

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

EDUARDO HERAZ LEON,

Petitioner,

Case No.: 3:25-cv-1334-MMH-SJH

v.

KRISTI NOEM, Secretary, Department
of Homeland Security, PAMELA
BONDI, Attorney General;
EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; GARRETT
RIPA, Miami Field Office Director, ICE
Enforcement and Removal Operations;
IMMIGRATION AND CUSTOMS
ENFORCEMENT; and RONNIE
WOODALL, Warden of Baker
Correctional Institution,

Respondents.

_____ /

RESPONSE TO PETITION

The federal Respondents, Kristi Noem, in her official capacity as Secretary of the Department of Homeland Security; Pamela Bondi, in her official capacity as Attorney General of the United States, Garrett Ripa in his official capacity as Director of the Miami Field Office for ICE Enforcement and Removal Operations; Immigration and Customs Enforcement and the Executive Office for Immigration Review (hereafter collectively referred to as “Respondents”) respond to Eduardo

Heraz Leon's Petition for Writ of Habeas Corpus (ECF 1).

Petitioner, subject to an order of voluntary departure, was removed on December 23, 2025. The petition is moot and should be dismissed. After filing his petition, Petitioner was granted voluntary departure by the Immigration Judge. A copy of the order granting voluntary departure is attached as Exhibit A.

On December 21, 2025, Petitioner signed an ICE Form I-270, Voluntary Departure and Verification of Departure, attached as Exhibit B. Petitioner was removed on December 23, 2025. On December 30, 2025, Respondents filed a notice with this court advising that Petitioner had been removed (ECF 7).

While Respondents would otherwise oppose the petition on jurisdiction (8 U.S.C. § 1252(g)) and the merits, Petitioner's grant of voluntary departure¹ and subsequent removal from the United States moots his petition.

Because this case solely concerned a challenge to detention itself, Petitioner's removal and release rendered Petitioner's habeas action moot. *Salmeron-Salmeron v. Spivey*, 926 F.3d 1283, 1289 (11th Cir. 2019) ("As a general rule, a habeas petition presents a live case or controversy only when a petitioner is in custody."). *See also Soliman v. INS*, 296 F.3d 1237, 1243 (11th Cir. 2002); *Djadju v. Vega*, 32 F.4th 1102,

¹ The grant of voluntary departure would materially alter his detention status because, under 8 C.F.R. § 240.25(b), Petitioner could be detained pending his departure as a condition of departure. § 240.25(b) provides that certain conditions, including specifically "continued detention pending departure," may be imposed to the grant of voluntary departure.

1106-07 (11th Cir. 2022); *Mehmood v. U.S. Att’y General*, 808 Fed. Appx. 911, 913-14 (11th Cir. 2020).

Based on the foregoing, the petition should be denied and dismissed as moot in light of Petitioner’s removal on December 23, 2025.

Dated: January 2, 2026.

Respectfully submitted,

GREGORY W. KEHOE
United States Attorney

/s/ Richard L. Lasseter
Richard L. Lasseter
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Jacksonville, FL 32202-4270
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Email: richard.lasseter@usdoj.gov
Attorneys for federal Respondents

EXHIBIT A



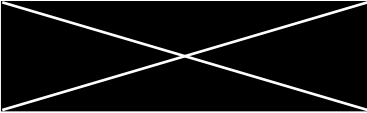
UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
ORLANDO IMMIGRATION COURT

Respondent Name:

HERAZ LEON, EDUARDO

To:

HERAZ LEON, EDUARDO



A-Number:



Riders:

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

12/17/2025

Unable to forward - no address provided.

Attached is a copy of the **decision of the Immigration Judge**. This decision is final unless an appeal is filed with the Board of Immigration Appeals within 30 calendar days of the date of the mailing of this written decision. See the enclosed forms and instructions for properly preparing your appeal. Your notice of appeal, attached documents, and fee or fee waiver request must be mailed to:

Board of Immigration Appeals
Office of the Clerk
P.O. Box 8530
Falls Church, VA 22041

Attached is a copy of the decision of the immigration judge as the result of your Failure to Appear at your scheduled deportation or removal hearing. This decision is final unless a Motion to Reopen is filed in accordance with Section 242B(c)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1252B(c)(3) in deportation proceedings or section 240(b)(5)(c), 8 U.S.C. § 1229a(b)(5)(c) in removal proceedings. If you file a motion to reopen, your motion must be filed with this court:

Immigration Court

Attached is a copy of the decision of the immigration judge relating to a Reasonable Fear Review. Pursuant to 8 C.F.R. § 1208.31(g)(1), no administrative appeal is available.

Attached is a copy of the decision of the immigration judge relating to a **Credible Fear Review**. This is a final order. No appeal is available.

Other:

Date: 12/17/2025



Immigration Judge: Espinal, Pedro 12/17/2025

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [] Alien | [M] Alien c/o custodial officer | [] Alien atty/rep. | [M] DHS

Respondent Name : HERAZ LEON, EDUARDO | A-Number :



Riders:

Date: 12/17/2025 By: PEREZ, MYRNELIS, Court Staff



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
ORLANDO IMMIGRATION COURT

Respondent Name:

HERAZ LEON, EDUARDO

To:

HERAZ LEON, EDUARDO



A-Number:



Riders:

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

12/17/2025

ORDER OF THE IMMIGRATION JUDGE

Based on Respondent's admissions, the court has determined that the Respondent is removable from the United States based on the charge(s) set forth in the Notice to Appear. The Respondent has made an application solely for voluntary departure in lieu of removal and has waived appeal of all issues.

ORDER: Accordingly, it is HEREBY ORDERED that the respondent be GRANTED pre-conclusion voluntary departure under Immigration and Nationality Act (INA) § 240B(a), in lieu of removal, without expense to the Government, on or before 01/16/2026, or any extensions as may be granted by the Department of Homeland Security (DHS), and under any other conditions DHS may direct.

It is FURTHER ORDERED:

- that the Respondent post a voluntary departure bond in the amount of \$ USD with DHS on or before
- that the Respondent provide DHS with the Respondent's passport or other travel documentation sufficient to assure lawful entry into the country to which Respondent is departing within 60 days of this order, or within any time extensions that DHS may grant and/or

Other:

Respondent must comply with any conditions imposed by the DHS. Matter of M-A-S-, 24 I&N Dec. 762 (BLA 2009).

It is FURTHER ORDERED that if any of the above-ordered conditions are not met as required or if the Respondent fails to depart as required, the above grant of pre-conclusion voluntary departure shall be withdrawn without further notice or proceedings and the following order, entered pursuant to 8 C.F.R. § 1240.26(d), shall become immediately effective:

the Respondent shall be removed to Mexico on the charge(s) set forth in the Notice to Appear.

It is FURTHER ORDERED that if the above country advises DHS that it is unwilling to accept the Respondent into its territory, or fails to advise DHS within three months following original inquiry whether it will accept Respondent into its territory, the Respondent shall be removed to Mexico

The Respondent is HEREBY ADVISED that if the Respondent fails to voluntarily depart the United States within the time specified, or within any extensions that DHS may grant, the Respondent will be subject to the following penalties:

The Respondent will be subject to a civil monetary penalty as listed in 8 C.F.R. § 280.53(b). See INA § 240B(d). The court has set the presumptive civil monetary penalty amount of \$3,000.00 USD (or \$ USD instead of the presumptive amount).

The Respondent will be ineligible, for a period of 10 years, to receive cancellation of removal, adjustment of status, registry, voluntary departure, or a change in nonimmigrant status. See INA § 240B(d).

The Respondent is FURTHER ADVISED that if Respondent files a motion to reopen or reconsider during the voluntary departure period, the period allowed for voluntary departure will not be stayed, tolled, or extended, the grant of voluntary departure will be terminated automatically, the alternate order of removal will take effect immediately, and the above penalties for failure to depart voluntarily under INA § 240B(d) will not apply. 8 C.F.R. §§ 1240.26(b)(3)(iii), (e)(1).

Failure to Depart: If Respondent is subject to a final order of removal and willfully fails or refuses (1) to depart from the United States pursuant to the immigration court's order, (2) to make timely application in good faith for travel or other documents necessary to depart the United States, (3) to present themselves at the time and place required for removal by the DHS, or (4) conspires to or takes any action designed to prevent or hamper their departure pursuant to the order of removal, Respondent shall be subject to a civil monetary penalty for each day Respondent is in violation, pursuant to INA § 274D and 8 C.F.R. § 280.53(b)(14). If Respondent is removable pursuant to INA § 237(a), then Respondent shall be further fined and/or imprisoned for up to 10 years. See INA § 243(a)(1). Further, any Respondent that has been denied admission to, removed from, or has departed the United States while an order of exclusion, deportation, or removal is outstanding and thereafter enters, attempts to enter, or is at any time found in the United States shall be fined or imprisoned not more than two years, or both. 8 U.S.C. § 1326(a).



Immigration Judge: Espinal, Pedro 12/17/2025

Appeal:	Department of Homeland Security:	<input checked="" type="checkbox"/>	waived	<input type="checkbox"/>	reserved
	Respondent:	<input checked="" type="checkbox"/>	waived	<input type="checkbox"/>	reserved

Appeal Due: 01/16/2026

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [] Alien | [M] Alien c/o custodial officer | [] Alien atty/rep. | [M] DHS

Respondent Name : HERAZ LEON, EDUARDO | A-Number : 

Riders:

Date: 12/17/2025 By: PEREZ, MYRNELIS, Court Staff

EXHIBIT B

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

VOLUNTARY DEPARTURE AND VERIFICATION OF DEPARTURE

To: (Alien's Last Name, First Name, and Address) EDUARDO HERAZ LEON [Redacted]	Alien's Phone Number	A Number [Redacted]
	FIN	

- You have violated the terms of your admission as a nonimmigrant. Consequently, the permission previously granted you to remain in the United States is rescinded. You are required to depart from the United States at your own expense on or before _____.
- On December 17, 2025 you were granted voluntary departure by the IJ BIA DHS. You are required to depart from the United States on or before January 16, 2026 at your expense. at government expense. under safeguard.
- Your request for an extension of time to depart from the United States has been _____ (Granted/Denied). You are required to depart on or before _____.
- You state that you will be departing the United States on _____ through _____ (Port of Departure) on _____ (Give Airlines, Flight Number and Time or Other Manner of Departure)

NOTICE: The Immigration Judge's Alternate Order of Removal will take effect if the alien does not depart within the time specified. Failure to depart on or before the specified date may result in the withdrawal of voluntary departure and action being taken to effect your removal. A warrant for your arrest will be issued if this office has not received verification of your departure by the specified date. Failure to depart on or before the specified date may also subject you to a possible civil penalty of not less than \$1,000 and not more than \$5,000, and render you ineligible for a period of 10 years for any further authorization for voluntary departure or for relief under sections 240A, 245, 248, and 249 of the Immigration and Nationality Act.

Additionally, if an Immigration Bond has been posted on the alien, the DHS will initiate the appropriate action in accordance with the terms of the executed bond and any attached rider or riders specified.

To any U.S. official: This document can be completed and transmitted to DHS/ICE Headquarters Office of Enforcement and Removal via VD-Bond-Verifications@ice.dhs.gov.

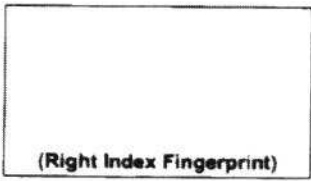
Eduardo H Leon Signature of Alien - Acknowledgment of Conditions and Receipt of Form 12-21-25
Date

[Signature] Signature of Authorized DHS Official 12/21/2025
Date

LORE TINE - Deportation Officer DHS Official Serving Form (Name and Title) ERO - Jacksonville, FL Sub Office
Office



If Available



Verification of Departure (Completion by an official of the Department of Homeland Security or the U.S. Department of State)			
Signature of Official Verifying Identity	Date	Phone #:	
		Office	
Printed Name/Title of Official Verifying Identity			
U.S. Departure Place			Date
Method of Departure	<input type="checkbox"/> Air <input type="checkbox"/> Train <input type="checkbox"/> Boat <input type="checkbox"/> Other:		
Comments			