

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

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

GABRIEL ROBLERO MAZARIEGOS,

*Petitioner,*

*v.*

UNITED STATES  
ATTORNEY GENERAL, *et al.*,

*Respondents.*

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**ORDER DISMISSING 28 U.S.C. § 2241 PETITION AS MOOT**

**THIS CAUSE** is before the Court upon Petitioner's Application for a Writ of Habeas Corpus under 28 U.S.C. § 2214 (the "Petition") [ECF No. 1] to which Respondents' have filed their Return, moving to dismiss this case as moot [ECF No. 4]. Upon consideration of the Petition, the parties' papers, the relevant portions of the record, and the governing law, the Petition is DISMISSED AS MOOT as explained below.

**I. BACKGROUND**

In November 2025, Petitioner Gabriel Roblero Mazariegos's ("Petitioner"), *by and through his next friend* Axel Roblero Arreaga, filed a *pro se* Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 [ECF No. 1], alleging that he is being wrongfully detained at the Broward Transitional Center and seeking immediate release from Immigration and Customs Enforcement custody. [*Id.* at 4–5]. After reviewing the Petition, this Court ordered the Respondents to show cause why the Petition should not be granted. [ECF No. 3]. On December 5, 2025, the Respondents filed a Return to Habeas Petition and Incorporated Motion to Dismiss as Moot (the "Return"). [ECF No. 4]. In the Return, Respondents state that Petitioner was released from custody pursuant to a final administrative order of removal on November 29, 2025. [*Id.* at 1]. As a result of Petitioner's release, Respondents

move this court to dismiss the Petition as moot. [*Id.*].

## II. DISCUSSION

This Court's jurisdiction is limited to Article III of the Constitution's definition of "cases" or "controversies." *Soliman v. United States ex rel. INS*, 296 F.3d 1237, 1242 (11th Cir. 2002). "The doctrine of mootness derives directly from the case or controversy limitation because an action that is moot cannot be characterized as an active case or controversy." *Id.* at 1242 (quotation omitted). The case-or-controversy requirement applies through all stages of the litigation. *Lewis v. Cont'l Bank Corp.*, 494 U.S. 472, 477 (1990). "If events that occur subsequent to the filing of a lawsuit or an appeal deprive the court of the ability to give the plaintiff or appellant meaningful relief, then the case is moot and must be dismissed." *Al Najjar v. Ashcroft*, 273 F.3d 1330, 1336 (11th Cir. 2001).

For a federal court to have subject-matter jurisdiction over a habeas proceeding, the petitioner must be "in custody in violation of the Constitution or laws or treaties of the United States ..." 28 U.S.C. § 2241(c)(3); accord *Maleng v. Cook*, 490 U.S. 488, 490–91 (1989). The "in custody" determination is made at the time the § 2241 petition is filed. *Carafas v. LaVallee*, 391 U.S. 234, 238 (1968). Where, as here, an alien detainee files a section 2241 petition requesting release, the case becomes moot and the court loses jurisdiction once the alien is released from custody. See *Djadju v. Vega*, 32 F.4th 1102, 1107 (11th Cir. 2022).

Here, Petitioner satisfied the "in custody" requirement at the time he filed the Petition, but his subsequent release from custody has rendered his Petition moot. Further, the only relief that Petitioner sought was release from ICE custody, which has now occurred. [ECF No. 1 at 5]. Because Petitioner cannot grant such relief post-release, no case or controversy exists. See *Djadju*, 32 F.4th at 1107 ("Djadju has asked the federal courts for only one form of relief: to be immediately released from custody as a result of his 'ongoing prolonged detention.' Since Djadju already has been released from custody, his prayer for relief has been satisfied."). Furthermore, no exception to the mootness


doctrine is implicated because there is no indication Petitioner will be returned to ICE custody in the near future. *See id.* at 1109 (“[T]here’s no reasonable basis for us to believe that Djadju will be re-detained unlawfully upon termination of this suit”); *Al Najjar*, 273 F.3d at 1336 (“The remote possibility that an event might recur is not enough to overcome mootness.”). Accordingly, this Court lacks jurisdiction over this case, and dismissal is required. *See Al Najjar*, 273 F.3d at 1336 (“dismissal is required because mootness is jurisdictional.”).

### III. CONCLUSION

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. Petitioner’s Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 [ECF No. 1] is **DISMISSED AS MOOT**.
2. This case is **CLOSED**, and all pending motions are **DENIED AS MOOT**.

**DONE AND ORDERED** in the Southern District of Florida on December 9, 2025.

  
DAVID S. LEIBOWITZ  
UNITED STATES DISTRICT JUDGE

cc: counsel of record

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