IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

ESMAEL HASSEN,	:	
	:	
Petitioner,	:	
	:	**Case No. 4:26-cv-651-CDL-AGH**
v.	:	**28 U.S.C. § 2241**
	:	
WARDEN, STEWART DETENTION CENTER,	:	
	:	
Respondent.	:	

RESPONDENT'S MOTION TO DISMISS

On April 21, 2026, Petitioner filed a petition for a writ of habeas corpus (Petition). ECF No. 1. On June 6, 2026, the Court ordered Respondent to respond to the Petition within twenty-one (21) days. ECF No. 3. On June 24, 2026, Respondent filed a Motion for Extension of Time. ECF No. 4. On June 25, 2026, the Court granted Respondents until July 6, 2026, to file a response. ECF No. 5. Respondent now files this Motion to Dismiss the Petition. Petitioner was removed from the United States on June 26, 2026, and the Petition should consequently be dismissed as moot.

ARGUMENT

The Court lacks subject-matter jurisdiction over this matter because Petitioner's removal from the United States has rendered the Petition moot.

Under Article III of the U.S. Constitution, federal courts only have jurisdiction over active cases or controversies. *See Spencer v. Kemna*, 523 U.S. 1, 7 (1998). A petitioner must allege an actual or threatened injury that is traceable to the defendant and redressable by the court. *Lewis v.*

Cont'l Bank Corp., 494 U.S. 472, 477 (1990). If subsequent events prevent the court from granting meaningful relief, the case becomes moot and must be dismissed for lack of jurisdiction. *Al Najjar v. Ashcroft*, 273 F.3d 1330, 1336 (11th Cir. 2001); *De La Teja v. United States*, 321 F.3d 1357, 1362 (11th Cir. 2003). Accordingly, once a petitioner is removed from the United States, any dispute regarding their immigration detention is moot and must be dismissed. *See Soliman v. United States*, 296 F.3d 1237, 1243 (11th Cir. 2002).

Here, Petitioner's sole request for relief is release from immigration custody. ECF No. 1. However, on June 26, 2026, ICE/ERO removed Petitioner from the United States. *See* Ex. A, Form I-205, Warrant of Removal/Deportation. Because Petitioner is no longer in Respondent's custody, the Court can no longer grant any meaningful relief regarding his detention. Consequently, this action no longer presents a live controversy and must be dismissed. *See Soliman*, 296 F.3d at 1243.

CONCLUSION

For the foregoing reasons, Respondent requests that Petitioner's application for habeas relief be dismissed.

Respectfully submitted this 2nd day of July, 2026.

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UNITED STATES ATTORNEY

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*Acting Under Authority Conferred by
28 U.S.C. § 543

CERTIFICATE OF SERVICE

This is to certify that I have this date filed the Motion to Dismiss with the Clerk of the United States District Court using the CM/ECF system, which will send notification of such filing to the following:

N/A

I further certify that I have this date mailed by United States Postal Service the document and a copy of the Notice of Electronic Filing to the following non-CM/ECF participants:

Esmael Hassen
A# [redacted]
Stewart Detention Center
P.O. Box 248
Lumpkin, GA 31815

This 2nd day of July, 2026.

BY: *s/ Andressa Bryant*
ANDRESSA BRYANT
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