

District Judge Lauren King

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MAGDALENO HURTADO GUILLERMO,

Petitioner,

v.

ICE FIELD OFFICE DIRECTOR, *et al.*,

Respondents.

Case No. 2:26-cv-01102-LK

FEDERAL RESPONDENT'S
RETURN MEMORANDUM

Noted for Consideration:
April 21, 2026

This Court should deny Petitioner Magdaleno Hurtado Guillermo's habeas petition. He filed the instant habeas petition seeking his release from immigration detention. Dkt. No. 3. This case is now moot because of Petitioner's voluntary departure from the United States on April 3, 2026. Dkt. No. 9, Cantrell Decl., ¶ 8. As a result, Petitioner is no longer in immigration custody.

For a federal court to have jurisdiction, "an actual controversy must exist at all stages of the litigation." *Biodiversity Legal Foundation v. Badgley*, 309 F.3d 1166, 1173 (9th Cir. 2002). "For a habeas petition to continue to present a live controversy after the petitioner's release or deportation . . . there must be some remaining 'collateral consequence' that may be redressed by success on the petition." *Abdala v. INS*, 488 F.3d 1061, 1064 (9th Cir. 2007). Here, the habeas petition challenges Petitioner's detention and does not allege any collateral consequence that can

1 be addressed by this Court. Pet., Prayer for Relief. Now that Petitioner is no longer in custody
2 due to his voluntary departure, his habeas petition is moot. *Abdala*, 488 F.3d at 1065 (describing
3 habeas petitions that claim indefinite detention as fully resolved and rendered moot by the
4 petitioner's release from custody); *Babak v. ICE FOD*, 20-cv-212-RSM-BAT, 2020 WL
5 1976798, at *1 (W.D. Wash. Mar. 31, 2020) *R&R adopted by* 2020 WL 1974335, at *1 (W.D.
6 Wash. Apr. 24, 2020) (dismissing habeas petition as moot after immigration officers released
7 petitioner on supervision).

8 Accordingly, this Court should deny the Petition. *Foster v. Carson*, 346 F.3d 742, 745
9 (9th Cir. 2003) (court lacks jurisdiction to hear claims that are moot).

10 DATED this 16th day of April, 2026.

11 Respectfully submitted,

12 s/ Michelle R. Lambert

13 MICHELLE R. LAMBERT, NYS #4666657

14 Assistant United States Attorney

15 United States Attorney's Office

16 Western District of Washington

17 1201 Pacific Ave., Ste. 700

18 Tacoma, WA 98402

19 Phone: (253) 428-3824

20 Fax: (253) 428-3826

21 Email: michelle.lambert@usdoj.gov

22 *Attorney for Federal Respondents*

23 *I certify that this memorandum contains 269*
24 *words, in compliance with the Local Civil Rules.*

CERTIFICATE OF SERVICE

I hereby certify that I am an employee in the Office of the United States Attorney for the Western District of Washington and of such age and discretion as to be competent to serve papers;

I further certify that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notice of such filing to the following CM/ECF participant(s):

- 0 -

I further certify that on this date, I arranged for service of the foregoing on the following non-CM/ECF participant, via Certified Mail, return receipt requested, postage prepaid, addressed as follows:

Magdaleno Hurtado Guillermo, *Pro Se* Petitioner
A#
NW Detention Center
1623 E. J Street, Suite 5
Tacoma, WA 98421-1615

DATED this 16th day of April, 2026.

s/ Stephanie Huerta-Ramirez
STEPHANIE HUERTA-RAMIREZ, Legal Assistant
United States Attorney's Office
Western District of Washington
700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
Phone: 206-553-7970
Fax: 206-553-4073
Email: stephanie.huerta-ramirez@usdoj.gov