

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

Francisco LOPEZ ALVARADO

Petitioner,

v.

Pamela Jo BONDI, Attorney General of
the United States, *et al.*,

Respondents.

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Case No. 4:25-cv-06377

**MOTION TO DISMISS HABEAS
PETITION AS MOOT**

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Respectfully submitted,

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ATTORNEY FOR PETITIONER

By: /s/ Octavio M. Rivera Bugesa
Octavio M. Rivera Bugesa Esq.
Texas State Bar No. 24081261

TO THE HONORABLE COURT:

NOW COMES Petitioner, through undersigned counsel, who respectfully moves this Court to dismiss the pending Petition for Writ of Habeas Corpus as moot, and in support states as follows:

PROCEDURAL BACKGROUND

On or about December 31, 2025, Petitioner filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging his detention by the Department of Homeland Security (DHS).

Petitioner has been detained without a bond hearing since October 31, 2025, within the Southern District of Texas in the Department of Homeland Security's custody.

The sole relief sought in the Petition was immediate release from immigration custody, or that Respondents provide Petitioner a custody redetermination hearing.

PETITIONER HAS VOLUNTARILY DEPARTED FROM THE UNITED STATES

On January 7, 2026, at the hearing on the merits of his immigration case, after being detained for 68 days and upon this Court's denial of his Motion for Temporary Restraining Order filed on December 31, 2025 (Dkt. 3), Petitioner elected to voluntarily depart from the United States.

As a result, Petitioner will **no longer be in DHS custody** and is no longer subject to the detention challenged in this habeas proceeding.

THE HABEAS PETITION IS NOW MOOT

Article III of the United States Constitution limits federal courts to adjudicating **actual, ongoing cases or controversies**.

A habeas petition challenging immigration detention becomes moot once the petitioner is released from custody or removed from the United States, because the court can no longer grant the relief requested.

Because the Immigration Court has issued a final order granting Petitioner voluntary departure from the United States and Petitioner waived appeal of all issues, this Court **cannot grant effective relief**, and no exception to the mootness doctrine applies.

REQUEST FOR DISMISSAL WITHOUT PREJUDICE

Petitioner respectfully requests that the Court dismiss this action **without prejudice**, as the dismissal is based solely on mootness and not on the merits of Petitioner's claims.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court **dismiss the Petition for Writ of Habeas Corpus without prejudice as moot** and grant any other relief the Court deems just and proper.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on January 8, 2026, the foregoing motion to dismiss habeas petition as moot was filed with the Court through the Court's CM/ECF system on all parties and counsel registered with the Court CM/ECF system.

/s/ Octavio M. Rivera Bugesa
Octavio M. Rivera Bugesa, Esq.