

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 1:25-cv-24635-KMM

HASMUKHBHAI SHANTILAL PATEL,

Petitioner,

v.

KRISTI NOEM, Secretary, Department of
Homeland Security, *et al.*,

Respondents.

/

**RESPONDENTS' SUPPLEMENTAL RETURN AND MEMORANDUM OF
LAW TO PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241**

Respondents, Kristi Noem, Secretary of the Department of Homeland Security (“DHS”), *et al.*, (collectively “Respondents”), by and through the undersigned Assistant United States Attorney, respectfully supplement their Return and Memorandum of Law [ECF No. 7] in response to Petitioner Hasmukhbhai Shantilal Patel’s (“Petitioner”) *pro se* Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241 [ECF No. 1], in which he alleges that he has been unlawfully detained in Immigration and Customs Enforcement (“ICE”) custody for an indefinite amount of time. ECF No. 1 ¶ 6 (“I’ve been ordered removed for over 180 days and yet still have no idea when removal will be carried out or if it will be carried out [sic].”), ¶ 13 (“I was ordered removed [sic] in May of 2025 and have been waiting ever since to no avail, I do believe the government will be able to remove me in the foreseeable [sic] future.”)), and in which he seeks “immediate release until the government is able to safely remove [him].” *Id.* ¶ 15, *Request for Relief*. In addition to all the reasons set forth in Respondents’ Return, the Court should deny the Petition as moot,

because the relief sought—release from detention—was achieved via his removal on November 13, 2025. *See Exhibit A, Form I-210, attached hereto.*¹

Although jurisdiction is usually determined at filing, after-arising events can affect jurisdiction because the case-or-controversy requirement of Article III, section 2, of the United States Constitution “subsists through all stages of federal judicial proceedings.” *Spencer v. Kemna*, 523 U.S. 1, 7 (1998). Further, a plaintiff “must have suffered, or be threatened with, an actual injury traceable to the defendant and likely to be redressed by a favorable judicial decision.” *Lewis v. Continental Bank Corp.*, 494 U.S. 472, 477 (1990). Mootness deprives a court of the power to act when there is nothing to remedy. *See Spencer*, 523 U.S. at 19 (“[M]ootness, however it may have come about, simply deprives us of our power to act; there is nothing for us to remedy, even if we were disposed to do so.”).

Here, Petitioner sought release from detention and was released by way of removal; thereby, mooting the controversy over which the Court could exercise subject matter jurisdiction. *See Soliman v. United States*, 296 F.3d 1237, 1242 (11th Cir. 2002) (“Because Soliman is not being detained by the INS (or any United States Government entity for that matter), no order from this Court requiring the INS to release him into the community awaiting his final removal could have

¹ *See Exhibit A, Verification of Departure dated November 13, 2025.*

Verification of Departure (Completion by an official of the Department of Homeland Security or the U.S. Department of State)			
Signature of Official Verifying Identity			Date 11/13/25 Phone #:
		Office MIA	
Printed Name/Title of Official Verifying Identity			
U.S. Departure Place	MIA		Date 11/13/25
Method of Departure	<input checked="" type="checkbox"/> Air <input type="checkbox"/> Train <input type="checkbox"/> Boat <input type="checkbox"/> Other		
Comments			

any effect.”); *see also Nat'l Adver. Co. v. City of Miami*, 402 F.3d 1329, 1332 (11th Cir. 2005) (a moot suit cannot present an Article III case or controversy, and the federal courts lack subject matter jurisdiction to entertain it); *Garcia v. Warden, Stewart Det. Ctr.* 774 F. App'x. 522, 524 (11th Cir. 2019)(concluding challenges to detention became moot when petitioner was removed from the United States and released from custody).

Moreover, the circumstances here—*i.e.*, removal—provide no basis for invoking an exception to the mootness doctrine. *See, e.g., Ibarra v. Warden, Stewart Det. Ctr.*, No. 18-CV-167, 2019 WL 2271771, at *1 (M.D. Ga. Mar. 27, 2019) (dismissing as moot where petitioner released from physical custody of ICE did not contest the “conditions of his supervised release such that this Court could maintain jurisdiction over his habeas petition.”), *report and recommendation adopted*, No. 18-CV-167, 2019 WL 2271749 (M.D. Ga. Apr. 23, 2019); *Hyacinthe v. McAleenan*, No. 19-CV-21682, 2019 WL 3944442, at *3 (S.D. Fla. Aug. 21, 2019) (dismissing as moot where there was no challenge to terms of supervision, stating, “As such, there is no relief that the Court could award relating to the terms of the Order of Supervision even if it were inclined to do so. For that reason, that Petitioner was released under an Order of Supervision does not, in and of itself, present a continuing controversy.”); *see also, e.g., Serpa v. Sessions*, No. 18CV-20362, 2018 WL 11448777, at *2 (S.D. Fla. Apr. 3, 2018) (citing *Soliman*, 296 F.3d at 1243.), *report and recommendation adopted*, No. 18-CV-20362, 2018 WL 11448781 (S.D. Fla. Apr. 30, 2018).

Accordingly, this action no longer presents a justiciable case or controversy within the meaning of Article III, and as such, Respondents respectfully request that the Petition be dismissed as moot.

WHEREFORE, for the foregoing reasons, and in addition to those set forth in Respondents' Return and Memorandum of Law [ECF No. 7], Respondents respectfully request that the Court deny the Petition as moot and dismiss this case with prejudice.

Dated: November 18, 2025

Respectfully submitted,

JASON A. REDING QUIÑONES
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