

United States District Court  
Western District of Texas  
El Paso Division

Daniel Montes-Graciano,  
Petitioner,

v.

WARDEN OF THE ERO EL PASO EAST  
MONTANA et al.,

Respondents.

No. 3:25-cv-00643-KC

**Advisory to the Court**

Respondents file this Advisory to notify the Court of Petitioner's release from custody, which action moots this habeas challenge to the legality of his extended detention. *See Bacilio-Sabastian v. Barr*, 980 F.3d 480, 483 (5th Cir. 2020); *Ortez v. Chandler*, 845 F.2d 573, 575 (5th Cir. 1988); *Riley v. I.N.S.*, 310 F.3d 1253, 1257 (10th Cir. 2002); *Virani v. Huron*, 2020 WL 7405655, at \*3 (W.D. Tex. Dec. 17, 2020). On or about December 10, 2025, Petitioner brought this habeas claim, seeking release from detention. ECF No. 1. On December 11, 2025, the Court ordered Respondents to show cause no later than December 18, 2025. ECF No. 2. On December 16, 2025, ICE released Petitioner from custody. *See* Exh. 1 (ICE Form I-830E (redacted)). The relief Petitioner sought, namely release, has already occurred. This petition is, therefore, moot.

Respectfully submitted,

Justin R. Simmons  
United States Attorney

*/s/ Fidel Esparza, III*

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