

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

CARLOS ANTONIO MORAN-ORELLANA,)
)
Petitioner,)
)
v.)
)
KRISTI NOEM, Secretary, Department of)
Homeland Security; PETE FLORES,)
Commissioner, Customs and Border)
Protection; RICARDO WONG, Field)
Office Director, ICE ERO Chicago; and)
C. CARTER, Warden, FCI-Leavenworth,)
)
Respondents.)
_____)

Case No. 25-3185-JWL

RESPONSE TO § 2241 HABEAS PETITION AND ORDER TO SHOW CAUSE

This matter is before the Court on the Petition of Carlos Antonio Moran-Orellana Moreno (“Petitioner”) for a writ of habeas corpus under 28 U.S.C. § 2241. Petitioner, an alien subject to an order of removal, asks the Court to release him from detention at the Federal Correctional Institution in Leavenworth, Kansas (“Leavenworth FCI”). Petitioner asserts he has been in custody since February 7, 2025, and there is no significant likelihood of removal in the reasonably foreseeable future. ECF 1, pp. 4, 6. Citing *Zadvydas v. Davis*, 533 U.S. 678 (2001), he contends his detention violates the Due Process Clause of the Fifth Amendment to the Constitution, procedurally and substantively and 8 U.S.C. § 1231(a)(6). *Id.* at 5-6. The Court directed Respondents to show cause why the habeas petition should not be granted. ECF 3.

The Petition should be dismissed as moot because Petitioner has been removed. Petitioner was deported to Mexico on September 17, 2025, and is no longer in ICE custody. *See* Declaration of Marissa Saenz, ¶ 21, attached as Ex. 1. Because Petitioner has been deported, he is no longer detained, and his habeas petition is moot. *See Vaupel v. Ortiz*, 244 F. App’x 892, 896 (10th Cir.

2007) (deeming a habeas petition moot where the petitioner was “released from detention upon his removal to Australia,” there was no indication of a “secondary or collateral injury,” and no grounds for issuing “an advisory opinion regarding the legality of [the petitioner’s] detention”) (citation modified); *see also Namgyal Tsering v. U.S. Immigration & Customs Enf’t*, 403 F. App’x 339, 343-44 (10th Cir. 2010) (stating, where the petitioner had been removed, that “this case is not properly brought as a habeas case but that, even if it had been, we can provide [the petitioner] no relief where (1) he no longer is in ICE custody, and (2) he has not demonstrated, among other things, collateral consequences resulting from his deportation”); *Ferry v. Gonzales*, 457 F.3d 1117, 1131-32 (10th Cir. 2006) (“Ferry’s challenge to the legality of his detention without an opportunity for bond or a bond hearing is moot. Ferry’s administrative removal order has been executed, and thus, Ferry is no longer in the custody of the DHS to benefit from a bond determination or release.”)

Respondents therefore respectfully request that Petitioner’s habeas Petition be denied as moot and that the Court dismiss the action.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on October 1, 2025, the foregoing was electronically filed with the Clerk of the Court by using the CM/ECF system, which will provide notice to all registered parties, including:

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