

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

NORLIS JOSE LOSADA BARRUECO,

Petitioner,

Case No.3:26-cv-1034-JEP-SJH

v.

FIELD OFFICE DIRECTOR,
IMMIGRATION AND CUSTOMS
ENFORCEMENT AND REMOVAL
OPERATIONS, MIAMI, FLORIDA
RESPONDENT, et al.,

Respondents.

RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS

Petitioner Norlis Jose Losada Barrueco challenges his continued detention by U.S. Immigration and Customs Enforcement ("ICE"). Donis was granted a \$6,500 bond on May 26, 2026. Barruceo's petition should therefore be denied as moot.

FACTUAL BACKGROUND

On April 28, 2026, Barruceo filed a petition for writ of habeas corpus. Doc. 1. On May 26, 2026, an Immigration Judge ordered Barruceo released on an \$8,000 bond. *See* Exhibit A.

ARGUMENT

Barruceo challenges his continued immigration detention. Because Barruceo has received the specific relief he asked for—a bond hearing 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, Barruceo challenges his continued detention in ICE custody. Barruceo asked for a either release or a bond hearing. Because Barruceo was granted a bond hearing and given an \$6,5000 bond his petition should be denied as moot unless an exception to the mootness doctrine applies. *See Fregis*, 2014 WL 54839, at * 1. None does. Barruceo 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, Barruceo has not provided any reason to believe that he will be taken back into custody—if he bonds out, 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 Donis 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 Barruceo’s habeas petition should be dismissed.

See *Fregis*, 2014 WL 54839, at *2-3.

CONCLUSION

As explained above, Barruceo was granted a bond hearing and given a bond of \$6,500. Because no exception to the mootness doctrine applies, Respondents respectfully request Barruceo’s petition be denied as moot.

DATED this 5th day of June, 2026.

Respectfully submitted,

GREGORY W. KEHOE
United States Attorney

By: /s/Charlie D. Connally
CHARLIE D. CONNALLY
Assistant United States Attorney
Florida Bar No. 98475
400 North Tampa Street
Suite 3200
Tampa, Florida 33602

Telephone: 813-274-6000

Fax: 813-274-6103

Email: Charlie.Connally@usdoj.gov
Counsel for Federal Respondents