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UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

C.S.M., a minor, by and through M.P.S.M., as Next Friend of Minor,

Petitioner,

v.

RUBY HERNANDEZ, *et al.*,

Respondents.

No. 5:26-cv-01144-JWH-ACCV

RESPONDENTS' ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS

Honorable Angela C. C. Viramontes
United States Magistrate Judge

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Pursuant to General Order No. 05-07, further proceedings on the merits of C.S.M.'s Petition have been referred to the Magistrate Judge assigned to this case. *See* Dkt. 18 (Order vacating preliminary injunction hearing). As such, Respondents submit this Answer responding to the underlying Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 ("Habeas Petition"). Dkt. 1.

The minor Petitioner identified in the caption, C.S.M., was an unaccompanied alien child (UAC) who entered the United States on September 2, 2025, and referred into the care and custody of the Office of Refugee Resettlement (ORR) on September 3, 2025, which eventually placed her into Marsell Wellness Center-Riverside, an ORR Transitional Foster Care provider in Fullerton, California. C.S.M. subsequently filed a Habeas Petition, brought by her sister M.P.S.M., requesting immediate release from custody of ORR. Dkt. 1.[1] The Habeas Petition complained of delays in the processing of a sponsorship application that was filed five months ago. **It is now undisputed that C.S.M. is permanently reunified with her sister and the sponsorship application process has concluded.**

Pursuant to the Court's Temporary Restraining Order (TRO) dated March 20, 2026, Dkt. 14, the reunification of C.S.M. to M.P.S.M. (Sponsor), occurred on March 20, 2026. Mere hours if not days after the TRO was issued, ORR received the remaining information it sought to confirm before releasing C.S.M. to her Sponsor.

Based on the express and *only* relief pled in the Habeas Petition, there is no further relief the Court can provide. *See* 28 U.S.C. § 2241(c). Moreover, even after C.S.M.'s release from custody, Petitioner lacks Article III standing to maintain this action and cannot claim fear of re-detention, especially when ORR has no legal ability to re-detain

[1] As of the filing of the Habeas Petition or this Answer, the Court had not entered General Order 26-05 in this case. As such, this matter has not adopted the standard procedures and briefing schedule under the General Order.

her. *See, e.g.*, *City of Los Angeles v. Lyons*, 461 U.S. 95, 102 (1983). Accordingly, the Habeas Petition should be denied as moot and this lawsuit should be dismissed.

II. LEGAL FRAMEWORK

A. The Homeland Security Act of 2002

With the enactment of the HSA, Congress created DHS and transferred most immigration functions formerly performed by INS to DHS and its components, including U.S. Citizenship and Immigration Services, U.S. Customs and Border Protection, and U.S. Immigration and Customs Enforcement ("ICE"). *See* HSA; Department of Homeland Security Reorganization Plan Modification of January 30, 2003, H.R. Doc. No. 108-32 (2003) (also set forth as a note to 6 U.S.C. § 542). Notably, Congress transferred to [ORR] the responsibility for the care of any UAC "who [is] in Federal custody by reason of [his or her] immigration status." 6 U.S.C. §§ 279(a), (b)(1)(A). The HSA also transferred to ORR the responsibility for making all placement decisions for UACs, required ORR to coordinate these placement decisions with DHS, and required ORR to ensure that UACs are not released upon their own recognizance. *See* 6 U.S.C. §§ 279(b)(1)(C), (D), (b)(2).

B. The Trafficking Victims Protection Reauthorization Act of 2008

The TVPRA, which was signed into law on December 23, 2008, contains statutory protections relating to unaccompanied alien children (UACs) and codified protections related to the processing and detention of UACs. The TVPRA built on the split of duties in the HSA and further requires that "the care and custody of all unaccompanied alien children, including responsibility for their detention, where appropriate, shall be the responsibility of the Secretary of Health and Human Services." 8 U.S.C. § 1232(b)(1). It also provides that in most instances, "any department or agency of the Federal Government that has an unaccompanied alien child in custody shall transfer the custody of such child to the Secretary of Health and Human Services not later than 72 hours after determining that such child is an unaccompanied alien child." 8 U.S.C. § 1232(b)(3).

The TVPRA makes clear that HHS is responsible for all placement decisions for UACs in its custody, and for conducting suitability assessments for those placements. 8

U.S.C. § 1232(c). It requires that UACs in HHS custody be "promptly placed in the least restrictive setting that is in the best interest of the child," and it provides guidelines for the reunification of UACs with their families by HHS. 8 U.S.C. § 1232(c)(2), (3).

C. The Foundational Rule (2024)

In April 2024, ORR promulgated the Unaccompanied Children Program Foundational Rule, codified at 45 C.F.R. Part 410, to establish comprehensive regulations governing its UAC program. The Foundational Rule also implements provisions of the *Flores Settlement Agreement* ("FSA") relevant to ORR's care and custody of UACs and conditionally and partially terminated the FSA as to ORR in June 2024. Effective July 1, 2024, the Foundational Rule formalized previously informal procedures, including those related to ORR's release policies and practices.

The Foundational Rule provides that ORR identifies a standard program placement for the UAC upon notification from any federal department or agency that a child in its custody is an UAC and therefore must be transferred to ORR custody. 45 C.F.R. § 410.1101(b). ORR works with the referring federal government department or agency to accept transfer of custody of the UAC, consistent with the statutory requirements at 8 U.S.C. § 1232(b)(3) and 45 C.F.R. § 410.1101(c). ORR places each UAC in the least restrictive setting that is in the best interest of the child and appropriate to the unaccompanied child's age and individualized needs. 45 C.F.R. § 410.1103(a). ORR may place a child in a shelter facility, foster home or group home (which may be therapeutic), heightened supervision facility or secure facility (including residential treatment centers), or other care facility that can provide for their specific individualized needs, including an out-of-network ("OON") placement (which may be restrictive or non-restrictive). 45 C.F.R. § 410.1102; UAC Policy Guide § 1.2. ORR also considers several factors that are relevant to the UAC's placement, including but not limited to: danger to self; danger to the community/others; runaway risk; trafficking in person or other safety concerns; age; and gender. 45 C.F.R. § 410.1103(b).

While the UAC remains in ORR custody, ORR seeks to release the UAC from

its custody "[s]ubject to an assessment of sponsor suitability," 45 C.F.R. § 410.1201, which includes "verification of the potential sponsor's identity," 45 C.F.R. § 410.1202(b), "verification of the employment, income, or other information provided by the potential sponsor as evidence of the ability to support the child," 45 C.F.R. § 410.1202(c), and "[i]n all cases, ORR shall require background and criminal records checks," *id.*, which may include a criminal history check based on fingerprints. The Foundational Rule reinforces congressional intent articulated in the HSA and TVPRA that HHS ensure UAC protection from human traffickers and release UAC only to those sponsors capable of protecting their well-being. 45 C.F.R. § 410.1003.

D. ORR Release Policies and Practice

To carry out its statutory mandate under the HSA and TVPRA, ORR has developed policies and procedures for identifying, and conducting suitability assessments of, potential sponsors. These procedures are generally set out in the ORR's publicly available UAC Bureau Policy Guide (UAC Policy Guide). *See* ORR Unaccompanied Alien Children Bureau Policy Guide, *available at* https://acf.gov/orr/policy-guidance/unaccompanied-children-bureau-policy-guide (current as of Apr. 9, 2026) (last visited Apr. 29, 2026). A full assessment of a potential sponsor's suitability is particularly appropriate because ORR is not a law or immigration enforcement agency and lacks the authority to hold individuals accountable by reassuming care if the sponsor abuses or neglects a child after a UAC has been released from ORR custody. Rather, ORR only takes children into its custody upon referral by another federal agency, as described in statute. In this regard, ORR is also very different from state child welfare agencies, which typically retain such authority post-placement. Accordingly, ORR must front-load child safety considerations in its identity verification and sponsor-vetting policies.

In light of ORR's obligation to protect UACs from smugglers, traffickers, and others who may seek to victimize them, "safe and timely release . . . involves several steps, including: the identification of sponsors; sponsor application; interviews; the

assessment (evaluation) of sponsor suitability, including verification of the sponsor's identity and relationship to the child (if any), background checks, and in some cases home studies; and post-release planning." UAC Policy Guide § 2.1. There are four categories of potential sponsors: (1) Category 1, consisting of parents or legal guardians; (2) Category 2A, consisting of siblings, half-siblings, grandparents, immediate relatives (such as aunts, uncles, and cousins) who previously served as a primary caregiver, and other biological relatives and relatives through marriage; (3) Category 2B, consisting of immediate relatives (including biological relatives and relatives through marriage) who did not previously serve as a primary caregiver; (4) Category 3, consisting of other sponsors, such as distant relatives and unrelated adult individuals. UAC Policy Guide § 2.2.1. ORR (through its care providers) conducts a suitability assessment of the potential sponsor, including a review of the sponsor's strengths, resources, risk factors, and special concerns within the context of each child's needs, strengths, resources, risk factors, and relationship to the sponsor. UAC Policy Guide §§ 2.2.2, 2.4.

A potential sponsor, such as a family member, must complete a Sponsorship Application ("SA"), provide unexpired government-issued identification documentation for the sponsor and any other adults living in the household or identified in a sponsor care plan, and, along with any adult living in his or her household, undergo a background check. UAC Policy Guide §§ 2.2.4, 2.5.

All potential sponsors must also submit proof of address, income, sponsor-child relationship, and criminal history documents (if applicable). UAC Policy Guide § 2.2.4. Additionally, in certain circumstances a home study, which consists of interviews, a home visit, and a written report containing the home-study case worker's findings, is performed. UAC Policy Guide § 2.4.2.

Once the assessment of the potential sponsor is complete, the care provider makes a release recommendation. UAC Policy Guide § 2.7. The recommendation must take into consideration all relevant information, including the report and recommendations

from a home study, if conducted, laws governing the process, and other facts in the case. ORR makes the final release decision. UAC Policy Guide § 2.7. Release decisions include: (1) approve release to sponsor; (2) approve release with post-release services; (3) conduct a home study before a final release decision; (4) deny release; or (5) remand for further information. UAC Policy Guide § 2.7. ORR denies release if: (1) the potential sponsor is not willing or able to provide for the child's physical or mental well-being; (2) the potential sponsor is not willing to complete the mandatory fingerprint check; (3) the physical environment of the home presents a risk to the child's safety or well-being; or (4) release of the UAC would present a risk to him or herself, the sponsor, household, or community. UAC Policy Guide § 2.7.4.

III. FACTUAL AND PROCEDURAL BACKGROUND

A. Factual Background

As noted above, C.S.M., entered the United States on September 2, 2025, and was referred into the care and custody of the ORR. Prior to and after this lawsuit was filed, ORR consistently acted with diligence and with care as to the custody and potential release of C.S.M. *See* Dkt. 10-1 ("Declaration of Toby Biswas" or "Biswas Decl."); *see also* Dkt. 16-1 ("Second Declaration of Toby Biswas" or "Sec. Biswas Decl.")

C.S.M. entered ORR custody on September 3, 2025, and transferred to Crittenton Shelter in Orange County, California. Biswas Decl. ¶ 18. On October 15, 2025, CSM was subsequently transferred to Marsell Wellness Center-Riverside, an ORR Transitional Foster Care provider in Fullerton, California. *Id.* This is where C.S.M. was previously resided before the reunification to her sister. *See* Dkt. 16. At the time of this initial placement, ORR began its normal sponsorship verification process to release C.S.M. to a viable sponsor. Biswas Decl. ¶ 18.

Between September 5 and September 9, 2025, the sponsor, M.P.S.M., presented herself to ORR. *Id.* ¶ 19. M.P.S.M. initially identified herself as C.S.M.'s maternal *aunt*. After several attempted calls to M.P.S.M. and to the mother of C.S.M by the case

manager, M.P.S.M. eventually disclosed she is the *sister*, not the aunt of C.S.M. *Id.* On September 9, 2025, ORR sent M.P.S.M. the sponsor application. *Id.*

Between September 23 and September 30, 2025, ORR sent Authorization for Release of Information ("ARI") forms to the household members and alternative caregiver. *Id.* ¶ 19. The sponsor completed her ARI and attended a fingerprint appointment on September 23, 2025. *Id.* The sponsor's fingerprints were cleared on September 30, 2025. *Id.*

On October 14, 2025, two household members ("HHM") (i.e., people living in the home with the sponsor) and alternative care giver ("ACG"), who also lives in the home, completed their ARIs. *Id.* ¶ 20. ORR scheduled the HHMs and the ACG for their fingerprint appointments. *Id.*

On October 15, 2025, the sponsor submitted the Sponsor Application. *Id.* ¶ 21.

On October 16, 2025, the ACG, Joel, attended his fingerprint appointment. *Id.* ¶ 22. ORR received the results the same day, which came back as "appears clear." *Id.*

On October 22, 2025, HHM Eliseo, attended his fingerprint appointment. *Id.* ¶ 23. The results came back the same day as "appears clear." *Id.*

On October 30, 2025, HHM Francisco, attended a rescheduled fingerprinting appointment after missing the first appointment. *Id.* ¶ 24. ORR received the fingerprint results on October 31, 2025, which came back as "appears clear." *Id.*

On November 6, 2025, ORR referred the sponsor for DNA testing and for an in-person ID check. *Id.* ¶ 25.

On January 2, 2026, ORR reviewed the sponsor's application to ensure the sponsor, HHMs, and ACG submitted the required social security numbers or ITINs. *Id.* ¶ 26.

The FFS continued to provide updates to the sponsor and the child on efforts to schedule the in-person ID and DNA testing appointments. *Id.* ¶ 27. During this time, the child continued to attend public school and received weekly individual psychotherapy sessions, consistent with the required services identified in 45 C.F.R. §

410.1302. *Id.*

On March 6, 2026, the Federal Field Specialist ("FFS") assigned to M.P.S.M.'s sponsor application attempted to contact the sponsor but received no answer. *Id.* ¶ 28. The FFS sent the sponsor a text message with an update. *Id.*

On March 9, 2026, the FFS spoke with C.S.M.'s attorney, Stephanie Pelivon Palacios. *Id.* ¶ 29.

On March 10, 11, and 12, 2026, the FFS attempted to call the sponsor, household members, and the alternative caregiver without success, and voicemails were left for the sponsor and one household member. *Id.* ¶ 30. On March 10, 2026, the FFS attempted to call the sponsor with no answer and sent a text message requesting a callback regarding the identity verification and DNA appointment. *Id.*

On March 13, 2026, the FFS collected the sponsor's DNA sample and submitted it. *Id.* ¶ 31.

On March 16, 2026, the FFS collected C.S.M.'s DNA sample and submitted it. *Id.* ¶ 32.

B. Habeas Petition Procedural Background

On March 11, 2026, C.S.M. thought her sister, filed a Habeas Petition. Dkt. 1. On the same day, C.S.M. filed an *ex parte* application for a temporary restraining order requiring Respondents to immediately release C.S.M. from the custody of ORR. Dkt. 2. The Court entered an order directing Respondents to file a response to the *ex parte* application (Dkt. 10) and directing C.S.M. to file a reply (Dkt. 12).

On March 20, 2026, at 8:30 a.m. Pacific Time, the Court held a hearing and granted the TRO. Dkt. 14. The TRO required release of C.S.M. "forthwith" and required Respondents to file a status report on the regarding the outcome of the DNA test and the outcome of any other investigation concerning the Sponsorship Application. *Id.* On the same day, Respondents complied with the release portion of the TRO. Dkt. 16. The reunification of C.S.M. to M.P.S.M. (Sponsor), occurred on March 20, 2026. *Id.*

ORR received the results of the DNA tests of C.S.M. and M.P.S.M. that confirmed

their biological relationship. *See* Sec. Biswas Decl. ¶ 4. In addition, the internet background check of M.P.S.M. is completed and came back as "clear." *See id.*

ORR only received *and* reviewed the DNA tests results, after the time of the TRO hearing on March 20, 2026. Therefore, counsel of record for Respondents did not have real-time results of the DNA test to advise the Court during the oral argument portion of the TRO hearing.[2] As such and in compliance with the TRO, Respondents timely and correctly advised the Court of the requested information in their status report.

On March 26, 2026, and after C.S.M. was released, the parties stipulated that a preliminary injunction is no longer required, and the Court entered an order granting the parties' stipulation. *See* Dkt. 17-18. The TRO expired on April 3, 2026, by operation of law after 14 days. *See* Fed. R. Civ. P. 65(b)(2). After the TRO lapsed, C.S.M. did not move for a preliminary injunction. As of the filing of this Answer, C.S.M. has not sought further habeas relief in this action.

IV. ARGUMENT

A. This Case is Moot and Should Be Dismissed

"A case becomes moot when interim relief or events have deprived the court of the ability to redress the party's injuries." *United States v. Alder Creek Water Co.*, 823 F.2d 343, 345 (9th Cir. 1987) *see also NASD Disp. Resol., Inc. v. Jud. Council*, 488 F.3d 1065, 1068 (9th Cir. 2007) (finding the appeal to be moot when the plaintiffs were already granted the relief that they sought). Further, a court has an obligation to consider mootness *sua sponte*, and it should deny the requested relief when it is superfluous. *See In re Burrell*, 415 F.3d 994, 997 (9th Cir. 2005).

The three claims in the Habeas Petition are moot. *See* Dkt. 1 ¶¶ 81-100. The Habeas

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[2] Respondents only include a factual update in response to the "status report" filed by C.S.M. *See* Dkt. 19. In her status report, C.S.M. and her counsels appear to impute improprieties or omissions of fact by Respondents' counsel of record, regarding (1) which specific individuals at ORR that Respondents' counsel spoke to; and (2) the timing of the DNA test results. *See id.* However, the assertions by Petitioner's counsel lack merit and appear to be an attempt to manufacture non-issues.

Petition asserts subject matter jurisdiction pursuant to 28 U.S.C. § 2241. Dkt. 1. ¶ 10. During the lawsuit, C.S.M. requested *ex parte* relief to be immediately reunified with her sister as her sponsor, all based on allegations that the timeline of the sponsorship process violated her due process rights and her temporary placement in ORR custody eventually led to a violation of the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008.

ORR only has the authority to accept children in its custody upon a) a determination from another federal agency that the child is an unaccompanied alien child ("UAC"); and b) upon a referral from such agency. *See* 8 U.S.C. § 1232(b)(3); *see also* Sec. Biswas Decl. ¶ 5. Section 1232 states, in relevant part, "any department or agency of the Federal Government that has an unaccompanied alien child in custody shall transfer the custody of such child to the Secretary of Health and Human Services not later than 72 hours after determining that such child is an unaccompanied alien child." *See id.* Generally, ORR does not have the authority to reassume custody of a UAC once that child is released into the community to a sponsor. *See id.* In this case, ORR does not have the authority to reassume custody of C.S.M. and ORR has no intention, presently or in the future, to reassume custody of her from her family. *See* Sec. Biswas Decl. ¶ 5 (emphasis added).

As confirmed in the Respondents' Status Report (Dkt. 16), the reunification of C.S.M. to M.P.S.M. (Sponsor), occurred on March 20, 2026. As such, Petitioner's procedural and substantive due process concerns as stated in the Habeas Petition have been resolved by the Court's TRO and by ORR's completion of the sponsorship application process (i.e. ORR received confirmation of the DNA tests and the internet background check of M.P.S.M. was clear). Moreover, Petitioner's claim for a violation of the TVPRA, 8 U.S.C. § 1232, is also moot as they were resolved by the Court's TRO because it compelled reunification.

Further, the Secretary of HHS, through ORR, completed its evaluation of "...the custodian's identity and relationship to the child," by the DNA test confirmation and ORR has made "an independent finding that the individual has not engaged in any activity that

would indicate a potential risk to the child" by the internet background check of M.P.S.M. came back as clear. *See* 8 U.S.C. § 1232(c)(3)(A); *See* Sec. Biswas Decl. ¶ 4. The parties also agreed and stipulated that a preliminary injunction was not needed in this case, and the Court entered an order confirming that. Dkt. 17-18. Now even a month later her release, and after the TRO lapsed, C.S.M. did not move for a preliminary injunction.

B. Voluntary Cessation Should Apply to the Limited Actions Alleged in the Habeas Petition and As Applied to This Specific Petitioner

This Court can also apply the doctrine of voluntary cessation to find this action as moot. Voluntary cessation of alleged misconduct moots a case only if (1) there is "no reasonable expectation that the alleged violation will recur," and (2) "interim relief or events have completely and irrevocably eradicated the effects of the alleged violation." *Am. Cargo Transp., Inc. v. United States*, 625 F.3d 1176, 1179 (9th Cir. 2010) (alterations removed) (quoting *County of Los Angeles v. Davis*, 440 U.S. 625, 631 (1979)).

Here, as explained above, the Court can find that it is "absolutely clear" challenged conduct will not recur to C.S.M. again. ORR does not have the authority to reassume custody of C.S.M. and ORR has no intention, presently or in the future, to reassume custody of her from her family. *See* Sec. Biswas Decl. ¶ 5. Respondents also contend that even if the Court could assume that the Department of Homeland Security could re-detain C.S.M. as UAC, and then transfer her back to ORR custody, ORR will perform a *de novo* consideration of whether the minor should be released. *See* Dkt. Sec. Biswas Decl. ¶ 6; *see also J.E.C.M. by and Through His Next Friend Saravia v. Lloyd*, 352 F. Supp. 3d 559, 578 (E.D. Va. 2018) ("Here, the three minor plaintiffs who have been released and the three sponsors to whom they have been released received the relief they sought in this litigation; they no longer possess the requisite stake to press their individual claims.") C.S.M.'s release from custody of ORR moots the requested habeas petition and voluntary cessation applies to the specific facts of this case. *See* 28 U.S.C. § 2241(c) ("The writ of habeas corpus shall not extend to a prisoner unless [h]e is in custody."); *see also Pinson*

v. Carvajal, 69 F.4th 1059, 1077 (9th Cir. 2023) ("Because [petitioner's] claims lie outside the historic core of habeas corpus, we conclude the district court properly found it lacked jurisdiction to hear [the] petition."). This Court should find sufficient assurance that ORR will not and cannot without a legal basis, place C.S.M. back into their custody in the future.

C. Many Judges in this District Have Found Habeas Petitions are Moot Following Release.

Many judges in this District have recently considered this mootness issue generally in the habeas context. This District has frequently ruled that the grant of injunctive relief moots a preliminary injunction, and the habeas petition more generally. As C.S.M. brings this action pursuant to 28 U.S.C. § 2241, these cases can easily be found analogous here.

For example, the Hon. John W. Holcomb denied a preliminary injunction where the Petitioner had been released from detention and issued an order to show cause regarding the dismissal of the petition. *See Ghebreslassie v. Janecka*, No. 5:25-cv-03447-JWH-DTB, 2026 WL 220898, at *2 (C.D. Cal. Jan. 22, 2026).

The Hon. Judge Birotte Jr. dismissed a preliminary injunction as moot, where the petitioner had been ordered released pursuant to the Court's order upon an *ex parte* TRO application. *See Hezardastan v. Noem,* No. 5:25-cv-03424-AB-DTB [Dkt. No. 13] (Jan. 5, 2026) (order dismissing case as moot).

The Hon. Judge Wright, II also dismissed a preliminary injunction as moot following petitioner's release from custody. *See Woldegabriel v. Noem,* No. 5:25-03369-ODW-PVC [Dkt. No. 11] (Dec. 29, 2025).

Similarly, the Hon. Judge Vera dismissed a writ of habeas corpus as moot after the petitioner was released upon a motion for preliminary injunction. *See Hashemi v. Noem,* No. 2:25-cv-10335-HDV-SP [Dkt. No. 19] (Jan. 7, 2026).

The Hon. Judge Olguin likewise denied a preliminary injunction and writ of habeas corpus as moot following the petitioner's release, finding "[P]etitioner's release does not give rise to collateral consequences that are redressable by success on his original petition. And Petitioner's contention that Respondents will be able to re-arrest and re-detain him

appears to be speculative and hypothetical." *See Trujillo v. Janecka,* No. 5:25-cv-03002-FMO-SSC, 2026 WL 84313, at 1-2 (C.D. Cal. Jan. 12, 2026) (cleaned up).

The Hon. Judge Valenzuela declined to issue a preliminary injunction after petitioner's release, finding that petitioner could not show a likelihood of imminent irreparable harm. *See Petrosyan v. Bondi,* No. 5:25-cv-03240-CV-AS [Dkt. No. 11] (Dec. 31, 2025) (order discharging order to show cause).

V. CONCLUSION

Because C.S.M. is no longer in custody or ORR, and there is no possibility that she could re-enter custody of ORR, she cannot show any continuing collateral consequence that this Court could redress via habeas, and thus her Habeas Petition is rendered moot. After the Court considers Petitioner's anticipated Reply, Respondents submit that Petitioner's Habeas Petition is now ripe for adjudication that this Court should *sua sponte* issue a Report and Recommendation that recommends that the Court should deny the Habeas Petition as moot. *See* 28 U.S.C. § 636; *see also* General Order 05-07.

Dated: April 29, 2026

Respectfully submitted,

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Local Rule 11-6.2 Certificate of Compliance

The undersigned counsel of record certifies that this Answer contains 4,317 words which comply with the word limit set by L.R. 11-6.1.

Dated: April 29, 2026

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