

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 0:25-cv-62467-LEIBOWITZ

CERLY LEYCE DE SOUZA MOITA,

Petitioner,

v.

MIAMI FIELD OFFICE DIRECTOR, IMMIGRATION
AND CUSTOMS ENFORCEMENT AND
REMOVAL OPERATIONS, *et al.*,

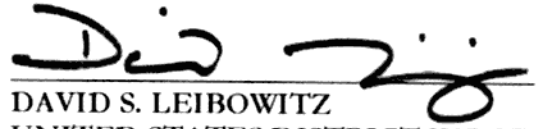
Respondents.

ORDER

THIS CAUSE is before the Court upon Petitioner's Response to Respondents' Motion to Dismiss the Petition for Lack of Jurisdiction [ECF No. 12], filed on February 12, 2026.

In their Motion to Dismiss Petitioner's habeas petition [ECF No. 10], Respondents contend this case must be dismissed on mootness grounds because Petitioner has been removed from the United States pursuant to a final order of removal and is no longer in custody. [*Id.* at 2 (citing *Soliman v. INS*, 296 F.3d 1237 (11th Cir. 2022) (holding 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.")). Petitioner responds that *Soliman* is not applicable, because *Soliman* involved a final removal order "with no allegation of premature or unlawful execution of removal;" whereas, this case involves a "removal executed before the conclusion of the administrative appeal process" in "violat[ion of] due process" which "does not moot habeas jurisdiction." [ECF No. 12 at 2 (citing *Nken v. Holder*, 556 U.S. 418, 421 (2009) (recognizing the severe and often irreparable consequences of removal before judicial review); *Singh v. Waters*, 87 F.3d 346, 349 (9th Cir. 1996) (government may not moot habeas review by prematurely removing petitioner)]. Accordingly, it is hereby **ORDERED AND ADJUDGED** that Respondents shall file a memorandum of law replying to Petitioner's Response [ECF No 12] **no later than March 16, 2026.**

DONE AND ORDERED in the Southern District of Florida on March 2, 2026.



DAVID S. LEIBOWITZ
UNITED STATES DISTRICT JUDGE

cc: counsel of record