

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

LENROY MCLEAN,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. CIV-25-1165-PRW
	)	
PAMELA BONDI et al.,	)	
	)	
Respondents.	)	

REPORT AND RECOMMENDATION

Lenroy McLean, an immigration detainee under an order of removal seeks habeas corpus relief under 28 U.S.C. § 2241. Doc.1.¹ United States District Judge Patrick R. Wyrick referred the matter to the undersigned Magistrate Judge for initial proceedings consistent with 28 U.S.C. § 636(b)(1)(B), (C). Doc. 3. Because Petitioner is no longer in custody and this Court can grant no relief to Petitioner, the undersigned recommends the Court dismiss the petition as moot.

I. Petitioner's claims.

Petitioner states in his petition that an Immigration Judge (IJ) entered an order of removal against him on April 2, 2025. Doc. 1, at 4. He appealed the

¹ Citations to a court document are to its electronic case filing designation and pagination. Except for capitalization, quotations are verbatim unless otherwise indicated.

order to the Board of Immigration Appeals (BIA) and that body denied the appeal “on or about” July 2, 2025. *Id.* at 5. He states he has appealed the BIA’s order to the Tenth Circuit Court of Appeals and that appeal is pending. *Id.*²

In five grounds for relief, Petitioner asks this Court to review the merits of the IJ’s order of removal and the BIA’s denial of his appeal. *See id.* at 6-8 (alleging a denial of adequate counsel during his hearing (Ground 1), submission of an incomplete case file to the IJ (Ground 2), lack of adequate notice and opportunity to respond to charges (Ground 3), failure to address his ineffective assistance of counsel claim (Ground 4), and request for a stay of deportation pending his appeal of “BIA dismissal” (Ground 5)). He requests this Court order an evidentiary hearing, dismiss his notice to appear, declare Respondents’ actions “arbitrary and capricious” and in violation of their own regulations, declare his detention violates due process, prohibit Respondents from moving him from prison to prison during this action, and order a stay of the deportation order. *Id.* at 7.

² The undersigned has reviewed the docket sheet of Petitioner’s appeal in the Tenth Circuit. The Circuit Court, finding it lacked jurisdiction, transferred the appeal to the Fifth Circuit Court of Appeals. *See McLean v. Bondi*, No. 25-9574, docket entry dated Oct. 21, 2025 (10th Cir. 2025). That appeal is still pending but is “subject to dismissal.” *See McLean v. Bondi*, No. 25-60493, docket entry dated Oct. 8, 2025 (5th Cir. 2025).

II. Respondents' notices to the Court.

In its initial order for response to the petition, the undersigned ordered Respondents to provide the Court with at least 72-hours "advance notice of any scheduled removal or transfer of Petitioner out of this Court's jurisdiction." *See* Doc. 5, at 2. On October 22, 2025, counsel for Respondents filed two notices with the Court. Docs. 9, 10. Counsel stated that he had received notice on that date that Respondents had removed Petitioner to his home country of Jamaica on October 16, 2025. Doc. 9.

Respondents transferred Petitioner to an Immigration and Customs Enforcement (ICE) facility in Alvarado, Texas on October 13, 2025. Doc. 10, at 1. Respondents transferred Petitioner to a processing center in Pine Prairie, Louisiana on October 15, 2025. *Id.* On October 16, 2025, Respondents removed Petitioner to Kingston, Jamaica via a charter flight from Alexandria International Airport in Alexandria, Louisiana. *Id.* at 1-2.

III. Screening.

This Court must review a habeas petition and dismiss it "[i]f it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief in the district court." Rule 4, Rules Governing Section 2254

Cases in the United States District Courts;³ *see also Garza v. Davis*, 596 F.3d 1198, 1205 (10th Cir. 2010) (holding that a federal court possesses “the discretion . . . to dismiss the 28 U.S.C. § 2241 petition if it appear[s] that the petitioner was not entitled to relief”). Having screened the petition, the undersigned recommends the Court dismiss the petition as moot.

IV. The petition is moot because Petitioner is no longer in custody.

“The writ of habeas corpus shall not extend to a prisoner unless . . . he is in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3). “[T]he ‘in custody’ requirement of § 2241 is satisfied” if a petitioner files the habeas application while they are incarcerated. *King v. Ciolli*, 2024 WL 1179908, at *2 (10th Cir. Mar. 19, 2024) (citing *Spencer v. Kemna*, 523 U.S. 1, 7 (1998), & *Riles v. INS*, 310 F.3d 1253, 1256 (10th Cir. 2002)).

A § 2241 petition must be filed in the district where the prisoner is confined. *Brace v. United States*, 634 F.3d 1167, 1169 (10th Cir. 2011). “[J]urisdiction attaches on the initial filing for habeas corpus relief, and it is

³ The Court may apply the Rules Governing § 2254 Cases to habeas petitions arising under § 2241. *See* Rule 1(b); *Whitmore v. Parker*, 484 F. App’x 227, 231 n.2 (10th Cir. 2012) (“The Rules Governing 2254 Cases may be applied discretionarily to habeas petitions under § 2241.” (citing *Boutwell v. Keating*, 399 F.3d 1203, 1211 n.2 (10th Cir. 2005))).

not destroyed by a transfer of the petitioner and the accompanying custodial change.” *Santillanes v. U.S. Parole Comm’n*, 754 F.2d 887, 888 (10th Cir. 1985); *cf. Rumsfield v. Padilla*, 542 U.S. 426, 442 (2004).

Petitioner was confined in this district when he filed his § 2241 petition. *See* Doc. 1, at 1. But he is no longer in custody as Respondents have removed him to his home country of Jamaica. *See* Docs. 9, 10. Although this Court’s jurisdiction attached when Petitioner filed his habeas corpus petition, his release from custody renders his petition moot.

Under Article III of the Constitution, federal courts may only adjudicate live controversies. *See Alvarez v. Smith*, 558 U.S. 87, 92 (2009) (“An actual controversy must be extant at all stages of review, not merely at the time the complaint is filed.” (quoting *Preiser v. Newkirk*, 422 U.S. 395, 401 (1975))). A case becomes moot “if an event occurs while a case is pending . . . that makes it impossible for the court to grant ‘any effectual relief whatever’ to a prevailing party” *Church of Scientology v. United States*, 506 U.S. 9, 12 (1992) (quoting *Mills v. Green*, 159 U.S. 651, 653 (1895)).

“Mootness . . . is a fundamental bar to judicial review that must be accounted for at all stages of a proceeding, and applies in habeas as in any other type of litigation.” *Miller v. Glanz*, 331 F. App’x 608, 610 (10th Cir. 2009). A habeas petition does not become moot, however, merely because a petitioner

is no longer in custody. Rather, the relevant inquiry is whether the petitioner is subject to collateral consequences “adequate to meet Article III’s injury-in-fact requirement.” *King*, 2024 WL 1179908, at *2 (quoting *Spencer*, 523 U.S. at 14).

Once Respondents released Petitioner from their custody, he no longer had a redressable injury arising from his detention. *See id.* (holding that a “petitioner must demonstrate some concrete and continuing injury” to overcome mootness after release from custody (quoting *Spencer*, 523 U.S. at 7)). So the best this Court could do would be to declare he was wrongfully in custody in the first place. But that determination and Petitioner’s request for the Court to review the IJ’s removal order and to either stay or prevent Respondents from executing the order, is wholly outside this Court’s jurisdiction. *See, e.g., Olola v. U.S. Att’y Gen.*, 2018 WL 11446899, at *2 (D. Colo. Mar. 7, 2018) (“Applicant may not use a § 2241 habeas application challenging the lawfulness of federal custody to seek review of an order of removal in federal district court. . . . The courts of appeals are the sole and exclusive means for judicial review of challenges to removal orders, and district courts are divested of jurisdiction to do so.” (citing 8 U.S.C. § 1252(a)(5)); *see also Ferry v. Gonzales*, 457 F.3d 1117, 1131 (10th Cir. 2006) (“The district court lacked jurisdiction to consider Ferry’s petition insofar as it challenged the

DHS's administrative order of removal."); *Essuman v. Gonzales*, 203 F. App'x 204, 211 (10th Cir. 2006) ("The Real ID Act eliminates a district court's jurisdiction over habeas petitions challenging final orders of removal." (internal quotation marks omitted)); 8 U.S.C. §§ 1252(a)(5); (b)(8)(C); (b)(9). So the Court should dismiss the petition as moot.

V. Recommendation and notice of right to object.

Petitioner's release from custody and removal to Jamaica renders his petition moot because there is no live case or controversy for this Court to decide. The undersigned therefore recommends the Court dismiss the habeas corpus petition as moot. The undersigned also recommends the Court deny as moot Petitioner's motion for temporary restraining order and preliminary injunction. Doc. 7.

The undersigned advises the parties of their right to file an objection to this Report and Recommendation with the Clerk of Court on or before November 6, 2025, under 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b)(2). The undersigned further advises the parties that failure to file a timely objection to this Report and Recommendation waives the right to appellate review of both factual and legal issues contained herein. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).

This Report and Recommendation disposes of all issues and terminates the referral to the undersigned Magistrate Judge in the captioned matter.

ENTERED this 23rd day of October, 2025.


SUZANNE MITCHELL
UNITED STATES MAGISTRATE JUDGE