

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FT. MYERS DIVISION**

Yosuoni Broche-Gonzalez,

Petitioner,

v.

Case No. 2:26-cv-1744-JES-KRH

Department of Homeland Security,
et al.

Respondents.

**RESPONSE TO PETITION FOR HABEAS CORPUS
AND SUGGESTION OF MOOTNESS**

Petitioner Yosuoni Broche-Gonzalez, a native and citizen of Cuba, challenges his detention by U.S. Immigration and Customs Enforcement, arguing he is entitled to release on supervision. ICE notified undersigned counsel this morning that Mr. Broche-Gonzalez was removed to Mexico on May 29, 2026. *See* Exhibit 1. This petition should be dismissed as moot because Petitioner is no longer in custody.

LEGAL STANDARD

A court must dismiss an action if it determines, at any time, that it lacks subject matter jurisdiction. Fed. Rs. Civ. P. 12(b)(1) & 12(h)(3). The party invoking jurisdiction bears the burden of proving jurisdiction is proper. *Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 104 (1998).

Federal courts may only hear “cases” and “controversies.” U.S. CONST. art. III, § 2, cl. 1. A court lacks jurisdiction where an action no longer presents a live

controversy through which meaningful relief can be granted. *Fla. Ass'n of Rehab. Facilities, Inc. v. Fla. Dep't of Health and Rehab. Servs.*, 225 F.3d 1208, 1216-17 (11th Cir. 2000). The doctrine of mootness demands that the Court “look at the events at the present time, not at the time the complaint was filed.” *Dow Jones & Co. v. Kaye*, 256 F.3d 1251, 1254 (11th Cir. 2001). And where events take place subsequent to the filing of the claim that would preclude a court from granting meaningful relief, the issue becomes moot and the case must be dismissed. *Al Najjar v. Ashcroft*, 273 F.3d 1330, 1336 (11th Cir. 2001).

DISCUSSION

Because Broche-Gonzalez is no longer in ICE custody, his habeas petition is moot. *See* Exhibit 1. There is no longer a live controversy through which meaningful relief could be granted. *Fla. Ass'n of Rehab. Facilities, Inc.*, 225 F.3d at 1216-17 (finding a case moot when it no longer presents a controversy that can be meaningfully remedied through the court).

The mootness doctrine derives from the case-or-controversy limitation because “an action that is moot cannot be characterized as an active case or controversy.” *Adler v. Duval County Sch. Bd.*, 112 F.3d 1475, 1477 (11th Cir. 1997). “[W]hen the issues presented are no longer ‘live’ or the parties lack a legally cognizable interest in the outcome” the matter is moot. *Al Najjar*, 273 F.3d at 1335-36. In the habeas context the general rule is that there is only a live case or controversy when a petitioner is in custody. 28 U.S.C. § 2241(c); *Spencer v. Kemna*, 523 U.S. 1, 7-8 (1998); *Salmeron-*

Salmeron v. Spivey, 926 F.3d 1283, 1289 (11th Cir. 2019). Accordingly, if—subsequent to the filing of the lawsuit—events take place that deprive the court of the ability to grant meaningful relief, the matter is moot and the case must be dismissed. *See, e.g., Hall v. Beals*, 396 U.S. 45, 48 (1969) (per curiam). Because Broche-Gonzalez was challenging his detention and he is no longer detained, his petition should be denied as moot.

CONCLUSION

The federal respondents respectfully request that Yosuni Broche-Gonzalez's Petition for Writ of Habeas Corpus should be denied as moot.

DATED this 12th day of June, 2026.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 12, 2026, a true and correct copy of the foregoing response was sent by United States Mail to Petitioner at the FSS address.

/s/ Kelley C. Howard-Allen
Kelley C. Howard-Allen
Assistant United States Attorney