

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

YAYA DIALLO,	:	No. 3:25-CV-1724
Petitioner	:	
	:	(Latella, M.J.)
v.	:	
	:	
CRAIG LOWE, et al.,	:	
Respondents	:	Filed Electronically

SUGGESTION OF MOOTNESS

I. Introduction

This is a habeas action filed by Petitioner Yaya Diallo, an immigration detainee formerly in the custody of the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) at the Pike County Correctional Facility. (Doc. 8, ¶ 2.) Petitioner’s habeas petition has been fully briefed by the parties, and on November 17, 2025, Petitioner filed a Motion to Expedite Adjudication of Habeas Petition. (Docs. 12-15.)

In the interim, however, agency counsel for ICE informed the United States Attorney’s Office that an Immigration Judge granted Diallo’s asylum application, and he was released from ICE custody on November 20, 2025. Respondent therefore respectfully asks the Court to dismiss the habeas petition as moot.

II. Question Presented

Whether the Court should dismiss the Petition for Writ of Habeas Corpus as moot considering Diallo's release from ICE custody?

Suggested answer: In the affirmative.

III. Argument

This Court should dismiss Diallo's petition as moot where the Petitioner is no longer in ICE custody and there is no further relief available to him. *Blanciak v. Allegheny Ludlum Corp.*, 77 F.3d 690, 698-99 (3d Cir. 1996) (finding that "[i]f developments occur during the course of adjudication that eliminate a plaintiff's personal stake in the outcome of a suit or prevent a court from being able to grant the requested relief, the case must be dismissed as moot."). "A necessary predicate for the granting of federal habeas relief to [petitioners] is a determination by the federal court that their custody violates the Constitution, laws, or treaties of the United States." *Rose v. Hodges*, 423 U.S. 19, 21 (1975) (citing 28 U.S.C. § 2241). "[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." *DeFoy v. McCullough*, 393 F.3d 439, 441 (3d Cir. 2005). *See also McCarthy v. Sessions*, No. 3:18-CV-1900, 2019 WL 1672432, at *1 (M.D. Pa. Feb. 28, 2019), *report and recommendation adopted*, No. 3:18CV1900, 2019 WL 1670806 (M.D. Pa. Apr. 17, 2019); *Bermudez v. U.S. Dep't. of Homeland Sec.*, No. 3:18-CV-1434, 2019 WL 1246271, at *2 (M.D. Pa. Feb. 11, 2019) (Carlson, M.J.), *report and*

recommendation adopted sub nom. Bermudez v. U.S. Dep't of Homeland Sec., No. 3:18-CV-1434, 2019 WL 1239430 (M.D. Pa. Mar. 18, 2019) (Rambo, J.); *Ssendikwanawa v. Lowe*, No. 3:14-CV-01241, 2015 WL 5037573 (M.D. Pa. Aug. 25, 2015) (Mariani, J.); *Dehaney v. Sabol*, No. 3:11-CV-0616, 2012 WL 1417592, *2 (M.D. Pa. Apr. 24, 2012) (Nealon, J.); *Tahic v. Holder*, 2011 WL 1793270 (M.D. Pa. May 10, 2011) (same).

IV. CONCLUSION

The Court should dismiss the habeas petition due to Diallo's release from ICE custody.

Respectfully submitted,

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Date: November 24, 2025

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers. That on November 24, 2025, she served a copy of the attached

SUGGESTION OF MOOTNESS

by electronic service pursuant to Local Rule 5.7 and Standing Order 05-6, & 12.2 to the following individual(s):

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