

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
10 UNITED STATES DISTRICT COURT
11
12 FOR THE DISTRICT OF NEVADA
13

14 Jorge Luis GARCIA GARCIA,

15 Petitioner-Plaintiff,

16 v.

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

19 Pam BONDI, in her Official Capacity, Attorney
20 General of the United States;

21 Todd M. LYONS, Acting Director, Immigration and
22 Customs Enforcement, U.S. Department of Homeland
23 Security;

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

28 John MATTOS, Warden, Nevada Southern Detention
Center.

Respondents-Defendants.

Case No. 3:25-cv-00745-ART-
CSD

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

1 **I. INTRODUCTION**

2 Petitioner Jorge Luis Garcia Garcia 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) 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

12 **II. STATEMENT OF RELEVANT FACTS**

13 On November 6, 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 January 5, 2026, 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 January 5, 2026, the Immigration Judge granted Petitioner bond. The Department of
3 Homeland Security waived appeal and the Petitioner was released from ICE custody on January
4 6, 2026.

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

6
7 **III. STATEMENT OF LAW**

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

13
14 Federal Rule of Civil Procedure 41(a)(1) permits a petitioner to voluntarily dismiss an action
15 without a court order by filing a notice of dismissal before the opposing party serves either an
16 answer or a motion for summary judgment. Because Respondents have not yet filed an answer or
17 otherwise responded to the Petition, Petitioner is entitled to voluntarily dismiss this action as of
18 right. Moreover, because district courts only have the jurisdiction to issue a writ where a person
19 is presently incarcerated or under a sentence of imprisonment, a petition becomes moot upon
20 unconditional release from custody and/or probation. *NCAA v. Univ. of Nevada. Reno*. 97 Nev.
21 56, 57,624 P.2d 10 (1981). The relief sought—release from custody—is no longer within the
22 power of the district court to grant. Nev. Const, art. 6, § 6(1) (district courts only have the power
23 to issue writs of Habeas Corpus on behalf of any person who is held in actual custody).
24
25

26 **IV. ARGUMENT**

27 The sole purpose of the Petition was to challenge Petitioner’s unlawful immigration detention
28

1 and to secure either immediate release or a bond hearing consistent with *Maldonado Bautista*.

2 That relief has now been granted.

3 Petitioner received a bond hearing conducted pursuant to 8 U.S.C. § 1226(a), bond was
4 granted, and Petitioner was released from ICE custody on January 6, 2026. Accordingly, there is
5 no longer a live case or controversy for this Court to adjudicate.
6

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

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

14 Executed this 7th day of January 2026.

15 *Karen Monrreal*
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17 Karen S. Monrreal, Esq.
18 Attorney for Petitioner, Mr. Garcia Garcia
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