

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

LAZARO LOPEZ SUAREZ,

Petitioner,

No. 2:26-cv-00821-KCD-DNF

v.

U.S ATTORNEY GENERAL et al.,

Respondents.

RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS

Petitioner Lazaro Lopez Suarez challenges his continued detention by U.S. Immigration and Customs Enforcement. López Suarez is no longer in ICE custody, as he was removed from the United States on March 19, 2026. Lopez Suarez's petition should therefore be denied as moot.

FACTUAL BACKGROUND

Lopez Suarez is a national and citizen of Cuba who entered the United States without inspection on or about April 17, 2022. (Composite Exhibit, Ex. 1 at 1.) On January 27, 2026, he was ordered removed from the United States by a notice and order of expedited removal. *Id.* at 5. He was removed from the United States on March 19, 2026. *Id.* at 4.

ARGUMENT

Lopez Suarez challenges his immigration detention at Florida Soft Side South. Because Lopez Suarez is no longer in immigration custody, his Petition for a Writ of Habeas Corpus should be denied as moot.

Mootness is a jurisdictional doctrine that flows directly from the limitation, imposed by Article III of the Constitution, that federal court jurisdiction extends only to the consideration of cases and controversies. *See* U.S. Const. art. III; *Al Najjar v. Ashcroft*, 273 F.3d 1330, 1335-36 (11th Cir. 2001). “[A] case is moot when the issues presented are no longer ‘live’ or the parties lack a legally cognizable interest in the outcome.” *Al Najjar*, 273 F.3d at 1335-36. In other words, “a case is moot when it no longer presents a live controversy with respect to which the court can give meaningful relief.” *Id.* at 1336 (internal quotation marks omitted). Thus, “[i]f events that occur subsequent to the filing of a lawsuit or an appeal deprive the court of the ability to give the plaintiff or appellant meaningful relief, then the case is moot and must be dismissed.” *Id.*

Of course, “a petitioner’s release from custody does not automatically moot a petitioner’s claim.” *Fregis v. Holder*, 2014 WL 54839, at *1 (M.D. Fla. Jan 7, 2014) (citing *Spencer v. Kemna*, 523 U.S. 1, 7-8 (1998)). Indeed, “[t]he courts have developed two exceptions to the mootness doctrine: (1) the existence of collateral consequences; and (2) when events surrounding the case are capable of repetition

yet evading review.” *Id.* at *2.

The collateral consequences exception to the mootness doctrine applies “when there is some remaining ‘collateral consequence’ that may be redressed by success on the petition.” *Fregis*, 2014 WL 54839, at *2 (quoting *Spencer*, 523 U.S. at 7). In other words, a petitioner must demonstrate that he is suffering a continued, concrete injury that can be remedied by the Court. *See Spencer*, 523 U.S. at 7-8.

A second exception to mootness is the so-called “capable-of-repetition doctrine.” *See Spencer*, 523 U.S. at 17. This exception “applies only in exceptional situations,” *id.*, where “(1) there is a reasonable expectation or a demonstrated probability that the *same* controversy will recur involving the same complaining party, and (2) the challenged action is in its duration too short to be fully litigated prior to its cessation or expiration,” *Al Najjar*, 273 F.3d at 1336. Importantly, “[t]he remote possibility that an event might recur is not enough to overcome mootness, and even a likely recurrence is insufficient if there would be ample opportunity for review at that time.” *Id.*

Here, Lopez Suarez challenges his continued detention in ICE custody. Because Lopez Suarez is no longer detained, his petition should be denied as moot unless an exception to the mootness doctrine applies. *See Fregis*, 2014 WL 54839, at * 1. None does. Lopez Suarez has not put forth any evidence of a continuing injury that could be remedied by this Court, as is his burden under *Spencer*. *See* 523

U.S. at 13-14. Similarly, Lopez Suarez has not provided any reason to believe that he will be taken back into custody absent a violation of his conditions of supervision, and “[t]he remote possibility that an event might recur is not enough to overcome mootness” *See Al Najjar*, 273 F.3d at 1336. Moreover, should Lopez Suarez ever face ICE detention again, he would not be foreclosed from filing another petition under section 2241. Accordingly, neither exception to the mootness doctrine applies, so Lopez Suarez’s habeas petition should be dismissed. *See Fregis*, 2014 WL 54839, at *2-3.

CONCLUSION

As explained above, Lopez Suarez is no longer in immigration custody. Because no exception to the mootness doctrine applies, Federal Respondents respectfully request Lopez Suarez’s petition be denied as moot.

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DATED this 8th day of April, 2026.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 8, 2026, I sent the foregoing document
via U.S. mail to:

Lazaro Lopez Suarez
Florida Soft Side South



Inmate Mail/Parcels
54575 Tamiami Trail E
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/s/ Chad C. Spraker
Assistant United States Attorney