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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **EASTERN DIVISION**
11

12 RODOLFO DE JESUS PINON
13 MACEO,

14 v. Petitioner,
15

16 DEPARTMENT OF HOMELAND
17 SECURITY,

Respondent.

No. 5:25-cv-01853-CAS-BFM

**REPORT AND
RECOMMENDATION OF
UNITED STATES
MAGISTRATE JUDGE**

18 This Report and Recommendation is submitted to the Honorable
19 Christina A. Snyder, Senior United States District Judge, pursuant to 28 U.S.C.
20 § 636 and General Order 05-07 of the United States District Court for the
21 Central District of California.
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23 **SUMMARY OF RECOMMENDATION**

24 This order concerns a habeas petition filed pursuant to 28 U.S.C. § 2241.
25 Petitioner was in immigration custody when he initiated this case. He argued
26 that the Department of Homeland Security was unlikely to effectuate his
27 removal to Cuba and that his continued detention was unconstitutional. Shortly
28 thereafter, Petitioner was in fact removed from the United States. The Court

1 therefore recommends dismissal of this Petition as moot; the relief Petitioner
2 sought—release from immigration custody—is no longer available.

4 ANALYSIS

5 On July 21, 2025, Petitioner Rodolfo de Jesus Pinon Maceo filed a Petition
6 for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. (ECF 1.) Petitioner
7 alleged that he had been detained in ICE custody since April 2025, and that he
8 has an order of removal or reinstatement dated August 15, 2025, a date that
9 was, at that time, several weeks in the future. (ECF 1 at 5.) He purported to
10 state four claims: the first three claims identified the Fourth Amendment, Fifth
11 Amendment, and Sixth Amendment, without identifying any particular facts
12 that would support a claim under any of those provisions. (ECF 1 at 7.) Ground
13 Four states: “DUI to Petitioner is Cuban Nationality and Can’t Be Deporting.”
14 (ECF 1 at 6.) As relief, Petitioner sought immediate release from immigration
15 detention. (ECF 1 at 6.)

16 The Court ordered a response. (ECF 4.) Respondent filed a suggestion of
17 mootness, indicating that Petitioner is a Cuban citizen, that he had been
18 ordered removed in 1994, and that his physical removal had been effectuated on
19 August 15, 2025. (ECF 5-1 at ¶¶ 3-8.) He was removed to Mexico as a third
20 county removal. (ECF 5-1 at ¶¶ 3-8.) The Court takes judicial notice of the ICE
21 detainee locator, <https://locator.ice.gov>,¹ which confirms that Petitioner is no
22 longer in ICE custody.

23 Given Petitioner’s release, the Court recommends dismissal of the
24 Petition as moot. Petitioner filed this case seeking release from immigration
25 custody. He is no longer in custody, having been removed last month. Because

26
27 ¹ *Arutyunovich v. Valinken*, No. 1:19-CV-01701-JDP, 2020 WL 1332495, at
28 *1 (E.D. Cal. Mar. 23, 2020) (taking judicial notice of ICE detainee locator, as a
record of an administrative body).

1 his habeas petition “challenged only the length of his detention,” his complaint
2 “could no longer be remedied once he was deported.” *Abdala v. I.N.S.*, 488 F.3d
3 1061, 1062 (9th Cir. 2007) (dismissing as moot a petition raising claims about
4 the legality of prolonged detention, given that petitioner had been deported);
5 *Grossi v. Current or Acting Field Off. Dir.*, No. CV 23-8785-FMO(E), 2024 WL
6 263591, at *1 (C.D. Cal. Jan. 24, 2024) (dismissing indefinite detention petition
7 once petitioner removed from the country).

8 The Court thus recommends that the Petition be dismissed as moot; and
9 the action be dismissed without prejudice. *Tur v. YouTube, Inc.*, 562 F.3d 1212,
10 1214 (9th Cir. 2009) (“[A] dismissal for mootness [is] a dismissal for lack of
11 jurisdiction.”); *Hampton v. Pac. Inv. Mgmt. Co. LLC*, 869 F.3d 844, 846 (9th Cir.
12 2017) (“Dismissals for lack of subject-matter jurisdiction . . . must be without
13 prejudice, because a lack of jurisdiction deprives the dismissing court of any
14 power to adjudicate the merits of the case.”).

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16 **RECOMMENDATION**

17 IT IS THEREFORE RECOMMENDED that the District Judge issue an
18 Order: (1) approving and accepting this Report and Recommendation; (2)
19 dismissing the Petition as moot; (3) directing that Judgment be entered
20 dismissing this action without prejudice.

21
22 DATED: September 12, 2025



BRIANNA FULLER MIRCHEFF
UNITED STATES MAGISTRATE JUDGE

NOTICE

Reports and Recommendations are not appealable to the United States Court of Appeals for the Ninth Circuit, but may be subject to the right of any party to file objections as provided in the Local Civil Rules for the United States District Court for the Central District of California and review by the United States District Judge whose initials appear in the docket number. No notice of appeal pursuant to the Federal Rules of Appellate Procedure should be filed until the District Court enters judgment.