

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

DANIEL MONDRAGON ANDINO,	:	
	:	
Petitioner,	:	
	:	Case No. 4:26-CV-823-CDL-ALS
v.	:	28 U.S.C. § 2241
	:	
WARDEN, STEWART DETENTION CENTER,	:	
	:	
	:	
Respondent.	:	

RESPONDENT’S MOTION TO DISMISS

On May 14, 2026, The Court received Petitioner’s application for a writ of habeas corpus (the “Petition”).¹ ECF No. 1. On May 14, 2026, the Court ordered Respondent to provide Petitioner with a bond hearing to determine if Petitioner may be released on bond under § 1226(a)(2) based on the Court’s previous orders in *J.A.M. v. Streeval*, No. 4:25-CV-342-CDL, 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025) and *P.R.S. v. Streeval*, No. 4:25-CV-330-CDL, 2025 WL 3269947 (M.D. Ga. Nov. 24, 2025). ECF No. 4. The Court also provided Respondents with an opportunity to file an appropriate motion seeking relief from the Court’s order if Respondent has a good faith contention that the Court’s prior ruling in *J.A.M.* and *P.R.S.* do not apply. *Id.* Here, the government files such a motion noting that Petitioner has already received the relief he requests, and the Petition should consequently be dismissed as moot.

BACKGROUND

Petitioner is a native and citizen of Honduras. Stephens Decl. ¶ 3. On July 22, 202, United States Border Patrol (“USBP”) encountered Petitioner shortly after he entered the U.S. without

¹ Petitioner also filed a similar Petition in the Northern District of Georgia that was transferred to the Middle District in case number 4:26-CV-840.

admission or inspection. *Id.* ¶ 4. Petitioner was processed for prosecutorial discretion and released. *Id.* On July 13, 2022, Immigration and Customs Enforcement, Enforcement and Removal Operations (“ICE/ERO”) issued Petitioner a Notice to Appear (“NTA”) charging him with inadmissibility pursuant to 8 U.S.C. §§ 1182(a)(6)(A)(i) and (a)(7)(A)(I)(i). *Id.* ¶ 5.

On January 16, 2026, Greenville County, South Carolina Sheriff’s Office arrested Petitioner for shoplifting. Stephens Decl. ¶ 6. On January 19, 2026, ICE/ERO arrested Petitioner following his release from the Greenville County Detention Center. *Id.* ¶ 7. On March 26, 2026, Petitioner’s shoplifting charge was adjudicated as a non-conviction. *Id.* ¶ 8.

On April 29, 2026, the Immigration Judge (“IJ”) held a bond redetermination hearing at Petitioner’s request. Stephens Decl. ¶ 9. Petitioner withdrew his request to have an opportunity to gather additional evidence to file in support of his request. *Id.* & Ex. A. On May 5, 2026, the IJ held a bond redetermination hearing at Petitioner’s request. *Id.* ¶ 10. The IJ denied Petitioner’s request, concluding that Petitioner did not show he was not a flight risk. *Id.* & Ex. B. Petitioner is currently detained at the Stewart Detention Center. *Id.* ¶ 11.

ARGUMENT

On May 5, 2026, Petitioner received a bond hearing before an Immigration Judge pursuant to this Court’s grant of Petitioner’s petition for a writ of habeas corpus as seen by the Order of the Immigration Judge. Stephens Decl. ¶ 10 & Ex. B. The Immigration Judge denied Petitioner’s request for custody redetermination because Petitioner “failed to show that he is not a significant flight risk.” Ex. B. Petitioner has already received the relief he again seeks in his Petition. Pet. 10. As such, Petitioner’s petition is now moot and should be dismissed.

The case-or-controversy requirement of Article III, section 2 of the United States Constitution subsists through all stages of federal judicial proceedings. *See Spencer v. Kemna*, 523

U.S. 1, 7 (1998). A petitioner “must have suffered, or be threatened with, an actual injury traceable to the defendant and likely to be redressed by a favorable judicial decision.” *Lewis v. Cont’l Bank Corp.*, 494 U.S. 472, 477 (1990). “The doctrine of mootness derives directly from the case or controversy limitation because an action that is moot cannot be characterized as an active case or controversy.” *Soliman v. United States*, 296 F.3d 1237, 1242 (11th Cir. 2002) (internal quotation marks and citation omitted). “Put another way, a case is moot when it no longer presents a live controversy with respect to which the court can grant meaningful relief.” *Fla. Ass’n of Rehab. Facilities, Inc. v. Fla. Dep’t of Health & Rehab. Servs.*, 225 F.3d 1208, 1217 (11th Cir. 2000) (internal quotation mark and citation 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.” *Al Najjar v. Ashcroft*, 273 F.3d 1330, 1336 (11th Cir. 2001). “Indeed, dismissal is required because mootness is jurisdictional.” *Id.*; see also *De La Teja v. United States*, 321 F.3d 1357, 1362 (11th Cir. 2003). Because Petitioner has already received the relief he now seeks, the Petition should be dismissed.²

CONCLUSION

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

² Respondent also believes Petitioner’s case number 4:26-CV-840 should be dismissed as duplicative and moot. Petitioner cannot maintain multiple actions seeking the same relief at the same time. Respondent requests that the later-filed case be consolidated with this case and dismissed accordingly.

Respectfully submitted this 19th day of May, 2026.

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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:

Daniel Mondragon Andino
A# 
Stewart Detention Center
P.O. Box 248
Lumpkin, GA 31815

This 19th day of May, 2026.

BY: s/ Travis D. Lynes
TRAVIS D. LYNES
Assistant United States Attorney