

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 0:25-cv-62408-DSL

GABRIEL ROBLERO MAZARIEGOS,

*Petitioner,*

v.

U.S. ATTORNEY GENERAL, *et al.*,

*Respondents.*

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**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 his Petition [DE 1], Petitioner challenges his detention as violative of the Due Process Clause. As relief, he seeks immediate release from immigration detention. DE 1 at 5.

2. Since the filing of the Petition, however, Petitioner has been removed from the United States pursuant to his final administrative order of removal and he is therefore no longer in Respondents' custody. *See* Declaration of Deportation Officer Rafael Ramos, attached as **Exhibit A** (evidencing Petitioner's removal from the United States to Guatemala on November 29, 2025).

3. Consequently, because Petitioner is no longer in ICE custody, 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 order of removal rendered that alien's habeas petition

challenging his continued immigration custody of the alien moot).<sup>1</sup>

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, there remains no injury for the Court to redress and no meaningful relief the Court could provide. Where, as here, 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." *Soliman*, 296 F.3d at 1243 (internal citation and quotation omitted).

6. Where, as here, the issue that Petitioner complains of (unconstitutional and 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).

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<sup>1</sup> Given the Petition has become moot, Respondents do not address the propriety of the Petition being signed and (presumably) filed and served on Petitioner's behalf by a non-attorney "next of friend." DE 1 at 5; 8.


**WHEREFORE**, in light of Petitioner's release from custody and removal from the United States pursuant to his final administrative order of removal, Respondents respectfully request that the Court dismiss the Petition as moot and enter a final order closing the above-styled case.

Respectfully submitted,

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UNITED STATES ATTORNEY

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**Certificate Of Service**

While Petitioner is proceeding pro se and entitled to service by mail, given his removal from the United States and the fact that he has not updated his address with the Court, Respondents are without knowledge of a current address at which he could be served with the foregoing Return. On December 5, 2025, however, it was served via email on Axel Arreaga at the email address provided in the Petition 

Respondents respectfully request the Court relieve them of any additional service obligations, particularly given the Petition is now moot and subject to dismissal.

Respectfully,

Zakarij N. Laux