

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

BACKENBAUER ESPINOZA PARDAVE

Petitioner,

v.

ANDREW ACKLEY, Acting Warden of the Federal Correctional Institute, Berlin; **DAVID WESLING**, Acting Field Office Director of the Immigration and Customs Enforcement, Enforcement and Removal Operations, Boston Field Office; **TODD LYONS**, Acting Director, U.S. Immigration and Customs Enforcement; **KRISTI NOEM**, Secretary of U.S. Department of Homeland Security; **PAMELA BONDI**, U.S. Attorney General;

Respondents.

Case Number: 1:25-cv-342

PETITIONER'S ASSENTED-TO MOTION FOR VOLUNTARY DISMISSAL WITHOUT PREJUDICE

Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Petitioner moves to dismiss his habeas corpus petition voluntarily without prejudice. *See also* Rules 12 and 1(b) of the Rules Governing Section 2254 Cases. On September 29, 2025, Petitioner had his individual merits hearing in front of an Immigration Judge (IJ) and was unsuccessful in obtaining relief from removal. As Petitioner does not plan to appeal the IJ's decision and no longer wishes to contest his removal, Petitioner seeks to dismiss his habeas corpus petition. Respondents assent-to this Motion.

WHEREFORE, Petitioner respectfully requests that this Honorable Court:

- A. Grant this Motion to dismiss without prejudice; and
- B. Grant such other and further relief as may be just and equitable.

Date: October 1, 2025

Respectfully submitted,

Backenbauer Espinoza Pardave,

By his attorneys,

/s/ Chelsea Eddy

Gilles R. Bissonnette (NH Bar: 265393)

SangYeob Kim (NH Bar: 266657)

Chelsea Eddy (NH Bar: 276248)

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