

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RUBEN BADILLO CRUZ,

Case No. 1:25-cv-01499

Petitioner,

Hon. Paul L. Maloney
U.S. District Judge

v.

KEVIN RAYCRAFT Acting Field Office
Director of Enforcement and Removal
Operations, Detroit Field Office, Immigration
and Customs Enforcement, KRISTI NOEM,
Secretary, U.S. Department of Homeland
Security; U.S. DEPARTMENT OF
HOMELAND SECURITY; PAMELA BONDI,
U.S. Attorney General; EXECUTIVE OFFICE
FOR IMMIGRATION REVIEW,
WARDEN DOE, Warden of North Lake
Correctional Facility (or his/her successors),

Hon. Sally J. Berens
U.S. Magistrate Judge

Respondents.

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RESPONDENTS' MOTION TO DISMISS FOR MOOTNESS

Respondent, through his attorneys, Timothy Verhey, United States Attorney for the Western District of Michigan, and Carolyn Almassian, Assistant United States Attorney, moves this Court to dismiss the Petition for a Writ of Habeas Corpus pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). The U. S Department of Homeland Security (DHS) released Petitioner from custody, and the Petition is moot. To the extent Petitioner is attempting to bring non-habeas claims, they fail to state a claim upon which relief can be granted and the Court lacks jurisdiction over them. This motion is supported by the accompanying memorandum.

Pursuant to W.D. Mich. L. Civ. R. 7.1(d), Respondent sought concurrence from Petitioner's counsel via email on November 26, 2025, and December 1, 2025, notified counsel that Petitioner

had been released from custody and asked counsel to voluntarily dismiss the habeas petition or consent to this motion, but counsel did not respond.

Respectfully submitted,

TIMOTHY VERHEY
United States Attorney

Dated: December 1, 2025

/s/ Carolyn Almassian
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