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8
 9 **IN THE UNITED STATES DISTRICT COURT**
 10 **FOR THE DISTRICT OF ARIZONA**

11 Andy Raymat-Pena,

No. 25-cv-03197-PHX-JJT (MTM)

12
 13 Petitioner,

**RESPONDENT'S ANSWER TO
 PETITIONER'S WRIT OF HABEAS
 CORPUS UNDER 28 § U.S.C. 2241**

14 v.

15 United States Customs and Immigration
 Enforcement, *et al.*,

16 Respondents.
 17

18 Respondents, through counsel, hereby request that the Court dismiss this matter.
 19 Habeas challenges may only be brought by those in custody. Pursuant to his final removal
 20 order, Petitioner Andy Raymat-Pena was removed from the United States to Mexico on
 21 September 5, 2025. *See* Exhibit A. The only requested relief in Petitioner's habeas petition
 22 was release from custody. Now that he has been released from custody and removed from
 23 the United States, the Court can no longer grant any further effective relief. Accordingly,
 24 there is no longer any live case or controversy before the Court and the habeas petition
 25 should be dismissed as moot.

26 **MEMORANDUM OF POINTS AND AUTHORITIES**

27 **I. Factual Background**
 28

1 On April 18, 1999, Petitioner Andy Raymat-Pena was paroled into the United
2 States. *See* Declaration of Shadd M. Hoffman, Deportation Officer, Enforcement and
3 Removal Operations (ERO), attached as Exhibit A, at ¶ 5. In February 2020, Immigrations
4 and Customs Enforcement (ICE) issued an Administrative Removal Order, which
5 Petitioner contested before an immigration court. Exhibit A at ¶¶ 14–15. On June 22, 2020,
6 the immigration court issued a Final Order of Removal for Petitioner, and ICE granted him
7 supervised release nine days later. *See* Exhibit A at ¶¶ 16–17. One of the conditions of
8 Petitioner’s supervised release was that he could not commit any crimes while on
9 supervision. Exhibit A at ¶ 17. On July 13, 2020, Petitioner was convicted of a state-law
10 domestic violence offense. *See* Exhibit A at ¶ 18. On March 10, 2025, while petitioner was
11 in jail in Florida, U.S. Customs and Border Patrol (CBP) took custody of him and retained
12 custody of him until Petitioner was removed to Mexico on September 5, 2025. *See* Exhibit
13 A at ¶¶ 20–23. On September 2, 2025, three days prior to his removal, Petitioner filed the
14 habeas petition in this case.

15 In his habeas petition, Petitioner requested only that he be released from custody.
16 Doc. 1 at 3. Petitioner argued that he was entitled to be released on five grounds. First,
17 Petitioner argued that his detention extended beyond the 90-day period authorized in 8
18 U.S.C. § 1231(a)(6), and his continued detention was unconstitutionally indefinite under
19 *Zadvydas v. Davis*, 533 U.S. 678 (2001), because there was no likelihood of his removal
20 in the reasonably foreseeable future. Doc. 1 at 2. Second, Petitioner argued that his
21 detention was a violation of his due process rights due to its extended duration. *Id.* Third,
22 Petitioner argued that his imprisonment was unlawful and thus violated his due process
23 rights. *Id.* Fourth, Petitioner argued that his Sixth Amendment rights were violated because
24 he was not informed of the “nature and cause of [the] accusation” brought against him.
25 Fifth, Petitioner argued that his detention as a violation of the Double Jeopardy Clause of
26 the Fifth Amendment because he was already convicted and punished for the crime that
27 triggered his detention by CBP. *Id.*

28 II. Argument

1 **a. Plaintiff's Habeas Petition is Moot.**

2 Petitioner's release from custody renders his Petition for Writ of Habeas Corpus
3 moot. The jurisdiction of federal courts depends on the existence of a live case or
4 controversy under Article III of the Constitution. *PUC v. FERC*, 100 F.3d 1451, 1458 (9th
5 Cir. 1996). At any stage of the proceeding, a case becomes moot when "it no longer
6 present[s] a case or controversy under Article III, § 2 of the Constitution." *Spencer v.*
7 *Kemna*, 523 U.S. 1, 7 (1998). A case is moot if the court cannot provide any effective relief
8 to a party if the court decides the matter on the merits in their favor. *Reimers v. Oregon*,
9 863 F.2d 630, 632 (9th Cir. 1989). Similarly, a case is no longer a live controversy when
10 the court can no longer issue effective relief. *Feldman v. Bomar*, 518 F.3d 637, 642-43 (9th
11 Cir. 2008); *see also Picrin-Peron v. Rison*, 930 F.2d 773, 775 (9th Cir. 1991) ("if it appears
12 that [the court is] without power to grant the relief requested, then the case is moot.").

13 Furthermore, Article III requires that a live case or controversy exist not only when
14 the complaint is filed, but throughout the litigation. *Seven Words L.L.C. v. Network*
15 *Solutions*, 260 F.3d 1089, 1094-95 (9th Cir. 2001); *Cook Inlet Treaty Tribes v. Shalala*,
16 166 F.3d 986, 989 (9th Cir. 1999). A litigant must continue to have a personal stake in the
17 outcome of the suit throughout "all stages of federal judicial proceedings." *United States*
18 *v. Verdin*, 243 F.3d 1174, 1177 (9th Cir. 2001).

19 The writ of habeas corpus affords relief to persons in custody pursuant to the
20 judgment of a court in violation of the Constitution, laws, or treaties of the United States.
21 *See* 28 U.S.C. § 2241. Specifically, "the traditional function of the writ [of habeas corpus]
22 is to secure release from illegal custody." *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973).

23 Here, Petitioner's release from custody and removal from the United States renders
24 his habeas petition moot because the only relief he requested—his release from custody—
25 is no longer available to him because he is no longer detained. *McCullough v. Graber*, 726
26 F.3d 1057, 1060 (9th Cir. 2013). Thus, because the Court lacks the power to grant any
27 further effective relief, the habeas petition is now moot. *Reimers*, 863 F.2d 632; *Feldman*,
28 518 F.3d at 642-43; *Picrin-Peron*, 930 F.2d at 775. Likewise, because Petitioner is no

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CERTIFICATE OF SERVICE

I hereby certify that on October 10, 2025, I electronically transmitted the attached document to the Clerk’s Office using the CM/ECF System for filing, and mailed copies to the following:

Andy Raymat-Pena
ELOY-AZ-ELOY-DC
DETENTION CENTER
1705 E HANNA RD.
ELOY, AZ 85131

s/M. Finlon
United States Attorney’s Office