

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 0:26-cv-00894-KMM-LIB

VINAY BODEPUDI,

Petitioner,

v.

**FEDERAL RESPONDENTS'
SURREPLY TO PETITION FOR
WRIT OF HABEAS CORPUS**

KRISTI NOEM, *et al.*,

Respondents.

Petitioner Vinay Bodepudi was arrested by the U.S. Immigration and Customs Enforcement (“ICE”), filed a habeas petition, and was released after ICE located a transfer-of-employer application that meant he had valid H-1B status. This makes Bodepudi’s pursuit of habeas relief moot because there is no longer a live Article III case or controversy surrounding the length or validity of his detention. And contrary to the suggestion in Bodepudi’s reply, Dkt. 5, the voluntary cessation exception to mootness does not require reaching a different result. The Federal Respondents therefore request that the Court dismiss this petition as moot.

BACKGROUND

The basic facts giving rise to Bodepudi’s recent detention are drawn from the accompanying declaration of Deportation Officer Christopher Campbell (“Campbell Decl.”) and recounted below.

Bodepudi is a citizen of India, who entered the United States in 2016 on an F-1 visa. Campbell Decl. ¶ 4. Through extensions and work authorizations, he maintained F-1

student status until June 2025. Campbell Decl. ¶ 5. Before his student status expired, Bodepudi sought and obtained employment-based H1-1B status. Campbell Decl. ¶ 6. This status was valid until June 29, 2025. Campbell Dec. ¶ 6.

At some point, Bodepudi applied to extend his H-1B status. But the U.S. Citizenship and Immigration Services denied his application in July 2025, which led to ICE's systems showing Bodepudi's H-1B status as revoked. Campbell Decl. ¶ 7. That was the state of things on January 8, 2026, when ICE agents arrested Bodepudi. Campbell Decl. ¶ 9. He filed this habeas action several weeks later, claiming he had applied to "renew" his H-1B status in June 2025. Campbell Decl. ¶ 10; *see also* Pet. ¶¶ 4, 12, 49.

Given the allegations in Bodepudi's petition, ICE conducted further investigation. Campbell Decl. ¶ 10. That investigation led to ICE locating a change-of-employer application submitted on Bodepudi's behalf on June 25, 2026. Campbell Decl. ¶¶ 8, 10. It is important to note that this application was not a "renewal" of Bodepudi's status, as the petition describes. It was a new application entirely, asking to change Bodepudi's sponsoring employer. Campbell Decl. ¶ 10. Once the June 2026 application was discovered, ICE updated its systems to reflect Bodepudi's status and released him. Campbell Decl. ¶¶ 10-11. ICE now agrees "that Bodepudi currently has valid H-1B status." Campbell Decl. ¶ 11.

ARGUMENT

This case is moot, and the voluntary cessation exception does not save it from dismissal. Like all civil cases, a habeas petition must present an actual and ongoing case or controversy for a federal court to have subject-matter jurisdiction. U.S. Const. art. III, § 2;

Potter v. Norwest Mortg., Inc., 329 F.3d 608, 611 (8th Cir. 2003); *Walton v. United States*, 2024 U.S. Dist. LEXIS 77389 (D. Minn. Apr. 3, 2024), *adopted by*, 2024 U.S. Dist. LEXIS 76249 (D. Minn. Apr. 26, 2024). Indeed, the Supreme Court explains that “Article III denies federal courts the power to decide questions that cannot affect the rights of litigants in the case before them.” *Lewis v. Cont’l Bank Corp.*, 494 U.S. 472, 477 (1990). The Constitution “confines [federal courts] to resolving real and substantial controversies admitting of specific relief through a decree of a conclusive character, as distinguished from an opinion advising what the law would be upon a hypothetical state of facts.” *Id.*; *see also Missouri ex rel. Nixon v. Craig*, 163 F.3d 482, 484 (8th Cir. 1998) (“[I]f this case is indeed moot, we must refrain from reaching the merits because any opinion issued would be merely ‘advisory’ and rest on hypothetical underpinnings.”). These basic principles require dismissing Bodepudi’s habeas petition for lack of subject matter jurisdiction.

Bodepudi filed this petition because he wanted to be released from custody. Pet. at 19.¹ And Eighth Circuit precedent is clear that habeas review is limited to evaluating the fact or duration of a person’s confinement. *Spencer v. Haynes*, 774 F.3d 467, 469-71 (8th Cir. 2014); *Kruger v. Erickson*, 77 F.3d 1071, 1073 (8th Cir. 1996). Everyone agrees

¹ True, Bodepudi also included an APA claim in his habeas petition. Pet. ¶¶ 60-66. But that claim was specifically aimed at challenging his detention. Pet. ¶ 66 (“Petitioner’s detention should be held unlawful and set aside.”). Regardless, a standard civil APA claim is out of place in this case because “it improperly aggregates a habeas petition with non-habeas civil claims. The Third Circuit and courts in this district have rejected this kind of Frankenstein pleading because it unduly broadens the narrow scope of habeas corpus and combines proceedings with incompatible procedural rules.” *Baldevbhai Patel v. Noem*, 2025 U.S. Dist. LEXIS 197507, at *3-4 (D. Minn. Sep. 12, 2025), *adopted by* 2025 U.S. Dist. LEXIS 196079 (D. Minn. Oct. 3, 2025).

that Bodepudi has been released. Because release is all that he sought (and all that he was allowed to seek in a habeas action), there is nothing left for the Court to order ICE to do.

Even Bodepudi's reply brief does not seriously suggest otherwise. He fails to identify *any* further relief that the Court needs to order here. In fact, Bodepudi devotes barely a page to the substantive mootness question and uses most of his brief to talk about attorneys' fees. *See* Dkt. 5, at 3-7. That is mistake. A request for fees does not "create an Article III case or controversy where none exists on the merits of the underlying claim." *Lewis*, 494 U.S. at 480.

Nor do Bodepudi's speculative fears about re-detention justify keeping an otherwise moot case alive. The reply cites no evidence of a particularized fear that *Bodepudi himself* is at risk of re-detention due to expired H-1B status. Instead, the reply vaguely argues "there has been no confirmation that the immigration charges served upon Petitioner would not be pursued in the future under these same circumstances." Dkt. 5, at 2. But the Department of Homeland Security's decision to pursue removal is not—and cannot be—the issue in this case. Under 8 U.S.C. § 1252(g), federal courts lack jurisdiction to review any claim "arising from the decision or action by the Attorney General to commence proceedings." What matters is whether ICE is free to re-detain Bodepudi for the same reasons that led to his recent detention. On that score, the record evidence is clear: sworn testimony from an ICE officer agrees that Bodepudi has valid H-1B status and explains that the agency's records have been updated to account for the previously overlooked June 2025 change-of-employer application. Campbell Decl. ¶¶ 10-11. In other words, ICE will not be free to resume the conduct complained of in this petition after it is dismissed. The circumstances

that led to Bodepudi's arrest "cannot reasonably be expected to recur." *FBI v. Fikre*, 601 U.S. 234, 241 (2024).

This Court is familiar with how mootness works in the context of habeas actions. One good example is *Garcia v. Eischen*, where the Court held that an inmate's statutory arguments for earlier release to a halfway house were rendered moot once he was transferred. 2025 U.S. Dist. LEXIS 97519, at *5 (D. Minn. May 22, 2025) ("The Court finds that the petition here is moot because it can no longer grant effective review. Mr. Garcia has received the relief he requested in his habeas petition—that he be transferred from a federal prison to an RRC or home confinement.") The Court rejected that petitioner's voluntary cessation argument because the conduct resulting in the custody he was challenging ceased and could not be repeated. *Id.* at *12-13 (describing agency decision to hold the petitioner and explaining "[t]hat conduct has ceased, and even if Mr. Garcia's actions could result in a revocation of his transfer to prerelease custody, the conduct he challenged in his petition is unlikely to recur because the BOP's interpretation of § 3632(d)(4)(C) is no longer implicated" (original emphasis)).

Garcia aligns with other decisions from this Court explaining that release from custody moots a habeas petition. *See, e.g., MacDermott v. Rardin*, 2025 U.S. Dist. LEXIS 255349, at *5-6 (D. Minn. Dec. 10, 2025) ("[T]he 'voluntary cessation' exception does not apply because MacDermott has been released and is no longer in BOP custody. Even assuming MacDermott was placed in BOP custody again, the situation would present a different set of facts and circumstances, and therefore it would be impossible for the government to repeat the *same* unlawful conduct that MacDermott challenged." (original

emphasis) (cleaned up)); *Nadin K. v. Barr*, 2019 U.S. Dist. LEXIS 83337, at *1-2 (D. Minn. May 17, 2019) (“The question before the Court is whether Nadin’s release from ICE custody renders his habeas petition moot. Article III of the United States Constitution limits the jurisdiction of the federal courts to actual, ongoing cases and controversies. No ongoing case or controversy exists when a habeas petitioner achieves the result sought in his habeas petition because, at that point, his change in circumstances has forestalled any occasion for meaningful relief.” (cleaned up)). Bodepudi’s case is no different. He has obtained the exact habeas relief requested in his petition, and the record evidence confirms he will not be re-detained for the same reason in the future. The Court should therefore dismiss this habeas action as moot.

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