

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

EMMANUEL DE JESUS SANCHEZ,

Petitioner,

v.

Case No. 2:26-cv-642-JES-NPM

WARDEN, FLORIDA SOFT
SIDE SOUTH, et al.

Respondents.

**RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS
AND SUGGESTION OF MOOTNESS**

Petitioner Emmanuel De Jesus Sanchez challenges his detention by U.S. Immigration and Customs Enforcement, arguing he is entitled to either immediate release or a bond hearing under 8 U.S.C. § 1226.

Since filing his Petition, De Jesus Sanchez received the voluntary departure that he had requested on February 21, 2026. Ex. 1 at 2, 7. It has been represented to undersigned counsel by ICE that Petitioner departed the United States to Nicaragua via an ICE Air flight on March 12, 2026. This petition should be dismissed as moot because Petitioner is no longer in custody.

FACTS

De Jesus Sanchez is a national and citizen of Nicaragua who last entered the United States at an unknown date and time. Composite Ex. 1 at 1. He was encountered by ICE after a traffic stop. *Id.* at 2. He was placed in immigration

custody on February 21, 2026. *Id.* at 1. The same day, Petitioner requested a Voluntary Departure. *Id.* at 2. The Voluntary Departure was granted on February 22, 2026. *Id.* at 4. De Jesus Sanchez was to depart from the United States by March 26, 2026 at the United States' government's expense. *Id.* On March 6, 2026, De Jesus Sanchez filed a petition for writ of habeas corpus. Dkt. 1. Counsel for ICE represented to undersigned counsel that De Jesus Sanchez departed the United States to Nicaragua via an ICE Air flight on March 12, 2026.

CERTIFIED HABEAS RETURN

Until his departure from the United States, ICE was detaining De Jesus Sanchez under the mandatory detention provisions of 8 U.S.C. § 1225(b)(2). *See* 28 U.S.C. § 2243 (“The person to whom the writ or order is directed shall make a return certifying the true cause of the detention.”). De Jesus Sanchez bears the burden to prove his custody violates federal law. *Whitfield v. U.S. Sec’y of State*, 853 F. App’x 327, 329 (11th Cir. 2021).

LEGAL STANDARD

A court must dismiss an action if it determines, at any time, that it lacks subject matter jurisdiction. Fed. Rs. Civ. P. 12(b)(1) & 12(h)(3). The party invoking jurisdiction bears the burden of proving jurisdiction is proper. *Steel Co. v. Citizens for a Better Env’t*, 523 U.S. 83, 104 (1998).

Federal courts may only hear “cases” and “controversies.” U.S. CONST. art. III, § 2, cl. 1. A court lacks jurisdiction where an action no longer presents a live

controversy through which meaningful relief can be granted. *Fla. Ass'n of Rehab. Facilities, Inc. v. Fla. Dep't of Health and Rehab. Servs.*, 225 F.3d 1208, 1216-17 (11th Cir. 2000). The doctrine of mootness demands that the Court “look at the events at the present time, not at the time the complaint was filed.” *Dow Jones & Co. v. Kaye*, 256 F.3d 1251, 1254 (11th Cir. 2001). And where events take place subsequent to the filing of the claim that would preclude a court from granting meaningful relief, the issue becomes moot and the case must be dismissed. *Al Najjar v. Ashcroft*, 273 F.3d 1330, 1336 (11th Cir. 2001).

DISCUSSION

Because De Jesus Sanchez is no longer in ICE custody, his habeas petition is moot. There is no longer a live controversy through which meaningful relief could be granted. *Fla. Ass'n of Rehab. Facilities, Inc.*, 225 F.3d at 1216-17 (finding a case moot when it no longer presents a controversy that can be meaningfully remedied through the court).

The mootness doctrine derives from the case-or-controversy limitation because “an action that is moot cannot be characterized as an active case or controversy.” *Adler v. Duval County Sch. Bd.*, 112 F.3d 1475, 1477 (11th Cir.1997). “[W]hen the issues presented are no longer ‘live’ or the parties lack a legally cognizable interest in the outcome” the matter is moot. *Al Najjar*, 273 F.3d at 1335-36. In the habeas context the general rule is that there is only a live case or controversy when a petitioner is in custody. 28 U.S.C. § 2241(c); *Spencer v. Kemna*,

523 U.S. 1, 7-8 (1998); *Salmeron-Salmeron v. Spivey*, 926 F.3d 1283, 1289 (11th Cir. 2019). Accordingly, if— subsequent to the filing of the lawsuit—events take place that deprive the court of the ability to grant meaningful relief, the matter is moot and the case must be dismissed. *See, e.g., Hall v. Beals*, 396 U.S. 45, 48 (1969) (per curiam). Because De Jesus Sanchez was challenging his detention and he is no longer detained, his petition should be denied as moot.

CONCLUSION

De Jesus Sanchez's Petition for Writ of Habeas Corpus should be denied as moot.

DATED this 27th day of March, 2026.

Respectfully submitted,

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