

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO: 25-cv-25066-RAR

MICHAEL OLIBRICES,

Petitioner,

v.

ALEJANDRO MAYORKAS,
SECRETARY, UNITED STATES
DEPARTMENT OF HOMELAND
SECURITY, *et al.*,

Respondents.

**RESPONSE TO ORDER TO SHOW CAUSE AND
PETITION FOR WRIT OF HABEAS CORPUS**

Respondents¹, through the undersigned counsel, hereby respond to the Petition for Writ of Habeas Corpus [ECF No. 1] and the Court's Order to Show Cause [ECF No. 7]. The Petition should not be granted, and should be dismissed as moot, because Petitioner was removed from the United States on November 21, 2025. Exhibit A, Executed Warrant of Removal/Deportation at 2. Petitioner's Petition should be dismissed as moot because the relief available in a Writ of Habeas Corpus proceeding—release from detention—was achieved via his removal to Jamaica. *See id*; *Thuraissigiam v. U.S. Dep't of Homeland Sec.*, 591 U.S. 103, 119-20 (2020) (holding that claims beyond simple release may not be pursued through habeas proceedings).

¹ The Petitioner improperly identifies Alejandro Mayorkas, a former Secretary of the Department of Homeland Security, and Matthew T. Albence, a former Director of United States Immigration and Customs Enforcement as Respondents. A writ of habeas corpus must "be directed to the person having custody of the person detained." 28 USC § 2243. In cases involving present physical confinement, the Supreme Court reaffirmed in *Rumsfeld v. Padilla*, 542 U.S. 426 (2004), that "the immediate custodian, not a supervisory official who exercises legal control, is the proper respondent." *Rumsfeld v. Padilla*, 542 U.S. 426, 439 (2004). Petitioner was detained at the Krome Service Processing, an ICE detention facility in Miami, Florida. His immediate custodian was Charles Parra, Assistant Field Office Director. The proper Respondent in the instant case was Mr. Parra in his official capacity.

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). “If events that occur subsequent to the filing of a lawsuit or an appeal deprive the court of the ability to give the plaintiff or appellant meaningful relief, then the case is moot and must be dismissed.” *Al Najjar v. Ashcroft*, 273 F.3d 1330, 1336 (11th Cir. 2001). In fact, “dismissal is required because mootness is jurisdictional.” *Id.* (citing *North Carolina v. Rice*, 404 U.S. 244, 246 (1971) (“The question of mootness is . . . one which a federal court must resolve before it assumes jurisdiction.”)).

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.”).

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 any effect.”); *Garcia v. Warden, Stewart Det.Ctr.* 774 Fed. Appx. 522, 524 (11th Cir. 2019)(concluding challenges to detention became moot when petitioner was removed from the United States and released from custody).

WHEREFORE, Respondents respond to the Order to Show Cause and the Petition, and for the reasons stated herein, respectfully request that the Court dismiss the Petition as moot.

Dated: November 25, 2025

Respectfully submitted,

JASON A. REDING QUIÑONES
UNITED STATES ATTORNEY

By:



Brett R. Geiger
ASSISTANT U.S. ATTORNEY
Court No. A5502622
E-mail: Brett.Geiger@usdoj.gov
99 N.E. 4th Street, Suite 300
Miami, Florida 33132
Telephone: (305) 961-9190
Counsel for Respondents