

**IN UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IVAN GARCIA RIOS)	
)	
Petitioner,)	
)	
vs.)	Case No. 25-13180
)	
KRISTI NOEM, Secretary of the United)	
States Department of Homeland Security, <i>et al.</i>)	
)	
Respondents.)	

**PETITIONER’S NOTICE OF MOOTNESS AND
MOTION TO DISMISS WITHOUT PREJUDICE**

Petitioner, **IVAN GARCIA RIOS**, by and through counsel, **LOUISE T. CARHART**, respectfully notifies the Court that he has been released from U.S. Immigration and Customs Enforcement (“ICE”) custody and moves for dismissal of this action as moot. In support, Petitioner states as follows:

1. Petitioner filed the above-captioned Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 challenging the lawfulness of his immigration detention and seeking immediate release or, in the alternative, a constitutionally adequate bond hearing.
2. On November 8, 2025, Petitioner was released by Immigration and Customs Enforcement. There was not a bond hearing held by an Immigration Judge.
3. Because Petitioner is no longer “in custody,” the issues raised in Claim II of this matter are now moot. See *Spencer v. Kemna*, 523 U.S. 1, 7 (1998) (“Once the convict’s sentence has expired, some concrete and continuing injury other than the

now-ended incarceration must exist if the suit is to be maintained.”).

4. Dismissal of Claim II without prejudice is appropriate so that Petitioner may renew his claims should he later be re-detained under similar circumstances. See *Hernandez-Lara v. Lyons*, 10 F.4th 19 (1st Cir. 2021) (recognizing habeas challenges to detention become moot upon release).
5. Because Claim I substantially overlaps with the relief contemplated under the pending *Castañon-Nava v. DHS settlement*, Petitioner agrees that this Court may decline to reach that claim at this time. A dismissal without prejudice of Claim I would not prejudice Petitioner’s rights and would permit any potential relief to be resolved through the *Nava* process in the first instance.
6. Given ongoing ICE activity in Illinois and the risk of arbitrary re-detention, Petitioner respectfully requests that, in dismissing this habeas petition as moot, the Court issue a limited order barring Respondents from re-detaining Petitioner during the pendency of his immigration proceedings absent a substantial change in circumstances. Such an order would preserve the status quo and prevent the recurrence of the very harm that gave rise to this petition.

WHEREFORE, the Petitioner prays that this Honorable Court grant the following relief:

- (a) Dismiss this case without prejudice as moot;
- (b) Issue a limiting order barring Respondents from re-detaining Petitioner during the pendency of his immigration proceedings absent a substantial change in circumstances

(c) Direct the Clerk to close the case; and

(d) Grant such further relief as the Court deems just and proper.

Dated: November 18, 2025
Chicago, Illinois

/s/Louise T. Carhart

Louise T. Carhart
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CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2025, I electronically filed the foregoing document with the Clerk of the Court for the United States District Court for the Northern District of Illinois by using the CM/ECF system. All parties to this case are registered CM/ECF users and will be served through the CM/ECF system.

Dated: November 18, 2025
Chicago, Illinois

Respectfully submitted,

/s/ Louise T. Carhart

Louise T. Carhart

Attorney for Petitione

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