

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

JUAN SEBASTIAN ARIAS GOMEZ,

Petitioner,

v.

Case No. 3:26-cv-1171-JEP-MCR

WARDEN, BAKER CORRECTIONAL
INSTITUTION, et al.,

Respondents.

RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS

Petitioner Juan Arias Gomez argues his continued immigration detention violates the Due Process Clause of the Fifth Amendment. Arias Gomez's petition should be dismissed as moot. At the time of filing the petition, Arias Gomez was in Immigration and Customs Enforcement custody but has since been released on bond. As such, Federal Respondent respectfully request that the Court dismiss the petition as moot.

FACTUAL BACKGROUND

Petitioner Arias Gomez is a native and citizen of Colombia who entered the United States without inspection on or about March 30, 2022. (Doc. 1-2.) The following day, he was encountered by ICE in the Rio Grande Valley, Texas Border

Patrol Sector, and served with a Notice to Appear. (Doc. 1-2 at 4, 8.) An Immigration Judge granted Arias Gomez's request for a custody redetermination on May 14, 2026, and ordered he be released from custody under a bond of \$6,000. (May 14, 2026, Order of the Immigration Judge, Ex. A.) Arias Gomez was released from custody on May 19, 2026. (Detention History, Ex. B.) His petition is therefore moot.

ANALYSIS

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, Arias Gomez challenges his continued detention in ICE custody. Because Arias Gomez 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. Arias Gomez 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, Arias Gomez has not provided any reason to believe that he will be taken back into custody absent a violation of his bond conditions, 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 Arias Gomez 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 Arias Gomez’s habeas petition should be dismissed. *See Fregis*, 2014 WL 54839, at *2-3.

CONCLUSION

As explained above, Arias Gomez has been released from ICE custody. Federal Respondent therefore respectfully request that Arias Gomez’s Petition for a Writ of Habeas Corpus be dismissed as moot.

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DATED this 21st day of May, 2026.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 21, 2026, the foregoing document was served via U.S. mail to:

Juan Sebastian Arias Gomez
A 
Baker Correctional Institution
20706 U.S. Highway 90 West
Sanderson, FL 32087-2359

/s/ Chad C. Spraker
Assistant United States Attorney

Exhibit List

1. Exhibit A: May 14, 2026, Order of the Immigration Judge
2. Exhibit B: Detention History