

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

FRANCISCO BRITO MATOM

Case No: 2:25-CV-00648

Petitioner

v.

**IMMIGRATION AND CUSTOM ENFORCEMENT; DEPARTMENT OF
HOMELAND SECURITY; WARDEN, ALLIGATOR ALCATRAZ
CORRECTIONAL INSTITUTION**

Respondent

SUPPLEMENTAL BRIEF

Here comes the undersigned attorney on behalf of Petitioner, Francisco Brito Matom and submits the following brief:

I. INTRODUCTION

This case presents two threshold questions concerning the justiciability of Petitioner's habeas action. First, whether Petitioner's transfer from Alligator Alcatraz moots his habeas petition and deprives him of standing to seek relief; and second, whether his role as a class representative in related litigation strips this Court of jurisdiction over his individual habeas claims.

Petitioner respectfully submits that neither argument has merit. The law is well settled that transfer alone does not moot a habeas case, particularly when a detainee continues to challenge the legality of custody and remains subject to collateral consequences. Equally settled is the principle that the existence of parallel class litigation does not deprive federal courts of jurisdiction over an individual's habeas petition.

This Court retains jurisdiction, and the case presents a live controversy warranting judicial review. To conclude otherwise would allow the government to evade review by the simple expedient of transferring detainees or pointing to unrelated litigation. Such an outcome would contravene longstanding precedent and undermine the fundamental purpose of the Great Writ.

II. FACTUAL AND PROCEDURAL BACKGROUND

Petitioner, a citizen of Guatemala, has been detained in federal immigration custody since July 8, 2025. He was initially confined at Alligator Alcatraz, where he filed the instant habeas petition challenging the legality of his detention and the absence of due process protections. While this petition was pending, Petitioner was transferred to another detention facility under the authority of the Department of Homeland Security (“DHS”).

Respondent now suggests that this transfer moots Petitioner’s claims or otherwise deprives this Court of jurisdiction. Additionally, Respondent points to Petitioner’s status as a class representative in related litigation, asserting that the class action forecloses his ability to pursue individual habeas relief.

These arguments fail as a matter of law and fact. Petitioners continue to be in custody, continues to suffer constitutional injury, and continues to seek individualized relief available through habeas corpus.

III. LEGAL STANDARD

Federal courts have jurisdiction under 28 U.S.C. § 2241 to entertain habeas petitions filed by persons “in custody in violation of the Constitution or laws or treaties of the United States.” The case-or-controversy requirement of Article III limits judicial power to live disputes where courts can grant effectual relief. *Chafin v. Chafin*, 568 U.S. 165, 171–72 (2013). A case is moot only when it becomes impossible for a court to grant meaningful relief. *Id.*

Standing requires that a petitioner demonstrate an ongoing injury traceable to the respondent and redressable by the court. In the habeas context, detention itself constitutes sufficient injury to satisfy Article III. *Preiser v. Rodriguez*, 411 U.S. 475, 487 (1973).

IV. PETITIONER'S TRANSFER DOES NOT MOOT HIS CLAIMS

A. Governing Precedent

The Supreme Court has consistently held that transfer or release from a particular facility does not automatically moot a habeas petition. In *Ex parte Endo*, 323 U.S. 283, 306 (1944), the Court rejected the argument that transfer deprived a federal court of power to consider the legality of custody. Similarly, in *Carafas v. LaVallee*, 391 U.S. 234, 237–38 (1968), the Court held that a habeas petition was not mooted by the petitioner's release, because collateral consequences persisted.

In *Spencer v. Kemna*, 523 U.S. 1, 7–8 (1998), the Court reiterated that habeas petitions remain live so long as collateral consequences continue to affect the petitioner. Lower courts have echoed this principle in the immigration context. See *Riley v. INS*, 310 F.3d 1253, 1256 (10th Cir. 2002) (transfer of immigration detainee did not moot habeas petition where detention itself was at issue).

B. Application to Petitioner

Petitioners challenge the constitutionality of his ongoing detention. There was no warrant for his detention, and the government has not provide evidence of an existent warrant, he has not been able to have communication with his attorney for an effective representation and the NTA was filed after the 30-day requirement. The relief he seeks, release or, alternatively, a constitutionally adequate bond hearing remains available regardless of his location. The government's argument, if accepted, would incentivize transfer as a litigation tactic to avoid judicial scrutiny. Courts have consistently rejected such "gamesmanship." See *Ex parte Endo*, 323 U.S. at 306.

The violation of due process from the government has not been amended just by the mere situation that the Petitioner was transferred to another detention facility. Petitioner remains “in custody” and this Court can grant meaningful relief, if the case is not moot.

V. CLASS REPRESENTATION DOES NOT STRIP THIS COURT OF JURISDICTION

A. Doctrinal Background

The Supreme Court has recognized that individuals may simultaneously pursue individual relief and represent a class. In *United States Parole Comm'n v. Geraghty*, 445 U.S. 388, 403–04 (1980), the Court held that an individual retains a live controversy even when also litigating as a class representative. Likewise, in *Sosna v. Iowa*, 419 U.S. 393, 399–401 (1975), the Court distinguished between class claims and individual claims, noting that class actions do not extinguish the personal stake of the named representative.

In the immigration and habeas contexts, courts have consistently rejected the idea that class membership strips individuals of the right to pursue habeas relief. See *Zepeda v. INS*, 753 F.2d 719, 727 (9th Cir. 1983) (class membership does not foreclose individual habeas relief). See also *County of Riverside v. McLaughlin*, 500 U.S. 44, 51 (1991) (individuals may seek both class and personal relief in cases concerning detention).

B. Application to Petitioner

Petitioner’s claims are based on his individual detention and his personal constitutional rights. The class action in which he participates raises broader structural issues concerning detainees as a group. These parallel actions are not mutually exclusive. As the Supreme Court recognized in *Brown v. Plata*, 563 U.S. 493 (2011), individual habeas petitions and class-wide structural injunctions can proceed concurrently.

To hold otherwise would deny detainees access to habeas relief merely because they serve as class representatives—an outcome incompatible with both precedent and the Suspension Clause.

VI. POLICY CONSIDERATIONS

The government's position would, if accepted, undermine the efficacy of habeas corpus. Allowing transfer to moot petitions invites manipulation of jurisdiction and effectively places detainees beyond judicial review. As the Supreme Court warned in *Boumediene v. Bush*, 553 U.S. 723, 745 (2008), the "privilege of habeas corpus entitles the prisoner to a meaningful opportunity to demonstrate that he is being held pursuant to the erroneous application or interpretation of relevant law." That right cannot be defeated by transfer or procedural gamesmanship.

Similarly, precluding class representatives from pursuing individual relief would erode access to the courts and discourage detainees from stepping forward to challenge unlawful practices on behalf of others. Such a rule would contravene the principle that "the availability of habeas relief must not be curtailed by formalistic distinctions." *Preiser*, 411 U.S. at 489.

VII. CONCLUSION

For the reasons stated above, Petitioner respectfully submits that:

1. His transfer from Alligator Alcatraz does not moot his request for relief nor deprive him of standing; and
2. His role as a class representative does not divest this Court of jurisdiction.

Petitioner requests that the Court deny Respondent's jurisdictional objections and proceed to consider the merits of his habeas petition.

Respectfully
this 18 day of July submitted,
2025.

/s/Michelle Borton

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