

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO: 26-20990-CIV-ALTONAGA/Reid

JAVIER DE LA MONEDA ROSARIO,
Petitioner,

v.

WARDEN OF THE KROME NORTH
SERVICE PROCESSING CENTER, *et al.*,
Respondent(s).

RESPONDENTS' MOTION TO DISMISS PETITION AS MOOT

Warden of the Krome North Service Processing Center, et. al., (“Respondents”) through the undersigned counsel, move to dismiss Javier De La Moneda Rosario’s (“Petitioner”) Amended Petition for Writ of Habeas Corpus [ECF No. 5] (“Petition”) on grounds of mootness. Petitioner has been removed; thus, he has been released from ICE’s custody rendering the Petition moot. Accordingly, the Petition must be dismissed.

I. FACTUAL BACKGROUND

On February 23, 2026, Petitioner filed an amended Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 asserting that he should be released from the Krome North Service Processing Center (Krome) [ECF No.5].

On February 19, 2026, Petitioner was released from ICE Custody via removal to his native country of Cuba. *See* Exhibits A and B, Detention History/Evidence of Removal. Petitioner acknowledges that he was removed to his native country of Cuba prior to filing his amended Petition. *See* ¶ 31.

II. ARGUMENT

In view of Petitioner’s release from detention, the Court should dismiss the Petition as moot

because there longer exists a case or controversy under Article III, section 2, of the Constitution. The case-or-controversy requirement of Article III, section 2, of the United States Constitution applies through all stages of federal litigation. *Spencer v. Kemna*, 523 U.S. 1, 7 (1998). When there is nothing for the Court to remedy, a case is moot. *Spencer*, 523 U.S. at 17. The Petition sought release, and Petitioner was released; mooting the controversy over which the Court could arguably exercise subject matter jurisdiction. *See Soliman v. United States*, 296 F.3d 1237, 1242 (11th Cir. 2002); *Garcia v. Warden, Stewart Det. Ctr.* 774 Fed. Appx. 522, 524 (11th Cir. 2019)(challenges to detention became moot when petitioner was removed from the United States and released from custody).

Since Petitioner's claim is moot, the Court lacks jurisdiction to address the matter. *Nat'l Adver. Co. v. City of Miami*, 402 F.3d 1329, 1332 (11th Cir. 2005) (a moot suit cannot present an Article III case or controversy, and the federal courts lack subject matter jurisdiction to entertain it); *Granite State Outdoor Advertising, Inc. v. City of Clearwater, Florida*, 351 F.3d 1112 (11th Cir. 2003) (finding no jurisdiction where a party lacks standing under Article III).

WHEREFORE, Respondents respectfully request that the Court dismiss the Petition as moot.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 26, 2026, I electronically filed the foregoing document with the Clerk of Court using CM/ECF

/s/Jedidiah Bradley
Jedidiah Bradley
Special Assistant United States Attorney