

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO: 25-60242-CV-MIDDLEBROOKS

HURIYAT MAMAJONOVA,

Petitioner,

v.

GARRETT RIPA, et al.,

Respondents.

**RESPONDENTS' SUPPLEMENTAL RESPONSE TO SUPPLEMENTAL ORDER TO
SHOW CAUSE**

Respondents, through the undersigned Assistant U.S. Attorney, hereby respond to the Court's Supplemental Order to Show Cause (D.E. 22) as follows:

BACKGROUND

On February 11, 2025, Petitioner filed a Habeas Petition challenging her continued immigration detention (D.E. 1). On March 14, 2025, Respondents filed a Return and Memorandum of Law ("Return") (D.E. 12). In the Return, Respondents explained that the Petitioner is a native and citizen of Uzbekistan, was an applicant for admission without a valid visa, and was processed for expedited removal under section 235(b)(1) of the Immigration and Nationality Act, 8 U.S.C. § 1225(b)(1). *Id.* at 1-2. Accordingly, detention authority arose from Section 235 of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1225. *Id.* The government also responded to the Petitioner's two motions for summary judgment. (D.E. 21).

On March 28, 2025, the Immigration Judge entered an Order granting the Petitioner voluntary departure under the INA § 240B(a), in lieu of removal. (D.E. 15). Attached hereto as

Exhibit A is the Declaration of Deportation Officer Shane W. Baksh. As set forth in the Declaration, the Petitioner voluntarily departed, departing from Miami International Airport on April 22, 2025, via LOT airlines, Flight #30. Dec. of Baksh at 2. The Petitioner is no longer in the custody of United States Immigration and Customs Enforcement (ICE). *Id.* A copy of the ICE Voluntary Departure and Verification of Departure form is attached hereto as **Exhibit B**.

On April 25, 2025, the Court directed the Respondents to file a supplemental response to show cause as to why the Petition should not be granted. (D.E. 22). For the reasons set forth below, the Petition is now moot, and so the Petition should be dismissed.

ARGUMENT

“Article III of the Constitution limits the jurisdiction of federal courts to the consideration of ‘Cases’ and ‘Controversies’ In turn, the ‘case or controversy’ constraint imposes on federal courts a ‘dual limitation’ known as ‘justiciability,’” a doctrine that “‘prevents courts from encroaching on the powers of the elected branches of government and guarantees that courts consider only matters presented in an actual adversarial context.’” *Soliman v. United States ex rel. INS*, 296 F.3d 1237, 1242 (11th Cir. 2002) (citations omitted); *see also Al Najjar v. Ashcroft*, 273 F.3d 1330, 1335 (11th Cir. 2001) (same). “The doctrine of mootness derives directly from the case or controversy limitation because ‘an action that is moot cannot be characterized as an active case or controversy’ . . . ‘a case is moot when it no longer presents a live controversy with respect to which the court can give meaningful relief.’” *Soliman*, 296 F.3d at 1242 (citations omitted). “If events that occur subsequent to the filing of a lawsuit or an appeal deprive the court of the ability to give the plaintiff or appellant meaningful relief, then the case is moot and must be dismissed.” *Al Najjar v. Ashcroft*, 273 F.3d 1330, 1336 (11th Cir. 2001). In fact, “dismissal is required because mootness is jurisdictional.” *Id.* (citing *North Carolina v. Rice*, 404 U.S. 244, 246 (1971) (“The

question of mootness is . . . one which a federal court must resolve before it assumes jurisdiction.”)).

Here, because Respondents are no longer detaining Petitioner, this Court cannot order Respondents to release Petitioner. Accordingly, the Petition is moot as there is “nothing for us to remedy, even if we were disposed to do so.” *Soliman*, 296 F.3d at 1243 (*quoting Spencer v. Kemna*, 523 U.S. 1, 18 (1998)); *see also Garcia v. Warden, Stewart Detention Ctr.*, 774 Fed. Appx. 522, 524 (11th Cir. May 17, 2019) (affirming dismissal of habeas petition as moot following the petitioner’s removal). As the Petition is moot, this matter should be dismissed.

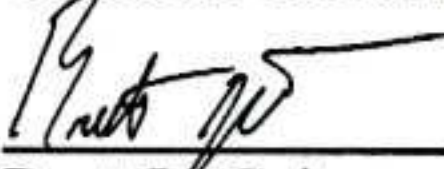
CONCLUSION

For the reasons set forth above, Respondents respectfully request that the Court dismiss the Habeas Petition (D.E. 1) as moot.

Respectfully submitted,

HAYDEN P. O’BYRNE
UNITED STATES ATTORNEY

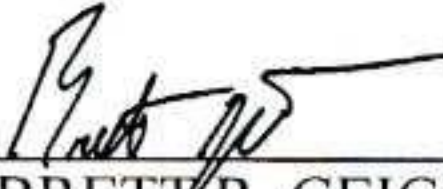
By:



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 25, 2025, I electronically filed the foregoing document with the Clerk of Court using CM/ECF, giving notice to all those registered to receive the same. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified.



BRETT R. GEIGER
ASSISTANT U.S. ATTORNEY

SERVICE LIST

By email:

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¹ As the Petitioner is no longer in custody, and as the Respondents do not have a forwarding address, the Response is being served by email to an address that was used by the Petitioner to serve the government with her pleadings throughout these proceedings.