

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

ALE SEBASTIAN BARRIOS	:	
MALDONADO,	:	
	:	
Petitioner,	:	
	:	Case No. 4:26-CV-39-CDL-ALS
v.	:	28 U.S.C. § 2241
	:	
WARDEN, STEWART DETENTION	:	
CENTER,	:	
	:	
Respondent.	:	

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**SECOND MOTION TO DISMISS**

On January 8, 2026, Petitioner filed an application for a writ of habeas corpus (the “Petition”). ECF No. 1. On January 12, 2026, Respondent was directed to file a comprehensive response within twenty-one days. ECF No. 3. Respondent now files this Motion to Dismiss showing the Court that the Petition is moot because Petitioner has voluntarily departed from the United States.

**ARGUMENT**

On January 23, 2026, the Department of Homeland Security (“DHS”), Immigration and Customs Enforcement (“ICE”) removed Petitioner from the United States to Venezuela via chartered ICE removal flight.<sup>1</sup> 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.

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<sup>1</sup> Respondent was unable to obtain a copy of the removal/voluntary departure paperwork by the time of this filing. Respondent will provide the documents supporting this Motion as soon as the documents become available.

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. 9-16, ECF No. 1. He was removed from the United States to Venezuela on January 23, 2026, and is no longer in Respondent’s custody. 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 reasons stated herein, Respondent respectfully requests that the Court dismiss the Petition. In the alternative, the Petition should be denied.

Respectfully submitted, this 2nd day of February, 2026.

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