

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

[REDACTED], A# [REDACTED]	PETITIONER
v.	Civil Action [REDACTED]-DCB-BWR
RAFAEL VERGARA, Warden of Adams County Correctional Center	RESPONDENT

RESPONDENT’S MOTION TO DISMISS FOR MOOTNESS

Rafael Vergara, Warden of Adams County Correctional Center (“Respondent”), by and through the United States Attorney for the Southern District of Mississippi and the undersigned Assistant United States Attorney, submits this motion, requesting this case be dismissed as moot, as [REDACTED] (“Petitioner”) is no longer in the custody of the Respondent. In support, Respondent submits:

1. Petitioner filed his *Petition* on November 5, 2025. *See* ECF No. 1. Respondent timely responded on December 1, 2025. *See* ECF No. 2.
2. On June 10, 2026, Petitioner filed a *Motion for Leave to File an Amended Petition*. *See* ECF No. 23. At the same time, Petition filed an *Emergency Motion for a Temporary Restraining Order*. *See* ECF No. 24.
3. On June 11, 2026, Petitioner was removed from the United States. *See* Exhibit A, *I-205 Warrant of Removal or Deportation*.
4. In his *Petition*, Petitioner sought release from custody. Petitioner has now been removed from the United States and is no longer in the custody of Respondent.

5. “Under Article III of the Constitution, federal courts may adjudicate only actual, ongoing cases or controversies.” *Lewis v. Cont’l Bank Corp.*, 494 U.S. 472, 477 (1990). Mootness is an issue of subject matter jurisdiction. *See Moore v. Hosemann*, 591 F.3d 741, 744 (5th Cir. 2009). A federal court has jurisdiction to issue a writ of habeas corpus only if the petitioner is “in custody.” *See* 28 U.S.C. § 2241. The mootness doctrine requires that the controversy posed by Petitioner “be ‘live,’ not only at the time the plaintiff files the complaint but also *throughout the litigation process.*” *Rocky v. King*, 900 F.2d 864, 866 (5th Cir. 1990) (emphasis added) (citing *United States Parole Comm’n v. Geraghty*, 445 U.S. 388 (1980)).

6. The subject petition is now moot because the habeas relief is unattainable. *See Ortiz v. Chandler*, 845 F.2d 573, 575 (5th Cir. 1988) (holding that when the habeas relief a petitioner requests can no longer be effected, no “case or controversy” remains as is required by Article III of the Constitution, rendering the case moot); *Djadju v. Vega*, 32 F.4th 1102, 1107 (11th Cir. 2022) (the habeas petition is moot because the condition he sought to escape no longer exists); *Leng v. Gonzalez*, No. 05-CV-1184-RF, 2006 WL 1788449, *1 (W.D. Tex. June 19, 2006) (petition for habeas corpus rendered moot upon Petitioner’s release from custody); *Ramos v. Olivarez*, No. B-14-CV-266, 2015 WL 12840469, *2-3 (S.D. Tex. July 31, 2015).

7. Because Petitioner has now been removed and no longer in the custody of Respondent, no actual live case or controversy exists in this habeas action.

8. Respondent submits the Petitioner’s *Petition* (ECF No. 1), as well as Petitioner’s *Motion for Leave* (ECF No. 23) and *Emergency Motion for a Temporary Restraining Order* (ECF No. 24) may be denied and dismissed without prejudice as being moot.¹

¹ Respondent’s response to Petitioner’s supplemental briefing was due today. *See* Text Order entered May 20, 2026. In addition, the Court ordered Respondent to respond to the *Emergency Motion for a Temporary Restraining Order* by Monday, June 15, 2026. *See* Text Order entered June 11, 2026. In light

9. Given the straightforward nature of this *Motion*, Respondent respectfully requests the Court waive the requirement of filing a separate memorandum of law.

Date: June 12, 2026

Respectfully submitted,

J.E. BAXTER KRUGER
UNITED STATES ATTORNEY

By: /s/Keesha D. Middleton
KEESHA D. MIDDLETON (MSB No. 104549)
Assistant United States Attorney
501 East Court Street, Suite 4.430
Jackson, Mississippi 39201
Telephone: 601-965-4480
E-mail: [REDACTED]

of Petitioner's removal, and in light of Respondent's *Motion to Dismiss*, Respondent submits those issues are now moot and may be denied without prejudice.

CERTIFICATE OF SERVICE

I, Keesha D. Middleton, Assistant United States Attorney, hereby certify that, on this date, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification to counsel of record.

DATE: June 12, 2026

By: /s/Keesha D. Middleton
KEESHA D. MIDDLETON
Assistant United States Attorney

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

WARRANT OF REMOVAL/DEPORTATION

Subject ID: [REDACTED]
File No: [REDACTED]
Event No: IMB2501000080
Date: June 5, 2025

To any immigration officer of the United States Department of Homeland Security:

[REDACTED]

(Full name of alien)

who entered the United States at SAN YSIDRO, CA on January 10, 2025
(Place of entry) (Date of entry)

is subject to removal/deportation from the United States, based upon a final order by:

- ☒ an immigration judge in exclusion, deportation, or removal proceedings
☐ a designated official
☐ the Board of Immigration Appeals
☐ a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

212a7AiI;

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:

Salaries and Expenses, Department of Homeland Security

For 
B_1451 ACUNA

(Signature of immigration officer)

(A) Field Office Director
(Title of immigration officer)

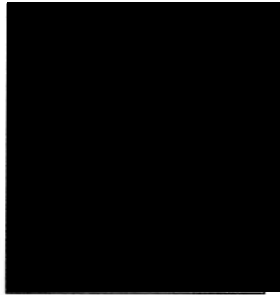
June 10, 2026, Oakdale, LA
(Date and office location)

Alien No: [REDACTED]

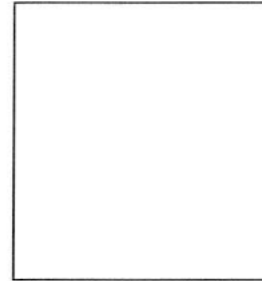
To be completed by immigration officer executing the warrant: Name of alien being removed:

[REDACTED]

Port, date, and manner of removal: AEX, 06/11/2026, Flight # OY2272



Photograph of alien removed



Right index fingerprint of alien removed

(Signature of alien being fingerprinted)

(Signature and title of immigration officer taking print)

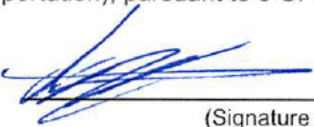
Departure witnessed by: _____

(Signature and title of immigration officer)

If actual departure is not witnessed, fully identify source or means of verification of departure:

UPAX, EARM, T-8

If self-removal (self-deportation), pursuant to 8 CFR 241.7, check here. ☐

Departure Verified by: 

(Signature and title of immigration officer)