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8 Attorneys for Respondents

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10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

12 M.M.,

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14 Petitioner,

15 v.

16 CHRISTOPHER J. LAROSE, Warden,
17 Otay Mesa Detention Center; *et al.*,

18 Respondents.
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Case No.: 26-cv-02346-BJC-BJW

MOTION TO DISMISS

22 On April 13, 2026, Petitioner, through counsel, prematurely filed a Petition for Writ
23 of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging the legality of his Immigration
24 and Customs Enforcement (ICE) detention. *See* ECF No. 1. On April 23, 2026, Respondents
25 filed a Return. *See* ECF No. 7. In the Return, Respondents argued that Petitioner had not
26 requested the bond hearing to which Petitioner is entitled to upon making a request to the
27 detention facility under 8 U.S.C. § 1226(a). *See id.* Therefore, due process had not been
28 denied to Petitioner.

1 On April 27, 2026, Petitioner filed a Reply, again challenging the legality of his
2 detention, claiming a bond hearing “would be futile to address [Petitioner’s] irreparable
3 harms from being unlawfully detained because a bond hearing in immigration court will not
4 address [Petitioner’s] constitutional or APA challenges, and so cannot redress the injuries
5 [Petitioner] pleaded.” *See* ECF No. 8 at 11. Since then, Petitioner requested a bond hearing
6 and Respondents provided Petitioner with an individualized bond hearing under 8 U.S.C.
7 § 1226(a) on May 11, 2026. *See* Exhibit 1 (Order of the Immigration Judge). On that day,
8 the immigration judge granted bond in the amount of \$5,500.00 and Respondents have since
9 released Petitioner from detention. *Id.* Accordingly, since Petitioner has been released,
10 Respondents therefore respectfully move the Court to dismiss this habeas petition as moot.

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12 DATED: May 13, 2026

ADAM GORDON
United States Attorney

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14 *s/ Camille Savedra*
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