



U.S. Department of Justice

United States Attorney  
District of New Jersey  
*Civil Division*

ALINA HABBA  
ACTING UNITED STATES ATTORNEY

*Alex Silagi*  
Assistant United States Attorney  
Deputy Chief, Civil Division

970 Broad Street, Suite 700  
Newark, NJ 07102  
alex.silagi@usdoj.gov

main: (973) 645-2700  
direct: (973) 353-6001  
fax: (973) 297-2010

November 14, 2025

**BY ECF**

Hon. Brian R. Martinotti, U.S.D.J.  
U.S. District Court for the District of New Jersey  
2 Federal Square  
Newark, NJ 07101

**Re: *Torres v. Bondi*, No. 25-15447  
Answer to § 2241 Petition**

Dear Judge Martinotti:

This Office represents Respondents in this habeas matter filed by a noncitizen challenging the legality of his detention by U.S. Immigration and Customs Enforcement (“ICE”). Respondents respectfully submit this letter in lieu of a more formal answer to the petition for writ of habeas corpus under 28 U.S.C. § 2241, ECF No. 1, because this matter is moot given Petitioner’s removal from the United States.

Petitioner, who is subject to a final order of removal, filed a § 2241 habeas petition in the U.S. District Court for the Eastern District of New York on September 5, 2025, asserting, *inter alia*, that his removal to his native Honduras is not reasonably foreseeable. ECF No. 1. On September 10, this matter was transferred to the District of New Jersey. ECF No. 16, 17. ICE recently informed this Office that it removed Petitioner to Honduras on November 10, 2025.

Because Petitioner has been removed from the country, his habeas petition challenging his detention is moot, and the Court lacks subject matter jurisdiction over it. “Under Article III, § 2 of the United States Constitution, the exercise of judicial power depends upon the existence of a case or controversy.” *Chong v. Dist. Dir., I.N.S.*, 264 F.3d 378, 383 (3d Cir. 2001). For a case or controversy to exist, a petitioner “must have suffered, or be threatened with, an actual injury traceable to the defendant and likely to be redressed by a favorable judicial decision.” *DeFoy v. McCullough*, 393 F.3d 439, 442 (3d Cir. 2005) (citation omitted). As a result, “a petition for habeas corpus relief generally becomes moot when a prisoner is released from custody before the court has addressed the merits of the petition.” *Id.*

In *Vasquez v. Aviles*, the Third Circuit affirmed this Court’s dismissal of a habeas petition under the same circumstances, finding that a “petition was moot insofar as it challenged the legality and length of his detention, for upon his removal his petition no longer presented a justiciable case or controversy.” 639 F. App’x 898, 902 (3d Cir. 2016). *See also Kurtishi v. Cicchi*, 270 F. App’x 197, 199 (3d Cir. 2008) (affirming dismissal of petition as moot because petitioner was no longer detained and had already been deported, noting “[i]n view of Kurtishi’s deportation, there are no remaining collateral consequences that may be redressed by success on Kurtishi’s challenge under § 2241 to his ‘continued restraint by DHS–ICE’”).

Accordingly, Respondents respectfully request that the Court dismiss the Petition for lack of subject matter jurisdiction. We thank the Court for its attention to this matter.

Respectfully submitted,

TODD BLANCHE  
U.S. Deputy Attorney General

ALINA HABBA  
Acting United States Attorney  
Special Attorney

By: *s/ Alex Silagi*  
ALEX D. SILAGI  
Assistant United States Attorney  
Deputy Chief, Civil Division  
*Attorneys for Respondents*

cc: Counsel of record (by ECF)