

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 25-cv-62218-DIMITROULEAS

ANIUSKA TORRES NARANTO,

Petitioner,

v.

DEPARTMENT OF HOMELAND
SECURITY, *et al.*,

Respondents.

**RETURN TO HABEAS PETITION AND
INCORPORATED MOTION TO DISMISS AS MOOT**

Respondents, through the undersigned Assistant United States Attorney, move to dismiss this case a moot. As support, Respondents state:

1. In her Petition [DE 1], Petitioner challenges her detention as violative of the Immigration and Nationality Act and the Due Process Clause. She seeks release from immigration detention, alleging Respondents had “failed to executed [sic] her voluntary departer as ordered by the [immigration] court.” DE 1-1 at 1; *see also id.* at ¶ 11 (“Petitioner was granted … Voluntary departure on August 26, 2025 by the Immigration judge.”).

2. Since the filing of the Petition, however, Petitioner departed the United States on November 6, 2025, pursuant to the voluntary departure order described in the Petition. *See* INA 240B, 8 U.S.C. § 1229c; *see also* Form I-210, Voluntary Departure and Verification of Departure (reflecting Petitioner’s voluntary departure via Air from Alexandria, LA on November 6, 2025).

3. Consequently, Petitioner is no longer in ICE custody, and the Petition has been rendered moot. *See e.g. Soliman v. INS*, 296 F.3d 1237 (11th Cir. 2002) (alien's removal from the United States pursuant to a final order of removal rendered that alien's *habeas corpus* petition, challenging continued immigration custody of the alien, moot).

4. The case-or-controversy requirement of Article III, 2 of the United States Constitution applies through all stages of federal litigation. *Spencer v. Kemna*, 523 U.S. 1, 7 (1998). For a matter to be justiciable, a petitioner must have suffered, or been threatened with, an actual injury traceable to the respondent. And, it must be likely that a favorable judicial decision would redress that injury. *Lewis v. Continental Bank Corp.*, 494 U.S. 472, 477 (1990). In light of Petitioner's release from detention and removal from the United States, at present there remains no injury for the Court to redress; when there is nothing for the Court to remedy, a case is moot. *Spencer*, 523 U.S. at 17.

5. In *Soliman*, the Eleventh Circuit held that an alien's removal from the United States pursuant to a final order of removal rendered moot that alien's *habeas corpus* petition challenging his immigration custody. The Court held that since the alien was no longer in custody, "[q]uite simply, there is nothing for us to remedy, even if we were disposed to do so." *Id.* at 1243 (internal citation and quotation omitted).

6. Where, as here, the issue that Petitioner complains of (unconstitutional or prolonged detention) has become moot, the Court lacks jurisdiction to address the matter. *See generally Nat'l Adver. Co. v. City of Miami*, 402 F.3d 1329, 1332 (11th Cir. 2005) (a moot action cannot present an Article III case or controversy and the federal courts lack subject matter jurisdiction to entertain it); *Granite State Outdoor Advertising, Inc. v. City of Clearwater, Florida*, 351 F.3d 1112 (11th Cir. 2003) (finding no jurisdiction where a party lacks standing under

Article III).

WHEREFORE, in light of Petitioner's release from custody and her subsequent voluntary departure from the United States pursuant to the order of the Immigration Judge, Respondent respectfully requests that the Court dismiss the Petition as moot and enter a final order closing the above-styled case.

Respectfully submitted,

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Certificate Of Service

While Petitioner was proceeding pro se and entitled to service by mail, given her voluntary departure from the United States and the fact that she has not updated her address with the Court, Respondents are without knowledge of a current address at which she could be served with the foregoing Return.

Respondents respectfully request the Court relieve them of any service obligations, particularly given the Petition is undisputedly moot and must now be dismissed.

Respectfully,

Zakarij N. Laux