

United States District Court
Western District of Texas
San Antonio Division

Jose Ramos Sera Cruz,
Petitioner,

v.

Kristi Noem, Secretary, DHS,
Respondents.

No. 5:26-CV-00063-FB

Advisory to the Court of Petitioner's Voluntary Departure

Respondents file this Advisory to notify the Court of Petitioner's voluntary departure or physical removal from the United States, which action moots this habeas challenge to the legality of his extended detention. *See Bacilio-Sabastian v. Barr*, 980 F.3d 480, 483 (5th Cir. 2020); *Ortez v. Chandler*, 845 F.2d 573, 575 (5th Cir. 1988); *Riley v. I.N.S.*, 310 F.3d 1253, 1257 (10th Cir. 2002); *Virani v. Huron*, 2020 WL 7405655, at *3 (W.D. Tex. Dec. 17, 2020). On or about January 5, 2026, Petitioner filed his petition. ECF No. 1. However, at the time he filed his petition, an immigration judge had already granted him voluntary departure. Exh. A (order dated Dec. 22, 2025). The immigration judge granted the motion after ICE and Petitioner, represented by counsel, jointly requested voluntary departure. *See* Exh. B (Petitioner's addendum at 4–5). The relief Petitioner sought, namely release, has already occurred. This petition is, therefore, moot.

Respectfully submitted,

Justin R. Simmons
United States Attorney

By: /s/ Anne Marie Cordova
Anne Marie Cordova
Assistant United States Attorney
Texas Bar No. 24073789
601 N.W. Loop 410, Suite 600
San Antonio, Texas 78216
(210) 384-7100 (phone)
(210) 384-7312 (fax)
Anne.Marie.Cordova@usdoj.gov

Certificate of Service

Respondents have not served this *pro se* Petitioner with a copy of this filing, as he is no longer detained at the address on file with the Court. Moreover, the undersigned does not have any forwarding address for Petitioner outside of the United States. As such, service on Petitioner through mail would be futile.

/s/ Anne Marie Cordova
Anne Marie Cordova
Assistant U.S. Attorney