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8 *Attorney for Petitioner-Plaintiff*

9 UNITED STATES DISTRICT COURT  
10 FOR THE DISTRICT OF NEVADA

11 Christian ORDONES RUGAMA,

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-00741-ART-  
CSD

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

1 **I. INTRODUCTION**

2 Petitioner Christian Ordones Rugama respectfully moves this Court for an order dismissing  
3 his Petition for Writ of Habeas Corpus pursuant to Federal Rule of Civil Procedure 41(a) 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.).

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

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

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

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

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 Env’tl. 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)(1) permits a petitioner to voluntarily dismiss an action  
12 without a court order by filing a notice of dismissal before the opposing party serves either an  
13 answer or a motion for summary judgment. Because Respondents have not yet filed an answer or  
14 otherwise responded to the Petition, Petitioner is entitled to voluntarily dismiss this action as of  
15 right. Moreover, because district courts only have the jurisdiction to issue a writ where a person  
16 is presently incarcerated or under a sentence of imprisonment, a petition becomes moot upon  
17 unconditional release from custody and/or probation. *NCAA v. Univ. of Nevada. Reno.* 97 Nev.  
18 56, 57,624 P.2d 10 (1981). The relief sought—release from custody—is no longer within the  
19 power of the district court to grant. Nev. Const, art. 6, § 6(1) (district courts only have the power  
20 to issue writs of Habeas Corpus on behalf of any person who is held in actual custody).

21 **IV. ARGUMENT**

22 The sole purpose of the Petition was to challenge Petitioner’s unlawful immigration detention  
23 and to secure either immediate release or a bond hearing consistent with *Maldonado Bautista*.  
24

1 That relief has now been granted.

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

5 **a. Voluntary Dismissal Is Appropriate and Should Be Granted Without**  
6 **Prejudice**  
7

8 Because Petitioner has obtained the relief sought, dismissal without prejudice is appropriate.  
9 Petitioner does not concede the legality of his prior detention, nor does he waive any rights with  
10 respect to future custody determinations. Rather, dismissal is sought solely because the Petition  
11 has been rendered moot by subsequent events.  
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13 Executed this 7th day of January 2026.

*Karen Monrreal*

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Karen S. Monrreal, Esq.  
15 Attorney for Petitioner, Mr. Ordonez Rugama  
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