceedings were
10 still pending, Petitioner made an application solely for voluntary departure in lieu of
11 removal and waived an appeal on all issues. *See* Order of the Immigration Judge, attached
12 as Exhibit A. Based on the Petitioner’s request, an Immigration Judge ordered that the
13 Petitioner be granted pre-conclusion voluntary departure under Immigration and
14 Naturalization Act (INA) § 240B(a) in lieu of removal. *Id.* On September 26, 2025, the
15 Petitioner was voluntarily removed to Mexico, which renders the claims in the Petitioner’s
16 petition moot. For these reasons, the Petitioner’s petition should be dismissed.

17 Respectfully submitted this 30th day of September 2025.

18 SIGAL CHATTAH
19 Acting United States Attorney

20 /s/ Virginia T. Tomova
21 VIRGINIA T. TOMOVA
22 Assistant United States Attorney

23 *Attorneys for the Federal Respondents*
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