

1 Karen S. Monrreal
2 Law Offices of Karen S. Monrreal
3 601 S. Arlington Ave.
4 Reno, NV 89509
5 karen@monrrealaw.com
6 775.826.2380 o
7 775.826.2386 f

8 *Attorney for Petitioner-Plaintiff*

9 UNITED STATES DISTRICT COURT
10 FOR THE DISTRICT OF NEVADA

11 Antony REYES-LOPEZ,

12 Petitioner-Plaintiff,

13 v.

14 Kristi NOEM, in her Official Capacity, Secretary,
15 U.S. Department of Homeland Security;

16 Pam BONDI, in her Official Capacity, Attorney
17 General of the United States;

18 Todd M. LYONS, Acting Director, Immigration and
19 Customs Enforcement, U.S. Department of Homeland
20 Security;

21 Jason KNIGHT, Salt Lake City Field Office Director
22 for Detention and Removal, U.S. Immigration and
23 Customs Enforcement, Department of Homeland
24 Security; and

25 John MATTOS, Warden, Nevada Southern Detention
26 Center.

27 Respondents-Defendants.
28

Case No. 3:25-cv-00697-ART-
CSD

Agency No.



**PETITIONER'S MOTION TO
VOLUNTARILY DISMISS
HABEAS PETITION
WITHOUT PREJUDICE**

1 **I. INTRODUCTION**

2 Petitioner Antony Reyes-Lopez respectfully moves this Court for an order dismissing his
3 Petition for Writ of Habeas Corpus pursuant to Federal Rule of Civil Procedure 41(a)(2) on the
4 ground that the petition is now moot. Since the filing of the Petition, Petitioner has obtained the
5 precise relief sought—release from immigration custody—following a bond redetermination
6 hearing conducted in compliance with the declaratory judgment issued in *Maldonado Bautista v.*
7 *Santacruz*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal.).

8
9 Because Petitioner is no longer detained by U.S. Immigration and Customs Enforcement
10 (“ICE”), and no live case or controversy remains, dismissal is appropriate..

11 **II. STATEMENT OF RELEVANT FACTS**

12
13 On November 19, 2025, Petitioner was taken into ICE custody and detained at the Washoe
14 County Detention Center in Reno, Nevada.

15 Petitioner filed the instant Petition for Writ of Habeas Corpus challenging his continued
16 detention and seeking enforcement of his rights as a member of the Bond Eligible Class certified
17 in *Maldonado Bautista v. Santacruz*. At the time the Petition was filed, the Immigration Court
18 had declined to exercise bond jurisdiction, relying on *Matter of Yajure Hurtado*, notwithstanding
19 the declaratory judgment issued in *Maldonado Bautista*.

20
21 On December 22, 2025, after the district court in *Maldonado Bautista* clarified its order,
22 Petitioner refiled a Motion for Bond Redetermination with the Immigration Court. Petitioner was
23 scheduled for and appeared at a bond hearing on December 29, 2025, before Immigration Judge
24 Daniel J. Daugherty.

25
26 At that hearing, Immigration Judge Daugherty complied with the declaratory judgment in
27 *Maldonado Bautista* and determined that the Immigration Court had jurisdiction to conduct a
28

1 bond hearing under 8 U.S.C. § 1226(a).

2 On December 29, 2025, the Immigration Judge granted Petitioner bond. Petitioner was
3 released from ICE custody on December 31, 2025.

4 As a result of Petitioner’s release, the relief sought in the Petition has been fully obtained.

5 **III. STATEMENT OF LAW**

6 Mootness is “the doctrine of standing set in a time frame.” *Friends of the Earth, Inc. v.*
7 *Laidlaw Envtl. Servs.*, 528 U.S. 167, 189 (2000). Because Article III limits the judicial power to
8 actual, ongoing cases or controversies, *see Deakins v. Monaghan*, 484 U.S. 193, 199 (1988), a
9 case is moot only “where no actual or live controversy exists.” *Cook Inlet Treaty Tribes v.*
10 *Shalala*, 166 F.3d 986, 989 (9th Cir. 1999).

11 Federal Rule of Civil Procedure 41(a) permits a petitioner to voluntarily dismiss an action.
12 Where, as here, Respondents have filed a response to the Petition, dismissal may be granted by
13 court order pursuant to Rule 41(a)(2) on terms the Court considers proper. Because district courts
14 only have the jurisdiction to issue a writ where a person is presently incarcerated or under a
15 sentence of imprisonment, a petition becomes moot upon unconditional release from custody
16 and/or probation. *NCAA v. Univ. of Nevada. Reno.* 97 Nev. 56, 57,624 P.2d 10 (1981). The relief
17 sought—release from custody—is no longer within the power of the district court to grant. Nev.
18 Const, art. 6, § 6(1) (district courts only have the power to issue writs of Habeas Corpus on
19 behalf of any person who is held in actual custody).

20 **IV. ARGUMENT**

21 The sole purpose of the Petition was to challenge Petitioner’s unlawful immigration detention
22 and to secure either immediate release or a bond hearing consistent with *Maldonado Bautista*.
23 That relief has now been granted.

1 Petitioner received a bond hearing conducted pursuant to 8 U.S.C. § 1226(a), bond was
2 granted, and Petitioner was released from ICE custody on December 31, 2025. Accordingly,
3 there is no longer a live case or controversy for this Court to adjudicate.

4 **a. Voluntary Dismissal Is Appropriate and Should Be Granted Without**
5 **Prejudice**
6

7 Because Petitioner has obtained the relief sought, dismissal without prejudice is appropriate.
8 Petitioner does not concede the legality of his prior detention, nor does he waive any rights with
9 respect to future custody determinations. Rather, dismissal is sought solely because the Petition
10 has been rendered moot by subsequent events.

11 Executed this 7th day of January 2026.

12 *Karen Monrreal*
13

Karen S. Monrreal, Esq.
14 Attorney for Petitioner, Mr. Reyes-Lopez
15
16
17
18
19
20
21
22
23
24
25
26
27
28