

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

KHAM BOUNYAVIENG,	:	
	:	
Petitioner,	:	
	:	Case No. 4:25-CV-501-CDL-AGH
v.	:	28 U.S.C. § 2241
	:	
WARDEN, STEWART DETENTION	:	
CENTER,	:	
	:	
Respondent.	:	

RESPONDENT’S MOTION TO DISMISS

On December 30, 2025, Petitioner filed an application for a writ of habeas corpus (the “Petition”) in this matter. ECF No. 1. On January 7, 2026, Petitioner filed another application for habeas relief in case number 4:26-cv-26-CDL-AGH. That subsequent case was administratively closed on January 7, 2026. Petitioner has since been removed from the United States, and the Petition should consequently be dismissed as moot.

ARGUMENT

On January 12, 2026, the Department of Homeland Security (“DHS”), Immigration and Customs Enforcement (“ICE”) removed Petitioner from the United States. *See* Ex. A, Form I-205, Warrant of Removal/Deportation. Because Petitioner is no longer in Respondent’s custody, the Court lacks subject-matter jurisdiction over his claims. Accordingly, the Court should dismiss the Petition as moot.

The case-or-controversy requirement of Article III, section 2 of the United States Constitution subsists through all stages of federal judicial proceedings. *See Spencer v. Kemna*, 523 U.S. 1, 7 (1998). A petitioner “must have suffered, or be threatened with, an actual injury traceable

to the defendant and likely to be redressed by a favorable judicial decision.” *Lewis v. Cont’l Bank Corp.*, 494 U.S. 472, 477 (1990). “The doctrine of mootness derives directly from the case or controversy limitation because an action that is moot cannot be characterized as an active case or controversy.” *Soliman v. United States*, 296 F.3d 1237, 1242 (11th Cir. 2002) (internal quotation marks and citation omitted). “Put another way, a case is moot when it no longer presents a live controversy with respect to which the court can grant meaningful relief.” *Fla. Ass’n of Rehab. Facilities, Inc. v. Fla. Dep’t of Health & Rehab. Servs.*, 225 F.3d 1208, 1217 (11th Cir. 2000) (internal quotation mark and citation 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.” *Al Najjar v. Ashcroft*, 273 F.3d 1330, 1336 (11th Cir. 2001). “Indeed, dismissal is required because mootness is jurisdictional.” *Id.*; see also *De La Teja v. United States*, 321 F.3d 1357, 1362 (11th Cir. 2003). Once a petitioner has been removed from the United States, the dispute regarding his detention is rendered moot and must be dismissed. See *Soliman*, 296 F.3d at 1243.

Here, Petitioner requested release from custody. Pet. 3, ECF No. 1. He was removed from the United States on January 12, 2026, and is no longer in Respondent’s custody. Ex. A. Because Petitioner is not in Respondent’s custody, the Court can no longer give Petitioner any meaningful relief regarding his detention. Accordingly, the Petition is moot and should be dismissed.

CONCLUSION

For the foregoing reasons, Respondent requests that Petitioner’s application for habeas relief be dismissed.

Respectfully submitted this 14th day of January, 2026.

WILLIAM R. KEYES
UNITED STATES ATTORNEY

By: *s/ W. Taylor McNeill*
W. Taylor McNeill
Assistant United States Attorney
Georgia Bar No. 239540
United States Attorney's Office
Middle District of Georgia
P.O. Box 1702
Macon, GA 31202
Tel.: 478.752.3511
Email: taylor.mcneill@usdoj.gov

