UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

GENAURIS JOSE ARIAS LARA Petitioner, v. WARDEN, FCI-BERLIN, ET AL., Respondents.	**Case No: 1:25-CV-229-LM-AJ**

PETITIONER'S ASSENTED-TO MOTION TO CONTINUE
HEARING ON RESPONDENTS' MOTION TO DISMISS

Petitioner Genauris Jose Arias Lara hereby moves this Honorable Court to continue the hearing on Respondents' Motion to Dismiss (Doc. 5), which has been scheduled for December 18, 2025. In support therefor, Petitioner states the following:

Procedural Posture

1. On June 13, 2025, Petitioner filed the above-captioned Petition for Writ of Habeas Corpus, alleging that he had an active grant of humanitarian parole under 8 U.S.C. § 1182(d)(5) and that his detention by Immigration and Customs Enforcement (ICE) was therefore unlawful. *See, e.g.,* Pet'r's Petition for Writ of Habeas Corpus ("Petition"), Doc. 1.

2. On June 14, 2025, ICE released Petitioner from detention and thereafter filed a Motion to Dismiss on the grounds that the Petition had become moot. *See* Resp'ts' Motion to Dismiss, Doc. 5; Resp'ts' Mem. of Law in Support of Their Motion to Dismiss, Doc. 5-1.

3. Petitioner objected to the Motion to Dismiss, invoking the voluntary cessation exception to mootness, and the Motion was fully briefed as of July 21, 2025. *See* Pet'r's Surreply to Resp'ts' Motion to Dismiss, Doc. 8.

4. On December 3, 2025, this Court scheduled the pending Motion to Dismiss for a hearing to be held on December 18, 2025.

Petitioner's Intent to Amend Petition and Respondents' Concurrence to the Present Motion

5. The Petitioner received previously unavailable documents in September of this year, after the Motion to Dismiss was fully briefed, by way of a Freedom of Information Act (FOIA) request which he had made before his Petition was filed.

6. Those documents indicate that – rather than a humanitarian parolee under 8 U.S.C. § 1182(d)(5) – Petitioner was a conditional parolee under 8 U.S.C. § 1226(a).

7. Because Respondents' authority to detain or redetain Petitioner as a conditional parolee under § 1226(a) materially differs from Respondents' authority to detain or redetain Petitioner as a humanitarian parolee under § 1182(d)(5), Petitioner intends to amend his Petition on the basis of this newly discovered evidence pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure and Local Rule 15.1.

8. On December 8, 2025, Counsel for the Parties discussed these matters over the phone, in accordance with their obligations under Local Rule 7.1(c).

9. Petitioner's lead counsel, Attorney Kramer Custer, disclosed to Respondents' Counsel the basis for Petitioner's intended amendment and proposed that the hearing on the Motion to Dismiss be continued so that the amendment could be resolved first and any ultimate determination over the Petition be made on the merits.

10. Petitioner's Counsel further explained that, at the time the FOIA documents were received in September, she was on an unexpected medical leave and she did not return to full-time duties until November. She also shared that she would be unavailable on December 18, 2025, the current hearing date, due to a previously scheduled vacation out-of-state.

11. In view of the above, Respondents' Counsel offered her concurrence to the present Motion to Continue, as well as her preliminary concurrence to Petitioner's intended Rule 15 Motion to Amend, subject to her review of the Rule 15 papers.

WHEREFORE, Petitioner respectfully requests, with the assent of Respondents, that this Court continue the hearing on Respondents' Motion to Dismiss while Petitioner seeks to amend his Petition on the basis of his newly discovered evidence.

Respectfully submitted,

GENAURIS ARIAS LARA, Petitioner,

By his attorneys,

Dated: December 10, 2025

/s/ Lindsay Kramer Custer

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Dated: December 10, 2025

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CERTIFICATE OF SERVICE

I, Lindsay Kramer Custer, hereby certify that on this date I served the foregoing Motion by filing the same with the Court's ECF electronic filing system and by so doing served the Motion on all registered participants to this action, including counsel for Respondents.

Dated: December 10, 2025

/s/ Lindsay Kramer Custer