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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
11

12 NARCILO CAICEDO HINESTROZA, *et al.*,) No. 3:25-cv-07559-JD
13 Petitioners,)
14 v.) **RESPONDENTS' RETURN TO WRIT OF**
15) **HABEAS CORPUS**
16 SERGIO ALBARRAN, *et al.*,)
17 Respondents.)

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1 **I. INTRODUCTION**

2 Respondents respectfully request that the Court deny the petition for writ of habeas corpus with
3 regard to Petitioners Jairo Andres Dangond Lopez (“Dangond Lopez”) and Jhelvin Jherh Ramos Huaman
4 (“Ramos Huaman”) as moot, as the Department of Homeland Security (“DHS”) can no longer assert
5 detention authority over Petitioners due to the dismissal of their removal proceedings. *See Cook Inlet*
6 *Treaty Tribes v. Shalala*, 166 F.3d 986, 989 (9th Cir.1999) (“Mootness can be characterized as the doctrine
7 of standing set in a time frame: The requisite personal interest that must exist at the commencement of the
8 litigation (standing) must continue throughout its existence (mootness).”) (internal quotation marks
9 omitted). On September 16, 2025, Petitioners Dangond Lopez and Ramos Huaman’s removal proceedings
10 were dismissed by an immigration judge, and Petitioners did not appeal this decision. As such, Petitioners
11 Dangond Lopez and Ramos Huaman are no longer in removal proceedings under 8 U.S.C. § 1229a and
12 DHS cannot currently assert detention authority over them.

13 Additionally, Respondents respectfully request that the Court deny the petition for writ of habeas
14 corpus with regard to Petitioner Narcilo Caicedo Hinestroza (“Caicedo Hinestroza”) as moot, as his
15 removal proceedings have ended and he is no longer in the United States. *See Cook Inlet Treaty*, 166 F.3d
16 at 989. On September 5, 2025, Petitioner Caicedo Hinestroza was granted pre-conclusion voluntary
17 departure pursuant to 8 U.S.C. § 1229c(a). *See* Suppl. Decl. of Jesse Cruz (“Cruz Suppl. Decl.”) at ¶ 5.
18 Caicedo Hinestroza subsequently departed the United States on December 8, 2025. *Id.* at ¶ 6.

19 As such, Petitioner Caicedo Hinestroza is neither in removal proceedings under 8 U.S.C. § 1229a,
20 nor in the United States, and DHS cannot currently assert detention authority over him.

21
22 **II. FACTUAL AND PROCEDURAL BACKGROUND**

23 Petitioner Caicedo Hinestroza is a native and citizen of Colombia who entered the U.S. on December
24 8, 2023 near El Paso, Texas without inspection, admission or parole; Border Patrol encountered him that
25 same day and released him on recognizance due to detention capacity issues. Dkt. No. 11-1 at ¶ 5. On
26 December 12, 2023, Caicedo Hinestroza was placed in removal proceedings as an alien present without
27 admission or parole and charged with removability under section 212(a)(6)(A)(i) of the Immigration and
28 Nationality Act (“INA”) [8 U.S.C. § 1182(a)(6)(A)(i)]. *Id.* at ¶ 6. On September 5, 2025, Caicedo Hinestroza

1 appeared for a master calendar hearing in immigration court. *Id.* at ¶ 7. DHS counsel moved to dismiss his
2 removal proceedings to initiate expedited removal pursuant to 8 U.S.C. § 1225(b)(1) . *Id.* Petitioner instead
3 requested, and was granted, pre-conclusion voluntary departure after the immigration judge found him
4 removable as charged. *Id.* After the hearing, Caicedo Hinestroza was taken into custody under INA § 235(b)
5 [8 U.S.C. § 1225(b)]. *Id.* at ¶ 8.

6 Petitioner Dangond Lopez is a native and citizen of Colombia who entered the U.S. on December 9,
7 2023 near Tecate, California without inspection, admission or parole; Border Patrol encountered him that
8 same day and released him on recognizance due to detention capacity issues. Dkt. No. 11-2 at ¶ 4. On May 8,
9 2024, Dangond Lopez was placed in removal proceedings as an alien present without admission or parole
10 and charged with removability under INA § 212(a)(6)(A)(i) [8 U.S.C. § 1182(a)(6)(A)(i)]. *Id.* at ¶ 5. On
11 September 5, 2025, Dangond Lopez appeared for a master calendar hearing in immigration court. *Id.* at ¶ 6.
12 DHS counsel moved to dismiss his removal proceedings to initiate expedited removal pursuant to 8 U.S.C.
13 § 1225(b)(1). *Id.* The immigration judge continued the hearing to give Dangond Lopez time to respond to the
14 motion. *Id.* After the hearing, Dangond Lopez was taken into custody under INA § 235(b) [8 U.S.C. §
15 1225(b)]. *Id.* ¶ 7.

16 Petitioner Ramos Huaman is a native and citizen of Peru who entered the U.S. on February 29, 2024
17 near San Ysidro, California without inspection, admission or parole; Border Patrol encountered him that
18 same day and released him on recognizance due to detention capacity issues. Dkt. No. 11-3 at ¶ 4. On March
19 1, 2024, Ramos Huaman was placed in removal proceedings as an alien present without admission or parole
20 and charged with removability under INA § 212(a)(6)(A)(i) [8 U.S.C. § 1182(a)(6)(A)(i)]. *Id.* at ¶ 5. On
21 September 5, 2025, Petitioner Huaman appeared for a master calendar hearing in immigration court. *Id.* at
22 ¶ 6. DHS counsel moved to dismiss his removal proceedings to initiate expedited removal pursuant to 8
23 U.S.C. § 1225(b)(1). *Id.* The immigration judge continued the hearing to give Ramos Huaman time to
24 respond to the motion. *Id.* After the hearing, Ramos Huaman was taken into custody under INA section
25 235(b) [8 U.S.C. § 1225(b)]. *Id.* ¶ 7.

26 On September 9, 2025, U.S. Immigration and Customs Enforcement (“ICE”) Enforcement and
27 Removal Operations (“ERO”) released Petitioners after this Court issued a temporary restraining order
28 requiring their release. Dkt. No. 8. Following additional briefing and a hearing, this Court, on November

1 5, 2025, granted a preliminary injunction requiring Petitioners' continued release pending these
2 proceedings. Dkt. No. 17. On September 16, 2025, the immigration judge granted DHS's motion to
3 dismiss removal proceedings in the cases of Petitioners Dangond Lopez and Ramos Huaman. Petitioners
4 Dangond Lopez and Ramos Huaman did not appeal these decision and the appeal period expired on
5 October 17, 2025. Petitioners are no longer in removal proceedings under 8 U.S.C. § 1229a.

6 On December 8, 2025, pursuant to his grant of voluntary departure, Petitioner Caicedo
7 Hinestroza departed the United States from George Bush Intercontinental Airport in Houston, Texas to
8 El Dorado International Airport in Bogota, Colombia. Cruz Suppl. Decl. at ¶ 6. As he was granted
9 voluntary departure and departed the United States within the required timeframe, he is no longer in
10 removal proceedings under 8 U.S.C. § 1229a.

11
12 **III. ARGUMENT**

13 **A. Petitioners' Petition for Writ of Habeas Corpus Is Moot As DHS Can No Longer**
14 **Assert Detention Authority Over Petitioner**

15 "Mootness is a jurisdictional issue, and 'federal courts have no jurisdiction to hear a case that is
16 moot, that is, where no actual or live controversy exists.'" *Foster v. Carson*, 347 F.3d 742, 745 (9th Cir.
17 2003) (citing *Cook Inlet Treaty Tribes*, 166 F.3d at 989). If an individual is released while a habeas petition is
18 pending, the petition may "continue to present a live controversy" if there remain some "collateral
19 consequence that may be redressed by success on the petition." *Abdala v. I.N.S.*, 488 F.3d 1061, 1064 (9th
20 Cir. 2007). An immigration judge's decision becomes final if an appeal is not filed with the Board of
21 Immigration Appeals ("BIA") within thirty calendar days. *See* 8 C.F.R. §§ 1003.38(b), 1003.39.

22 On September 16, 2025, the immigration judge granted DHS's motion to dismiss Petitioners
23 Dangond Lopez and Ramos Huaman's removal proceedings pursuant to 8 U.S.C. § 1229a. Petitioners did
24 not appeal the immigration judge's decision, so it became final when the appeal period expired on October
25 17, 2025. On September 5, 2025, Petitioner Caicedo Hinestroza was granted pre-conclusion voluntary
26 departure pursuant to 8 U.S.C. § 1229c(a), ending his removal proceedings. Caicedo Hinestroza
27 subsequently departed the United States on December 8, 2025. As Petitioners are no longer in removal
28 proceedings pursuant to 8 U.S.C. § 1229a, or any immigration proceedings, DHS can no longer assert any

1 detention authority over them.

2 Additionally, Petitioners have not presented any possible collateral consequences that can be
3 redressed by the habeas petition. *See Abdala*, 488 F.3d at 1064. A Court in this district has already found that
4 a habeas petition filed by an individual in a similar position to these Petitioners was moot when she “has not
5 been re-detained by DHS, and her underlying removal proceedings have been terminated.” *Meza v. Bonnar*,
6 No. 18-CV-2708, 2022 WL 2954333, at *1 (N.D. Cal. July 26, 2022). In *Meza*, the Court found that the
7 relief sought through the habeas petition was “tethered to [Meza’s] removal proceedings”. *Id.* at *5.
8 Similarly, in *Meza*, the Court found that the collateral consequences exception did not apply as “the
9 possibility of future immigration proceedings is too speculative” and “does not present a concrete legal
10 disadvantage sufficient to implicate the collateral consequences exception.” *Id.* at *6.

11 Here, Petitioners’ requested relief in their habeas petition is based on their ongoing removal
12 proceedings. Dkt. No. 1 at 14-15. Therefore, Petitioners have not presented any “legal disadvantage
13 sufficient to implicate the collateral consequences exception” and their habeas petition is moot. *Meza*, 2022
14 WL 2954333, at *6.

15 **B. Any Ruling On This Habeas Petition Must Allow For Re-Detention Upon a Final**
16 **Administrative Removal Order.**

17 Petitioners’ habeas petition asks this Court to categorically enjoin their re-detention without a
18 pre-detention hearing before a neutral arbiter. Dkt. No. 1 at 15. But any indefinite injunction would
19 interfere with Respondents’ ability to execute a valid order of removal and would both exceed the
20 Court’s jurisdiction and contravene the Supreme Court’s unambiguous holding in *Zadvydas v. Davis* that
21 mandatory detention without a bond hearing during the removal period is constitutionally permitted. *See*
22 *Zadvydas v. Davis*, 533 U.S. 678 (2001).

23 Although Petitioners’ immigration proceedings have ended, at some point, Petitioners may be
24 subject to a final order of removal. Assuming Petitioners become subject to a final order of removal, her
25 detention is mandatory under the INA. *See* 8 U.S.C. § 1231(a)(2)(A) (“During the removal period, the
26 Attorney General shall detain the alien. Under no circumstance during the removal period shall the
27 Attorney General release an alien who has been found inadmissible under section 1182(a)(2) or
28 1182(a)(3)(B) of this title or deportable under section 1227(a)(2) or 1227(a)(4)(B) of this title”). The

1 Supreme Court has upheld the constitutionality of both the mandatory 90-day detention during the
2 removal period and the presumptively reasonable six-month discretionary detention period following the
3 removal period, both without the requirements of any bond hearing. *See Zadvydas*, 533 U.S. at 701.
4 Thus, if Petitioners become subject to a future final order of removal, their detention will be both
5 constitutionally permissible and statutorily required. Any ruling by this Court, therefore, must allow for
6 the detention of Petitioners to execute a final removal order. *See Aguilar Garcia v. Kaiser*, No. 25-cv-
7 5070, 2025 WL 2998169, at *4 (N.D. Cal. Oct. 24, 2025) (denying motion for preliminary injunction in
8 petition seeking pre-detention hearing after petitioner’s detention authority shifted to § 1231(a)(2)).

9 **IV. CONCLUSION**

10 Petitioners are no longer subject to detention by DHS. Accordingly, Respondents respectfully
11 request that the Court deny Petitioners’ habeas petition as moot. To the extent the Court grants Petitioners
12 relief, it must limit any injunction to permit the execution of a future final order of removal.

13
14 DATED: February 13, 2026

Respectfully submitted,

15
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