

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JOSE H. GONZALEZ,

Petitioner,

Case No. 2:25-cv-01163-SPC-DNF

v.

GARRETT J. RIPA, Field Office
Director, United States Immigration
and Customs Enforcement Miami
Field Office, Enforcement and
Removal Operations et al.,

Respondents.

RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS

In his Petition for Writ of Habeas Corpus, Jose Gonzalez argues his continued immigration detention violates the Fifth Amendment and the Immigration and National Act. Gonzalez's petition should be dismissed as moot. At the time of filing the petition, Gonzalez was in Immigration and Customs Enforcement (ICE) custody but has since been released following an order of release on recognizance. As such, Respondents respectfully request the Court dismiss Gonzalez's petition as moot.

FACTUAL BACKGROUND

Jose Gonzalez is a 53-year-old citizen of Mexico who entered the United

States at an unknown date and time. (Composite Exhibit, Ex. A at 1.) He was detained on December 10, 2025, following a traffic stop. *Id.* at 2. Gonzalez is currently charged as an alien present in the United States with admission or parole. *Id.*

On Gonzalez filed the present Petition for Writ of Habeas Corpus on December 14, 2025. (Petition, Doc. 1.) On December 22, 2025, Gonzalez was released on an order of recognizance. (Composite Exhibit, Ex. A at 4-9; Detention History, Ex. B.)

ARGUMENT

Mootness is a jurisdictional doctrine that flows directly from the limitation, imposed by Article III of the Constitution, that federal court jurisdiction extends only to the consideration of cases and controversies. *See* U.S. Const. art. III; *Al Najjar v. Ashcroft*, 273 F.3d 1330, 1335-36 (11th Cir. 2001). “[A] case is moot when the issues presented are no longer ‘live’ or the parties lack a legally cognizable interest in the outcome.” *Al Najjar*, 273 F.3d at 1335-36. In other words, “a case is moot when it no longer presents a live controversy with respect to which the court can give meaningful relief.” *Id.* at 1336 (internal quotation marks omitted). Thus, “[i]f 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.” *Id.*

Of course, “a petitioner’s release from custody does not automatically moot a petitioner’s claim.” *Fregis v. Holder*, 2014 WL 54839, at *1 (M.D. Fla. Jan 7, 2014) (citing *Spencer v Kemna*, 523 U.S. 1, 7-8 (1998)). Indeed, “[t]he courts have developed two exceptions to the mootness doctrine: (1) the existence of collateral consequences; and (2) when events surrounding the case are capable of repetition yet evading review.” *Id.* at *2.

The collateral consequences exception to the mootness doctrine applies “when there is some remaining ‘collateral consequence’ that may be redressed by success on the petition.” *Fregis*, 2014 WL 54839, at *2 (quoting *Spencer*, 523 U.S. at 7). In other words, a petitioner must demonstrate that he is suffering a continued, concrete injury that can be remedied by the Court. *See Spencer*, 523 U.S. at 7-8.

A second exception to mootness is the so-called “capable-of-repetition doctrine.” *See Spencer*, 523 U.S. at 17. This exception “applies only in exceptional situations,” *id.*, where “(1) there is a reasonable expectation or a demonstrated probability that the *same* controversy will recur involving the same complaining party, and (2) the challenged action is in its duration too short to be fully litigated prior to its cessation or expiration,” *Al Najjar*, 273 F.3d at 1336. Importantly, “[t]he remote possibility that an event might recur is not enough to overcome mootness, and even a likely recurrence is insufficient if there would be ample opportunity for review at that time.” *Id.*

Here, Gonzalez challenges his continued detention in ICE custody. Because Gonzalez is no longer detained, his petition should be dismissed as moot unless an exception to the mootness doctrine applies. *See Fregis*, 2014 WL 54839, at * 1. None does. Should Gonzalez ever face ICE detention again, he would not be foreclosed from filing another habeas petition. Accordingly, neither exception to the mootness doctrine applies, so Gonzalez's habeas petition should be dismissed. *See Fregis*, 2014 WL 54839, at *2-3.

CONCLUSION

As explained above, Gonzalez has been released from ICE custody. Respondents therefore respectfully request that Gonzalez's Petition for Writ of Habeas Corpus be dismissed as moot.

DATED this 24th day of December, 2025.

Respectfully submitted,

GREGORY W. KEHOE
United States Attorney

/s/ Chad C. Spraker
CHAD C. SPRAKER
Assistant United States Attorney
USA No. 198
2110 First Street, Suite 3-137
Ft. Myers, Florida 33901
Telephone: (239) 461-2200
E-mail: chad.spraker@usdoj.gov
Lead Counsel for Respondents