

UNITED STATES DISTRICT COURT  
DISTRICT OF VERMONT

David Burke

Petitioner,

-against-

**DONALD J. TRUMP**, IN HIS OFFICIAL CAPACITY AS PRESIDENT OF THE UNITED STATES; **PATRICIA HYDE**, IN HER OFFICIAL CAPACITY AS ACTING BOSTON FIELD OFFICE DIRECTOR, IMMIGRATION AND CUSTOMS ENFORCEMENT, ENFORCEMENT AND REMOVAL OPERATIONS; **DAVID W. JOHNSTON**, VERMONT SUB-OFFICE DIRECTOR OF IMMIGRATION AND CUSTOMS ENFORCEMENT, ENFORCEMENT AND REMOVAL OPERATIONS; **TODD M. LYONS**, IN HIS OFFICIAL CAPACITY AS ACTING DIRECTOR, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; **PETE R. FLORES**, IN HIS OFFICIAL CAPACITY AS ACTING COMMISSIONER FOR U.S. CUSTOMS AND BORDER PROTECTIONS; **KRISTI NOEM**, IN HER OFFICIAL CAPACITY AS SECRETARY OF THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY; **MARCO RUBIO**, IN HIS OFFICIAL CAPACITY AS SECRETARY OF STATE; **PAMELA BONDI**, IN HER OFFICIAL CAPACITY AS U.S. ATTORNEY GENERAL; AND **GREG HALE**, SUPERINTENDENT, NORTHWEST STATE CORRECTIONAL FACILITY.

Respondents.

Case No.:

2:25-cv-00922

**MOTION FOR VOLUNTARY DISMISSAL WITHOUT PREJUDICE PURSUANT TO  
RULE 41(a)(1)(A)(i)**

Petitioner, David Burke by and through undersigned counsel, respectfully submit this motion for voluntary dismissal without prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii). In support of this notice, Petitioner respectfully submits the following:

1. On December 18, 2025, Petitioner filed a Petition for Writ of Habeas Corpus (“Habeas Petition”) in this Court.
2. On December 19, 2025, Counsel for Petitioner was notified that Respondents released Petitioner from ICE custody, thereby mooted the basis of his Habeas Petition, namely, his ongoing detention in ICE custody.
3. As of this day, the 21<sup>st</sup> of December 2025, Respondents have not filed an answer, nor a motion for summary judgment in the instant matter, rendering dismissal under Rule 41(a)(1)(A)(i) proper and timely.
4. This Motion is made voluntarily, knowingly, without coercion, and is not filed for purposes of delay.
5. Respondents will not be prejudiced by the voluntary withdrawal of the petition at this stage of the proceedings.
6. Petitioner hereby respectfully request that the Court dismiss the Petition for Writ of Habeas Corpus without prejudice.

WHEREFORE, Petitioner David Burke, by and through undersigned Counsel, hereby respectfully requests that the Court dismiss the Petition for Writ of Habeas Corpus without prejudice, and for any such other and further relief as the Court deems just and proper.

Respectfully submitted on this 21<sup>st</sup> day of December, 2025.

/s/ Nathan Virag

**Nathan Virag, Esq.**

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*Pro Bono* Counsel for Petitioner

/s/ Andrew Pelcher

**Andrew Pelcher, Esq.\***

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*\* Motion for admission currently pending*