

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

RAUL GONZALEZ-SUAREZ,

Petitioner,

v.

WARDEN, SOUTH FLORIDA SOFT-
SIDED FACILITY SOUTH, et al. (all
official capacity),¹

Case No. 2:26-cv-87-KCD-DNF

A No. 

Cuba

Respondents.

Response to Habeas Petition

Petitioner Raul Gonzalez-Suarez challenges his detention by U.S. Department of Homeland Security (“DHS”) and Immigration and Customs Enforcement (“ICE”) as unreasonably prolonged. The Petition obviously fails because Gonzalez-Suarez was already removed. So the case is moot.

Perdomo is a citizen and national of Cuba. (Doc. 1 at 1). He was ordered removed, then ICE executed the order and removed to Mexico. (Ex. 1 at 1-2). In all, he was in detention for ninety-one days. (Ex. 2 at 1). Because Perdomo is no longer in ICE custody, his Petition must be denied as moot.

¹ The Warden is the only appropriate Respondent. 8 U.S.C. § 2243; *Rumsfeld v. Padilla*, 542 U.S. 426, 434-36 (2004); *Vandersnick v. Sec’y, Fla. Dep’t of Corr.*, No. 5:18-cv-603-SPC-PRL, 2021 WL 1020914, at *1 n.3 (M.D. Fla. Mar. 17, 2021). Any relief the Court awards should be fashioned to that within the power of the immediate custodian (i.e., the Warden) or ICE/DHS. See, e.g., *Mirando Bravo v. Noem*, No. 2:25-cv-1046-SPC-DNF, Doc. 8 at *3 (M.D. Fla. Dec. 5, 2025) (ordering ICE either to bring petitioner for a bond hearing or release by a specific date).

Mootness is a jurisdictional doctrine that flows directly from the limitation, imposed by Article 3—limiting federal court jurisdiction only to consideration of cases and controversies. U.S. Const. Art. 3; *Al Najjar v. Ashcroft*, 273 F.3d 1330, 1335-36 (11th Cir. 2001). The “case is moot when the issues presented are no longer ‘live’ or the parties lack a legally cognizable interest in the outcome.” *Al Najjar*, 273 F.3d at 1335-36. In other words, “a case is moot when it no longer presents a live controversy with respect to which the court can give meaningful relief.” *Id.* at 1336 (internal quotation marks omitted). “If 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.” *Id.*

A habeas case solely concerning a challenge to detention itself is rendered moot by removal and release. *Salmeron-Salmeron v. Spivey*, 926 F.3d 1283, 1289 (11th Cir. 2019); *Soliman v. INS*, 296 F.3d 1237, 1243 (11th Cir. 2002); *Djadju v. Vega*, 32 F.4th 1102, 1106-07 (11th Cir. 2022); *Mehmood v. U.S. Att’y General*, 808 Fed. Appx. 911, 913-14 (11th Cir. 2020). That happened here. So the case is moot.

Of course, “a petitioner’s release from custody does not automatically moot a petitioner’s claim.” *Fregis v. Holder*, 2014 WL 54839, at *1 (M.D. Fla. Jan 7, 2014). Indeed, “The courts have developed two exceptions to the mootness doctrine: (1) the existence of collateral consequences; and (2) when events surrounding the case are capable of repetition yet evading review.” *Id.* at *2.

The collateral consequences exception to the mootness doctrine applies “when there is some remaining ‘collateral consequence’ that may be redressed by success on

the petition.” *Fregis*, 2014 WL 54839, at *2 (quoting *Spencer*, 523 U.S. at 7). Put different, petitioner must demonstrate that he is suffering a continued, concrete injury that the Court can remedy. *See Spencer*, 523 U.S. at 7-8.

A second exception to mootness is the so-called “capable-of-repetition doctrine.” *Id.* at 17. This exception “applies only in exceptional situations,” *id.*, where “(1) there is a reasonable expectation or a demonstrated probability that the same controversy will recur involving the same complaining party, and (2) the challenged action is in its duration too short to be fully litigated prior to its cessation or expiration,” *Al Najjar*, 273 F.3d at 1336. Importantly, “The remote possibility that an event might recur is not enough to overcome mootness, and even a likely recurrence is insufficient if there would be ample opportunity for review at that time.” *Id.*

Here, Perdomo challenges his continued detention in ICE custody. Because Perdomo is no longer detained—and has in fact been removed—his petition should be denied as moot unless an exception applies. *See Fregis*, 2014 WL 54839, at * 1. None do. Perdomo offers no evidence of a continuing injury to remedy, which is his burden. *Spencer* 523 U.S. at 13-14. Likewise, Perdomo fails to provide any reason to believe that he will be taken back into custody absent a violation of his conditions of supervision, and “[t]he remote possibility that an event might recur is not enough to overcome mootness.” *See Al Najjar*, 273 F.3d at 1336. Nor could he as ICE already removed Perdomo. What’s more, should Perdomo ever face ICE detention again, he would not be foreclosed from filing another habeas petition.

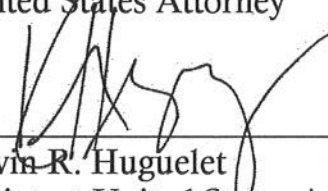
As explained, neither exception to the mootness doctrine applies. So Perdomo’s

habeas petition should be denied as moot. *Fregis*, 2014 WL 54839, at *2-3.

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Respectfully submitted,

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