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14 **IN THE UNITED STATES DISTRICT COURT**  
15 **FOR THE DISTRICT OF ARIZONA**

16 Tai Quoc Dang,

17 Petitioner,

18 v.

19 David R. Rivas, et al.,

20 Respondents.

No. 2:25-cv-03673-PHX-SPL (JFM)

21 **STATUS UPDATE**  
22 **AND**  
23 **SUGGESTION OF MOOTNESS**

24 **STATUS UPDATE**

25 Respondents, through undersigned counsel, hereby notify the Court that Petitioner,  
26 Tai Quoc Dang, was removed from the United States to Vietnam, pursuant to his final  
27 removal order, on November 5, 2025.

28 **THE PETITION FOR WRIT OF HABEAS CORPUS IS MOOT**

On October 5, 2025, Petitioner Tai Quoc Dang, filed the habeas petition in this case.  
Doc. 1. Petitioner argued his detention was unconstitutionally indefinite under *Zadvydas v. Davis*, 533 U.S. 678, 679 (2001), because there was no significant likelihood of his removal to Vietnam in the reasonably foreseeable future. *Id.* With the habeas petition, Petitioner also filed a motion for preliminary injunction and motion for limited discovery. Docs. 3, 4. Petitioner argued that he was entitled to preliminary relief (release from custody) because

1 he was likely to succeed on the merits of his claim that his removal to Vietnam was not  
2 significantly likely in the reasonably foreseeable future and that he was therefore  
3 unconstitutionally detained. Doc. 3. Further, Petitioner moved the Court for limited  
4 discovery on the issue of whether his removal was likely in the reasonably foreseeable  
5 future. Doc. 4. The Court denied the motion for preliminary injunctive relief, denied ground  
6 two of the habeas petition, took the remainder of the habeas petition under advisement and  
7 ordered that Respondents provide a status update within twenty days regarding the issuance  
8 of travel documents to Vietnam. Doc. 18. Because Petitioner has now been released from  
9 custody and removed to Vietnam pursuant to his final removal order, the remaining claims  
10 raised in Petitioner's habeas petition are moot and the Court should dismiss the petition.

11 Indeed, the jurisdiction of federal courts depends on the existence of a live case or  
12 controversy under Article III of the Constitution. *PUC v. FERC*, 100 F.3d 1451, 1458 (9th  
13 Cir. 1996). At any stage of the proceeding a case becomes moot when "it no longer  
14 present[s] a case or controversy under Article III, § 2 of the Constitution." *Spencer v.*  
15 *Kemna*, 523 U.S. 1, 7 (1998). The test for mootness is whether the court can give a party  
16 any effective relief in the event that it decides the matter on the merits in their favor.  
17 *Reimers v. Oregon*, 863 F.2d 630, 632 (9th Cir. 1989). A case loses its quality as a live  
18 controversy and becomes moot when the court can no longer issue effective relief. *Feldman*  
19 *v. Bomar*, 518 F.3d 637, 642-43 (9th Cir. 2008); *see also Picrin-Peron v. Rison*, 930 F.2d  
20 773, 775 (9th Cir. 1991) ("if it appears that [the court is] without power to grant the relief  
21 requested, then the case is moot.").

22 Further, Article III requires that a live case or controversy exist not only when the  
23 complaint is filed, but throughout the litigation. *Seven Words L.L.C. v. Network Solutions*,  
24 260 F.3d 1089, 1094-95 (9th Cir. 2001); *Cook Inlet Treaty Tribes v. Shalala*, 166 F.3d 986,  
25 989 (9th Cir. 1999). A litigant must continue to have a personal stake in the outcome of the  
26 suit throughout "all stages of federal judicial proceedings." *United States v. Verdin*, 243  
27 F.3d 1174, 1177 (9th Cir. 2001). The writ of habeas corpus affords relief to persons in  
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1 custody pursuant to the judgment of a court in violation of the Constitution, laws, or treaties  
2 of the United States. *See* 28 U.S.C. § 2241.

3 Here, Petitioner's release from custody and removal from the United States renders  
4 his habeas petition moot because the only relief the petition requested, his release from  
5 custody, is no longer available to him because he is no longer detained. *McCullough v.*  
6 *Graber*, 726 F.3d 1057, 1060 (9th Cir. 2013). Thus, because the Court lacks the power to  
7 grant any further effective relief, the habeas petition is now moot. *Reimers*, 863 F.2d 632;  
8 *Feldman*, 518 F.3d at 642-43; *Picrin-Peron*, 930 F.2d at 775. Likewise, because Petitioner  
9 is no longer in custody, he no longer has a stake in the outcome of his habeas petition which  
10 challenged the constitutionality of his continued detention. *Verdin*, 243 F.3d at 1177.  
11 Petitioner's case was rendered moot when he was released from detention and removed to  
12 Vietnam. *Abdala v. INS*, 488 F.3d 1061, 1064-65 (9th Cir. 2007) (discussing and collecting  
13 cases wherein a petitioner's release from detention or parole or their removal rendered a  
14 habeas petition moot).

15 Accordingly, the Court should dismiss the habeas petition for lack of subject matter  
16 jurisdiction because it is now moot. *McCullough*, 726 F.3d at 1060.

17 Respectfully submitted this 20th day of December, 2025.

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