IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

C.A.C.C., *Petitioner*, v. ROBERT F. KENNEDY, JR., *et al.*, *Respondents*.	Case No. 1:26cv368 (LMB/WEF)

RESPONSE TO PETITION FOR A WRIT OF HABEAS CORPUS

Pursuant to this Court's order of February 6, 2026 (Dkt. 2), Federal Respondents hereby respond to the petition for a writ of habeas corpus (Dkt. 1.)

1. Petitioner, C.A.C.C., is an eight-year-old child who, through his next friend and mother, petitions the Court for a writ of habeas corpus. Petitioner seeks release from the custody of the Department of Health and Human Services' Office of Refugee Resettlement ("ORR").

2. ORR has approved Petitioner's mother's sponsorship application, and Petitioner is scheduled to be released to his mother's custody around 9:00pm today, February 11, 2026.

3. Federal Respondents will provide the Court with confirmation of the completed release on February 12, 2026.

4. Once Petitioner is released from ORR custody, his habeas petition will be moot and should be dismissed for lack of jurisdiction.

5. Pursuant to Article III of the Constitution, a federal court's jurisdiction extends only to "cases or controversies." *Whitmore v. Arkansas*, 495 U.S. 149, 154-55 (1990). A federal court's

jurisdiction thus empowers it to decide questions that can affect the rights of litigants in the case before it, but it has "no authority to give opinions upon moot questions or abstract propositions, or to declare principles or rules of law which cannot affect the matter in issue in the case before it." *Incumaa v. Ozmint*, 507 F.3d 281, 286 (4th Cir. 2007) (citations and internal quotation marks omitted). In order for a court to act upon a case, "[t]he controversy must exist at all stages of review." *Alvarez v. Conley*, 145 F. App'x 428, 429 (4th Cir. 2005) (citing *Toms v. Allied Bond & Collection Agency, Inc.*, 179 F.3d 103, 105 (4th Cir. 1999)). A case is moot when "the issues presented are no longer 'live' or the parties lack a legally cognizable interest in the outcome." *Incumaa*, 507 F.3d at 286 (quoting *Powell v. McCormack*, 395 U.S. 486, 496 (1969)). Additionally, a case can become moot due to a change in the facts or the law. *Ross v. Reed*, 719 F.2d 689, 693-94 (4th Cir. 1983). "If intervening factual or legal events effectively dispel the case or controversy during the pendency of the suit, the federal courts are powerless to decide the questions presented." *Id.*

6. Here, Petitioner's case will soon be moot due to a change in facts during the pendency of his suit. "It is well-settled that a habeas corpus petition seeking release from immigration detention is moot when the petitioner is no longer held in detention." *Elnour v. Crawford*, 2013 WL 6571828, at *1 (E.D. Va. Dec. 13, 2013). And as this Court has previously held in the context of minors held in ORR custody, a minor's habeas claim is rendered moot after their release from ORR custody, because he has received all the relief he seeks. *J.E.C.M. v. Lloyd*, 352 F. Supp. 3d 559, 576-77 (E.D. Va. 2018); *see also Watson v. INS*, 271 F. Supp. 2d 840 (E.D. Va. 2003) ("Any opinion regarding Watson's challenge to his detention would be purely advisory. This appeal is therefore moot." (cleaned up)). Nor does the voluntary cessation exception to the mootness doctrine apply. As this Court observed, "[r]elease from custody is not the type of official

conduct that normally triggers the concerns animating the voluntary cessation doctrine, and courts are reticent to assume that officials will re-seize released individuals the moment their claims are declared moot." *J.E.C.M.*, 352 F. Supp. 3d at 577.

7. Once Petitioner has been released from ORR custody, Federal Respondents respectfully request that the Court dismiss the habeas petition as moot.

Dated: February 11, 2026

Respectfully submitted,

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/s/
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