

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

JOSUE DAVID SARAVIA SARAVIA,
Petitioner,

V.

HECTOR C. RAMIREZ,
Sheriff of La Salle County Texas,
WARDEN PERRY GARCIA, La Salle
County Regional Detention Center,
MIGUEL VERGARA, Field Office
Director, Enforcement and Removal
Operations, U.S. Immigration and
Customs Enforcement,
TODD LYONS, Director of the
Immigration and Customs Enforcement,
KRISTI NOEM, Secretary of the
Department of Homeland Security,
PAMELA JO BONDI, U.S. Attorney
General,
Respondents.

CIVIL ACTION NO. 5:25-cv-00184

**OPPOSED MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS AS
MOOT AND STATUS REPORT**

Respondents, HECTOR C. RAMIREZ, Sheriff of La Salle County Texas, *et al.* (hereafter “Respondents”), file this Motion to Dismiss the Petition for a Writ of Habeas Corpus of Petitioner Josue David Saravia Saravia. Dkt. No. 1.

BACKGROUND

Petitioner is a native of El Salvador. *See* Ex. 1 at 83. It is unknown when and where Petitioner entered the United States. *Id.* at 84, ¶ 4. He was not admitted or paroled after inspection by an immigration officer. *Id.*

Petitioner was arrested on May 30, 2025, in Baltimore, Maryland, upon Homeland Security Investigations' reasonable belief of Petitioner's unlawful presence in the United States.

Id. at 85, ¶ 1. Following his arrest on May 30, 2025, Petitioner sought release on bond, which was granted by Immigration Judge Kevin Terrill on July 24, 2025, in the amount of \$3,000. *Id.* at 1.

The Department of Homeland Security (“DHS”) subsequently filed a notice of intent to appeal challenging the Petitioner’s release from custody pursuant to INA § 236(a). *See* Ex. 2 at 1. DHS asserted that Petitioner is present in the United States without admission or parole and is therefore an applicant for admission in INA § 240 removal proceedings, rendering him subject to detention under INA § 235(b)(2)(A). *Id.* at 2 ¶ 1. DHS’s notice of intent to appeal triggered the automatic stay of Petitioner’s release on bond pursuant to 8 C.F.R. § 1003.19(i)(2).

Subsequently, Petitioner challenged his temporary detention pursuant to the automatic stay by filing a Petition for Writ of Habeas Corpus on October 17, 2025. Dkt. No. 1. Upon the Petitioner’s motion, the Court ordered Respondents to show cause as to why the Petition for Writ of Habeas Corpus should not be granted. Dkt. No. 4.

On November 8, 2025, Petitioner was released from custody after posting a \$3,000 bond on or about November 10, 2025, following the expiration of the automatic stay. *See generally* Ex. 3.

Accordingly, the Petitioner is no longer under Respondents’ custody and there is no anticipated or planned transfer or removal of Petitioner outside of the Southern District of Texas.

ARGUMENT

Federal courts are limited to hearing “cases” or “controversies.” U.S. CONST. art. III, § 2. An actual case or controversy must exist at every stage in the judicial process. *See Karaha Bodas v. Perusahaan Pertambangan Minyak Dan Gas Bumi Negara*, 335 F.3d 357, 365 (5th Cir. 2003). Federal courts are “without power to decide questions that cannot affect the rights of

litigants in the case before them.” *North Carolina v. Rice*, 404 U.S. 244, 246 (1971). As the Supreme Court has underscored, “federal courts may not give opinions upon moot questions or abstract propositions.” *Calderon v. Moore*, 518 U.S. 149, 150 (1996) (internal quotations omitted). Thus, a claim becomes moot when the issues presented are no longer live or the parties lack a legally cognizable interest in the outcome. *See Motient Corp. v. Dondero*, 529 F.3d 532, 537 (5th Cir. 2008).

Because Petitioner has been released, there is no longer a live case or controversy before the Court. Accordingly, Respondents assert that the issues raised in the Petition for Writ of Habeas Corpus are now moot and the Petition should be dismissed.

WHEREFORE, Respondents respectfully submit this Motion to Dismiss and Status Report in compliance with the Court’s October 20, 2025, Order, and advise the Court that Petitioner was released from custody on or about November 10, 2025, after posting bond and the expiration of the automatic stay. Therefore, as the issue is moot, the Petition should be dismissed.

Dated: November 13, 2025

Respectfully submitted,

NICHOLAS J. GANJEI
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Southern District of Texas

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CERTIFICATE OF CONFERENCE

Undersigned counsel for Respondents attempted to confer with counsel for Petitioner, Mr. Davis, by email and telephone on November 13, 2025, but was unable to do so. Accordingly, Respondents file this motion as opposed.

CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2025, a true and correct copy of the foregoing was filed and served on counsel of record through the Court's CM/ECF system.

By: s/Gabriel Abebe
GABRIEL ABEBE