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

11 JOSE LOPEZ LOPEZ,
12 

13 Petitioner,

14 v.

15 WARDEN OF THE CALIFORNIA
DETENTION CENTER,

16 Respondent.
17

No. 1:26-CV-05311-DJC-SCR

MOTION TO DISMISS

18 Undersigned counsel was informed that on Saturday, July 18, 2026, Petitioner was removed from
19 the United States – and thus released from detention. Petitioner was removed on flight number BBQ
20 8264 El Paso International Airport, United States of America, to Tapachula International Airport in
21 Tapachula, Mexico. Therefore, this Court should dismiss the petition for writ of habeas corpus as moot.
22 Release from custody causes a petition to be moot if “it no longer [presents] a case or controversy.”
23 *Spencer v. Kemna*, 523 U.S. 1, 7 (1998). “For a habeas petition to continue to present a live controversy
24 after the petitioner’s release or deportation, however, there must be some remaining ‘collateral
25 consequence’ that may be redressed by success on the petition.” *Abadala v. I.N.S.*, 488 F.3d 1061, 1064
26 (9th Cir. 2007). When the Petition does “not seek to redress collateral consequences,” it must be
27 dismissed as moot. *Id.* at 1065.
28

1 To redress collateral consequences, the consequences must “be specifically identified,” and must
2 be “concrete disadvantages or disabilities that had in fact occurred, that were imminently threatened, or
3 that were imposed as a matter of law.” *Spencer v. Kemna*, 523 U.S. 1, 8 (1998). When a Petition “only
4 seeks a bond hearing and/or release from immigration detention but asserts no collateral consequences,”
5 release from custody means the Petition should be dismissed as moot. *Harutyunyan v. Warden of the*
6 *Golden State Annex Det. Facility*, No. 1:25-CV-00859-HBK (HC), 2025 WL 3467495, at *2 (E.D. Cal.
7 Dec. 2, 2025).

8 Here, the petition asks the Court to grant immediate release or a bond hearing. Dkt. 1 at 7.
9 Petitioner was subject to an administratively final order of removal. Exhibits A (removal order), B
10 (dismissal of BIA appeal). Consequently, on July 18, Petitioner was removed from the United States,
11 receiving the requested release.

12 Because the petition does not describe specific collateral consequences that must be addressed
13 through habeas relief, the petition no longer presents a live controversy and should be dismissed as
14 moot.

15 Dated: July 21, 2026

ERIC GRANT
United States Attorney

17 By: /s/ Elisa M. Rodriguez
18 ELISA M. RODRÍGUEZ
Assistant United States Attorney
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