

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

NELSON PINERO CONFORTI,

Petitioner,

Case No. 2:26-cv-01681-SPC-NPM

v.

WARDEN, SOUTH FLORIDA
DETENTION CENTER, et al.,

Respondents.

RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS

Petitioner Nelson Pinero Conforti challenges his continued detention by U.S. Immigration and Customs Enforcement (“ICE”). Pinero Conforti is no longer in ICE custody, as he was removed on May 22, 2026. Pinero Conforti’s petition should therefore be denied as moot.

FACTUAL BACKGROUND

Pinero Conforti is a national and citizen of Cuba who was paroled into the United States on December 5, 2005. (Composite Exhibit, Ex. 1 at 1-2.) He was convicted of second-degree murder on November 30, 2012. *Id.* at 2. ICE records reflect a disposition of administrative deportation. *Id.* at 1.

On May 18, 2026, Pinero Conforti filed a petition for writ of habeas corpus arguing his detention violates the Due Process Clause of the Fifth Amendment.

(Doc. 1.) He was removed from the United States on May 22, 2026. (Composite Exhibit, Ex. 1 at 1.)

ARGUMENT

Pinero Conforti challenges his continued immigration detention. Because Pinero Conforti is no longer in immigration custody, 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, Pinero Conforti challenges his continued detention in ICE custody. Because Pinero Conforti is no longer in ICE custody, his petition should be denied as moot unless an exception to the mootness doctrine applies. *See Fregis*, 2014 WL

54839, at * 1. None does. Pinero Conforti 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, Pinero Conforti has not provided any reason to believe that he will be taken back into custody, 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 Pinero Conforti 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 Pinero Conforti’s habeas petition should be dismissed. See *Fregis*, 2014 WL 54839, at *2-3.

CONCLUSION

As explained above, Pinero Conforti is no longer in immigration custody. Because no exception to the mootness doctrine applies, Respondents respectfully request Pinero Conforti’s petition be denied as moot.

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DATED this 28th day of May, 2026.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 28, 2026, the foregoing document was served via U.S. mail to:

Nelson Pinero Conforti
A 
South Florida Detention Center
54575 Tamiami Trail E
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/s/ Chad C. Spraker
Assistant United States Attorney