

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

CRISTIN ROXANA AMAYA CORNEJO,

Petitioner,

v.

KRISTI NOEM, SECRETARY  
UNITED STATES DEPARTMENT OF  
HOMELAND SECURITY, *et al.*

Respondents.

Case No. 8:25-cv-03670-LKG

**MOTION TO DISMISS AND SUPPLEMENT IN  
FURTHER SUPPORT OF OPPOSITION TO MOTION FOR TRO**

Respondents, by and through undersigned counsel, pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure hereby submit this Motion to Dismiss for Lack of Jurisdiction and Supplement in Further Support of Respondent's Opposition to Petitioner's Motion for Temporary Restraining Order. (ECF 10, "*Opposition*")

**I. The Petition Should Be Dismissed As The Court Lacks Jurisdiction Under 8 U.S.C. § 1252(b)(9)**

Respondents move the Court to dismiss this matter for lack of jurisdiction. As argued in Respondent's Opposition, the Court lacks jurisdiction over Petitioner's claims under 8 U.S.C. § 1252(b)(9), as Petitioner's habeas petition essentially challenges her detention pending her removal pursuant to 8 U.S.C. § 1226(a). *See Opposition* at 5-9. As noted in Respondent's Opposition, several judges in this Court have recently summarily dismissed cases brought on behalf of petitioners similarly held under the discretionary detention provision in 8 U.S.C. § 1226(a) finding that petitioners have available to them the means to challenge their detention through bond hearings before the immigration judge. *See e.g. Chavez De Vasquez v. Noem, et al.*,

8:25-cv-03657-SAG (Nov. 7, 2025) (*Gustavo Garcia Vigil v. Noem, et al.*, 1:25-cv-03329-JRR (Nov. 4, 2025) (Orders and transcript attached at Exhibit A).

**II. Now That Petitioner Has Been Granted Bond, This Court Plainly Lacks Jurisdiction To Review The Immigration Judge's Bond Determination**

In her Reply, Petitioner provides that (since filing her Petition) she has indeed obtained a bond hearing before the immigration judge and the immigration judge granted her release on bond. (ECF No. 11-1). Petitioner's only remaining challenge appears to be her argument that the bond amount is too high. (*See gen.* ECF No. 11) However, the Court also plainly lacks jurisdiction to review the immigration judge's bond determination under 8 U.S.C. § 1226(e). *See Ventura v. Mumford*, No. CV JKB-17-1426, 2017 WL 4098763, at \*2 (D. Md. Sept. 15, 2017), citing *Hyacinthe v. U.S. Attorney General*, 215 Fed. Appx. 856, 862 n.7 (11th Cir. 2007) (the court lacks jurisdiction to review plaintiff's claims regarding the immigration judge's denial of bond); *Galvez v. Lewis*, 56 F. Supp. 2d 637, 641 (E.D. Va. 1999) (8 U.S.C. § 1226(e) divests this Court of the authority to review discretionary decisions by the IJ under 8 U.S.C. § 1226(a) regarding petitioner's detention and bond). Further, to the extent Petitioner wishes to challenge the immigration judge's bond decision, she may file an appeal with the Board of Immigration Appeals ("BIA"). *See* 8. C.F.R. § 236.1(d)(3). Indeed, the Order of the Immigration Judge shows that Petitioner has reserved the right to appeal the decision with the BIA. (ECF No. 11.1 at 2).

**III. As Petitioner Has Received The Relief To Which She Is Entitled, Her Petition Should Be Dismissed As Moot**

Having received all the relief to which she was entitled – an individualized bond hearing – the Court should find that Petitioner's claims are moot. *See Friedman's Inc. v. Dunlap*, 290 F.3d 191, 197 (4th Cir. 2002) (case becomes moot "when the claimant receives the relief he or she sought to obtain through the claim") (internal citations and quotations omitted); *Watkins v.*

*Napolitano*, 2012 WL 4069763 \*3 (D. Md. Sept. 14, 2012) (petition for writ of mandamus is moot because USCIS has already adjudicated plaintiff's Form I-130). Based on the foregoing, the Court should also dismiss the Petition as moot.

**CONCLUSION**

Based on the foregoing, Respondents respectfully request that the Court deny Petitioner's Motion for TRO, and dismiss the Petition for lack of subject-matter jurisdiction and as moot.

November 18, 2025

Respectfully submitted,

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