

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

YAROSLAV YURIVICH VIKULIN,

Petitioner,

v.

**WARDEN, STEWART DETENTION
CENTER,**

Respondent.

:
:
:
:
:
:
:
:
:
:
:
:

**Case No. 4:26-CV-00123-CDL-AGH
28 U.S.C. § 2241**

RESPONDENT’S MOTION TO DISMISS

On January 26, 2026, Petitioner filed a petition for a writ of habeas corpus (Petition). ECF No. 1. Petitioner challenges his continued detention following revocation of his order of supervision (OSUP). *Id.* On January 26, 2026, the Court ordered Respondent to respond to the Petition within twenty-one days. ECF No. 3. On February 19, 2026, Respondent filed a Motion to Dismiss the Petition. ECF No. 7. On May 26, 2026, the Court directed Respondent to file a report on the status of Petitioner’s detention and removal. ECF No. 9.¹ Petitioner was removed from the United States on March 31, 2026. *See* Ex. A. The Petition should therefore be dismissed as moot.

ARGUMENT

On March 31, 2026, the Department of Homeland Security (“DHS”), Immigration and Customs Enforcement (“ICE”) removed Petitioner from the United States. *See* Ex A, Form I-205.

¹ Respondent acknowledges that the deadline to respond to the Court’s Order was June 9, 2026, and Respondent failed to file this Motion by that date. Undersigned counsel was awaiting the final paperwork from Respondent in order to file this Motion and simply missed the deadline. Undersigned counsel apologizes for the error and requests that the Court accept this Motion out of time.

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 was removed from the United States on March 31, 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 10th day of June, 2026.

WILLIAM R. KEYES
UNITED STATES ATTORNEY

BY: s/ Michael P. Morrill
Michael P. Morrill
Assistant United States Attorney
Georgia Bar No. 545410
United States Attorney's Office
Middle District of Georgia
P. O. Box 2568
Columbus, Georgia 31902
Phone: (706) 649-7728
michael.morrill@usdoj.gov