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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 ROBERTO ANTONIO AVILA PERLA,



Petitioner,

13 v.

14 WARDEN, *ET AL.*,

15 Respondents.

No. 1:26-CV-5244-KES-HBK

MOTION TO DISMISS PETITION AS MOOT

1 Petitioner received relief in the initial habeas petition he filed, case number No. 1:26-cv-05105-
2 JLT-HBK, Dkt. 8 (July 13, 2026). This petition should be dismissed as moot or denied as duplicative.
3 *See, e.g., Picrin-Peron v. Rison*, 930 F.2d 773, 776 (9th Cir.1991) (finding that because petitioner only
4 requested release from custody and had been released, the court could provide no further relief and the
5 petition was properly dismissed); *see also Abdala v. INS*, 488 F.3d 1061, 1064–65 (9th Cir.2007)
6 (discussing and collecting cases in which a petitioner's release from detention, parole, or removal
7 rendered a habeas petition moot); *Flores-Torres v. Mukasey*, 548 F.3d 708, 710 n.3 (9th Cir.2008)
8 (dismissing as moot a challenge to immigration detention without a hearing because the alien had
9 subsequently received a hearing). There is no remaining case or controversy before this Court, and the
10 petition for writ of habeas corpus should be dismissed in its entirety.

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13 Dated: July 13, 2026

Respectfully submitted,

ERIC GRANT
United States Attorney

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16 By: /s/ Shelley D. Weger
SHELLEY D. WEGER
Assistant United States Attorney
Attorneys for Respondents
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Eastern District of California and is a person of such age and discretion to be competent to serve papers. She also certifies that on July 13, 2026, a copy of the MOTION TO DISMISS PETITION AS MOOT was served by placing said copy in a postpaid envelope addressed to the person(s) hereinafter named, at the place(s) and address(es) stated below, which is/are the last known address(es), and by depositing said envelope and contents in the United States Mail at Sacramento, California.

Addressee: **Roberto Antonio Avila Perla**


**GOLDEN STATE ANNEX
611 Frontage Road
McFarland, CA 93250-1075**

/s/ Shelley D. Weger
SHELLEY D. WEGER