

ERIC GRANT
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Attorneys for Respondents

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JUAN VALDES PALACIOS,

Petitioner,

v.

WARDEN OF THE MESA VERDE
DETENTION FACILITY, ET AL.,

Respondents.

CASE NO. 1:26-CV-05250-NW

**RESPONDENTS' MOTION TO DISMISS
PETITION FOR WRIT OF HABEAS CORPUS**

On July 8, 2026, Petitioner filed the present petition seeking release or a bond hearing. On June 30, 2026, prior to the Court's receipt of the petition and order prohibiting transfer and deportation, ECF No. 5, Petitioner was removed from the United States. Ex. 1.

LEGAL ARGUMENT

I. Petitioner's claim has become moot following his removal.

[A] case becomes moot when it no longer presents a case or controversy under Article III, § 2 of the Constitution.

....

For a habeas petition to continue to present a live controversy after the petitioner's release or deportation . . . there must be some remaining collateral consequence that may be redressed by success on the petition.

Abdala v. I.N.S., 488 F.3d 1061, 1063–64 (9th Cir. 2007) (citation modified). The collateral consequences must be “concrete and continuing.” *Spencer v. Kemna*, 523 U.S. 1, 8 (1998).

As indicated, Petitioner has been removed and, as such, no case or controversy exists. Thus, the

Petition should be dismissed as moot, as judges in this Court have done. *See, e.g., Sandhu v. Wofford*, No. 1:25-CV-0972 KES EPG (HC), 2026 WL 714629 (E.D. Cal. Mar. 13, 2026); *Vargas-Olea v. Warden Golden State Annex*, No. 1:26-CV-1254 DJC CSK, 2026 WL 1069710 (E.D. Cal. Apr. 20, 2026) (adopting recommendation to find action moot); *Vay v. Chestnut*, No. 1:25-CV-01810-SKO (HC), 2026 WL 675130 (E.D. Cal. Mar. 10, 2026).

CONCLUSION

For the reasons set forth above, Respondents respectfully request that the Court dismiss the Petition for a Writ of Habeas Corpus. Respondents do not request a hearing.

Dated: July 22, 2026

ERIC GRANT
United States Attorney

By: /s/ Sean Davis
SEAN DAVIS
Special Assistant United States Attorney