

1 TIMOTHY COURCHAINÉ
 2 United States Attorney
 District of Arizona
 3 LINDSEY E. GILMAN
 4 Assistant U.S. Attorney
 Arizona State Bar No. 034003
 5 Two Renaissance Square
 40 North Central Avenue, Suite 1800
 6 Phoenix, Arizona 85004-4449
 7 Telephone: (602) 514-7500
 Facsimile: (602) 514-7760
 8 Email: Lindsey.Gilman@usdoj.gov
 9 *Attorneys for Respondents*

10 **IN THE UNITED STATES DISTRICT COURT**
 11 **FOR THE DISTRICT OF ARIZONA**

12 Ezra Huber,
 13
 14 **Petitioner,**
 15
 16 v.
 17 David R. Rivas, et al.,
 18
 19 **Respondents.**

No. CV-25-03826-PHX-SMB (JZB)

STATUS UPDATE

AND

SUGGESTION OF MOOTNESS

20 This Court issued an Order on December 15, 2025, requiring Respondents to file a
 21 Notice advising the Court of the status of the government’s request for travel documents,
 22 whether there is any delay in issuing those documents, and when it expects to effect
 23 Petitioner’s removal to Israel. Doc. 15.

24 Respondents, through undersigned counsel, provide notice that Petitioner was
 25 removed to Israel on December 16, 2025. *See* Declaration of Melissa G. Jimenez,
 26 Deportation Officer, attached as Exhibit A, at ¶ 8. Petitioner, who is *pro se*, notified
 27 Enforcement and Removal Operations (ERO) on November 28, 2025, that he did not want
 28 to continue with his habeas petition, and wanted to be deported to Israel. *Id.* at ¶ 4. He

1 relayed to ERO that he would be able to obtain his own travel documents. *Id.*

2 On December 1, 2025, a travel document for Petitioner was received by ERO from
3 the Embassy of Israel. *Id.* at ¶ 5. On December 2, 2025, ERO confirmed a flight for
4 Petitioner to be removed to Israel in December 2025. *Id.* at ¶ 6. On December 5, 2025,
5 Petitioner was transferred to the Imperial Regional Detention Facility to prepare for
6 removal. *Id.* at ¶ 7. On December 16, 2025, Petitioner boarded a flight to Israel. *Id.* at ¶ 8.
7 ERO officials observed Petitioner board the flight. *Id.*

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

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

27 Here, Petitioner’s release from custody and removal from the United States renders
28 his habeas petition moot because the only relief the petition requested, his release from

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

13 Respectfully submitted on December 17, 2025.

14 TIMOTHY COURCHAINED
15 United States Attorney
16 District of Arizona

17 /s/ Lindsey E. Gilman
18 LINDSEY E. GILMAN
19 Assistant United States Attorney
20 *Attorneys for Respondents*
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