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11 UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA
13

14 E.A.D.G., a minor, by and through
Rebecca Popuch, as Next Friend of
15 Minor,

16 Petitioner,

17 v.

18 TROY MCNAIR, Residential Director
of Rancho San Antonio; *et al.*,

19 Respondents.
20
21
22

Case No. 2:26-cv-07706-AS

**RESPONDENTS' SUPPLEMENTAL
BRIEF IN SUPPORT OF DISMISSAL**

Honorable Alka Sagar
United States Magistrate District

23 The Court was correct when it observed that “it does not appear that Petitioner is
24 entitled to any further relief.” Dkt. 28. Petitioner’s tenuous supplemental brief only
25 reinforces the point. Dkt. 32. Petitioner has abandoned the claim for injunctive relief, and
26 only seeks an order from this Court declaring that “Respondents have violated
27 Petitioner’s constitutional and statutory rights.” *See* Dkt. 1 at 31, Prayer for Relief.
28 Petitioner has been released to Petitioner’s sponsor, without a court order, and will turn

1 18 years old this Friday. Further litigation of this case is unnecessary and would be a
2 waste of the Court's and the government's finite resources. Nor is there any further relief
3 Petitioner may be granted. It is time for the case to be dismissed as moot.

4 Article III of the U.S. Constitution limits judicial power to the adjudication of
5 cases or controversies. *Uzuegbunam v. Preczewski*, 592 U.S. 279, 285 (2021). A case is
6 moot, and a district court lacks jurisdiction, "when the issues presented are no longer
7 'live' or the parties lack a legally cognizable interest in the outcome." *Spencer v. Kemna*,
8 523 U.S. 1, 7 (1998). Here, Petitioner has failed to identify a concrete and continuing
9 injury other than Petitioner's now-ended custody.

10 Petitioner's supplemental brief cites zero cases directly addressing what Petitioner
11 seeks now, an order declaring that ORR violated the Constitutional rights of a petitioner
12 that that the agency worked diligently to voluntarily release without a court order.
13 Petitioner's reliance on *Rodriguez v. Hayes*, 591 F.3d 1105 (9th Cir. 2010) is misplaced.
14 In dicta, the Ninth Circuit noted that the petitioner's release from detention did not moot
15 the petition because the government had discretion to revoke his release and because the
16 government had imposed "strict limitations on Petitioner's freedom." *Id.* at 1117-1118.¹
17 By contrast, here, Petitioner has cited no authority that ORR can reassume custody and
18 has cited no evidence that ORR imposed conditions on his release. Nor could he. ORR
19 does not have the authority to reassume custody of Petitioner without a referral from
20 another federal agency. *See* 8 U.S.C. § 1232(b)(3). And ORR has no intention, presently
21 or in the future, to reassume custody, especially since Petitioner turns 18 imminently.
22 *See* 6 U.S.C. §§ 279(b)(1), (g)(2) (ORR's authority to care for and house UACs ends
23 when the UAC turns 18). Even if the Court could assume that some other law
24 enforcement agency could detain Petitioner for some reason and then transfer Petitioner
25 back to ORR custody, ORR would then perform a *de novo* consideration of whether the
26

27 ¹ *Carafas v. LaVallee*, 391 U.S. 234 (1968) is distinguishable. That is a 58 year
28 old case concerning habeas remedies available in the criminal context for an individual
incarcerated in state prison. Likewise, the Federal Habeas Manual is not binding law.

1 minor should be released. *Id.*

2 The Court is no doubt familiar with the arguments parties routinely make in
3 habeas as to whether a non-citizen's release from ICE detention at Adelanto moots the
4 petition. *See, e.g., Armen Harutyunyan v. Warden*, 5:26-cv-01217-AH-AS, Dkt. 21,
5 Report and Recommendation (C.D. Cal. June 11, 2026) (summarizing cases pertaining to
6 mootness). Unlike the typical ICE habeas case, Petitioner's release was secured not by
7 Court order, but after ORR diligently followed its own suitability determination process,
8 concluding that it was safe to release the Petitioner to a sponsor. Additionally, unlike
9 ICE, ORR does not have the authority to reassume custody of Petitioner without a
10 referral from another federal agency. And again, Petitioner will turn 18 in a matter of
11 hours. The risk of re-detention by ORR is not plausible. *See, e.g., J.E.C.M. by and*
12 *Through His Next Friend Saravia v. Lloyd*, 352 F. Supp. 3d 559, 578 (E.D. Va. 2018)
13 ("Here, the three minor plaintiffs who have been released and the three sponsors to
14 whom they have been released received the relief they sought in this litigation; they no
15 longer possess the requisite stake to press their individual claims.").

16 Accordingly, the habeas petition should be denied, and the action dismissed.

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18 Dated: August 26, 2026

Respectfully submitted,

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