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9
10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 ANGELA MATA MENDOZA,
formerly ANGELA MAGANA
13 MENDOZA,

14 Petitioner,

15 v.

16 CHRISTOPHER J. LAROSA; et al.,

17 Respondents.
18

Case No.: 25-cv-751-TWR-AHG

**RETURN IN OPPOSITION
TO PETITION FOR WRIT
OF HABEAS CORPUS**

19
20 **INTRODUCTION**

21 Petitioner requests that this Court release her from Immigration and Customs
22 Enforcement (ICE) custody pending resolution of her removal proceedings. On May 7,
23 2025, Petitioner was released from ICE custody. The Court should therefore dismiss this
24 case for lack of subject matter jurisdiction as moot.

25 **FACTUAL BACKGROUND**

26 Petitioner is a native and citizen of Mexico. ECF No. 1 ¶ 1. In September 2010,
27 Petitioner was issued a Notice of Intent/Decision to Reinstate Prior Order, pursuant to 8
28 U.S.C. § 1231(a)(5), finding her removable under 8 U.S.C. § 1182(a)(6)(A)(i). *See* Exhibit

1 at 2;¹ ECF No. 1 ¶ 25. She was subsequently placed into withholding-only proceedings and applied for withholding from removal relief. *See* 8 U.S.C. § 1231(b)(3); 8 C.F.R. § 241.8(e); ECF No. 1 ¶ 26. On June 10, 2011, Petitioner was released from ICE custody on an order of supervision. Exhibit 3. On March 22, 2019, an immigration judge denied her requests for relief, and Petitioner appealed that decision to the Board of Immigration Appeals (BIA). Exhibit 1 at 2; Exhibit 2; ECF No. 1 ¶ 27. On January 27, 2025, ICE remanded Petitioner back into ICE custody. Exhibit 1 at 2. Petitioner’s BIA appeal remains pending; although on April 1, 2025, ICE informed the BIA that Petitioner failed to file an appeal brief rendering her appeal subject to dismissal. Exhibit 4. On May 7, 2025, Petitioner was released from ICE custody under an order of supervision. Exhibit 5.

ARGUMENT

There is no “case” or “controversy” when an issue is moot. “[T]he question of mootness is . . . one which a federal court must resolve before it assumes jurisdiction.” *North Carolina v. Rice*, 404 U.S. 244, 246 (1971). “A case becomes moot—and therefore no longer a Case or Controversy for purposes of Article III—when the issues presented are no longer live or the parties lack a legally cognizable interest in the outcome.” *Already, LLC v. Nike, Inc.*, 568 U.S. 85, 91 (2013) (internal quotation marks and citations omitted). The Supreme Court has routinely cautioned that a case becomes moot “if an event occurs while a case is pending on appeal that makes it impossible for the court to grant ‘any effectual relief whatever’ to a prevailing party.” *Church of Scientology of Cal. v. United States*, 506 U.S. 9, 12 (1992). Thus, even a once-justiciable case becomes moot and must be dismissed “when the issues presented are no longer ‘live’ or the parties lack a legally cognizable interest in the outcome.” *Powell v. McCormack*, 395 U.S. 486, 496 (1969). “[A] petitioner’s release from detention under an order of supervision moot[s] his challenge to the legality of his extended detention.” *Panosyan v. Mayorkas*, 854 Fed. App’x 787, 788 (9th Cir. 2021) (quoting *Abdala v. INS*, 488 F.3d 1061, 1063 (9th Cir. 2007)).

¹ The attached exhibits are true copies of documents obtained from ICE counsel, with minor redactions of private information.

Petitioner's habeas petition requested this Court facilitate her release from ICE custody. ECF No. 1 ¶ 6. As Petitioner has already been released and she is no longer in ICE custody, the court cannot "grant 'any effectual relief whatever' to a prevailing party." *Church of Scientology of Cal.*, 506 U.S. at 12; *see Picrin-Peron v. Rison*, 930 F.2d 773, 775 (9th Cir. 1991) (case is moot if court lacks power to grant relief can be granted). Petitioner has already obtained the relief she sought—to be released from ICE custody. *See* ECF No. 1 ¶ 6.

Further, Petitioner does not allege any collateral consequences if her claim is rendered moot due to her release. To the contrary, "[i]t is clear that the direct consequences of the action challenged here can no longer be remedied in habeas" and her claim is moot. *Chan v. Sec'y of Homeland Sec.*, No. 16-01709-VBF (GJS), 2016 WL 4204596, at *2 (C.D. Cal. Aug. 5, 2016) (quoting *Cox v. McCarthy*, 829 F.2d 800, 803 (9th Cir. 1987)); *see Singh v. ICE Field Office Director*, No. 24-cv-400-TL-TLF, 2024 WL 3258090, at *1 (W.D. Wash. June 12, 2024) ("because petitioner's habeas petition challenges only the length of his detention, his claims were fully resolved by release from custody."); *Shawn-D Omar W. v. Mayorkas*, No. 23-cv-511 JLS (BLM), 2023 WL 6627816, at *2 (S.D. Cal. Oct. 10, 2023) (finding petition seeking release from ICE custody pending removal was moot where petitioner was released from ICE custody); *Ying Jiao Ye v. Nordheim*, No. 218cv10072 JVS (KES), 2019 WL 979245, at *3 (C.D. Cal. Feb. 27, 2019) ("[H]abeas petitions that raise claims that are fully resolved by release from custody are rendered moot upon the petitioner's release.").

As such, this Court should dismiss Petitioner's habeas petition as moot.

THERE IS NO NEED FOR AN EVIDENTIARY HEARING

Because the record shows that Petitioner is not entitled to habeas relief, there is no need for an evidentiary hearing in this matter. *See Schriro v. Landrigan*, 550 U.S. 465, 474 (2007) ("[I]f the record refutes the applicant's factual allegations or otherwise precludes habeas relief, a district court is not required to hold an evidentiary hearing.").

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1 **CONCLUSION**

2 For the reasons stated above, the Court should dismiss the petition for lack of subject
3 matter jurisdiction.

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5 DATED: May 8, 2025

Respectfully submitted,

6 ADAM GORDON
7 United States Attorney

8 s/Erin M. Dimbleby
9 ERIN M. DIMBLEBY
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10 Attorneys for Respondents
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1 DATED: May 15, 2025

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6 **SIGNATURE CERTIFICATION**

7 Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies
8 and Procedures of the United States District Court for the Southern District of
9 California, I hereby certify that the content of this document is acceptable K. Kerry
10 Yianilos, counsel for Petitioner, and that I have obtained Ms. Yianilos' authorization to
11 affix her electronic signature to this document.

12
13 DATED: May 15, 2025

14 s/Erin M. Dimbleby
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