IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

BANDA CHIFUNILO,	:	
	:	
Petitioner,	:	
	:	**Case No. 4:25-CV-314-CDL-AGH**
v.	:	**28 U.S.C. § 2241**
	:	
WARDEN, STEWART DETENTION CENTER,	:	
	:	
	:	
Respondent.	:	

RESPONDENT'S MOTION TO DISMISS

On October 2, 2025, Petitioner filed an application for a writ of habeas corpus (the "Petition"). ECF No. 1. Respondent filed a Motion to Dismiss on January 27, 2026. ECF No. 7. On June 9, 2026, the Court ordered Respondent to file a status report. ECF No. 11. Petitioner was removed from the United States on June 23, 2026, and the Petition should consequently be dismissed as moot in lieu of a status report.

BACKGROUND

On June 5, 2026, ICE/ERO submitted a travel document request to the Zambian Consulate. Guerra Decl. ¶ 4. On June 12, 2026, ERO Headquarters ("ERO HQ") informed the local ICE/ERO field office that the Zambian Consulate had issued a travel document that had been mailed to the field office. *Id.* ¶ 5. On June 15, 2026, ICE/ERO scheduled Petitioner's removal for June 23, 2026. *Id.* ¶ 6.

On June 18, 2026, the local ICE/ERO field office received Petitioner's travel document. Guerra Decl. ¶ 7 & Ex. A.[1] On June 19, 2026, ICE/ERO transferred Petitioner from the Stewart

[1] Counsel intends to supplement this Motion to Dismiss with Exhibit A on June 24, 2026.

Detention Center to Oakdale, Louisiana. *Id.* ¶ 8. On June 22, 2026, ICE/ERO transferred Petitioner to the Arizona Removal Operations Coordination Center in Mesa, Arizona, for removal. *Id.* On June 23, 2026, ICE/ERO removed Petitioner from the United States to Zambia via ICE Air flight. *Id.* ¶ 9.[2]

ARGUMENT

On June 23, 2026, the Department of Homeland Security ("DHS"), Immigration and Customs Enforcement ("ICE") removed Petitioner from the United States to Zambia via ICE Air flight. Guerra Decl. ¶ 9. Because Petitioner is no longer in Respondent's custody, the Court lacks subject-matter jurisdiction over his claims. Accordingly, the Court should dismiss the Petition as moot.

The case-or-controversy requirement of Article III, section 2 of the United States Constitution subsists through all stages of federal judicial proceedings. *See Spencer v. Kemna*, 523 U.S. 1, 7 (1998). A petitioner "must have suffered, or be threatened with, an actual injury traceable to the defendant and likely to be redressed by a favorable judicial decision." *Lewis v. Cont'l Bank Corp.*, 494 U.S. 472, 477 (1990). "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." *Soliman v. United States*, 296 F.3d 1237, 1242 (11th Cir. 2002) (internal quotation marks and citation omitted). "Put another way, a case is moot when it no longer presents a live controversy with respect to which the court can grant meaningful relief." *Fla. Ass'n of Rehab. Facilities, Inc. v. Fla. Dep't of Health & Rehab. Servs.*, 225 F.3d 1208, 1217 (11th Cir. 2000) (internal quotation mark and citation omitted). Thus, "[i]f 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

[2] Counsel further intends to supplement this Motion to Dismiss with the necessary removal documentation once counsel receives said documentation.

meaningful relief, then the case is moot and must be dismissed." *Al Najjar v. Ashcroft*, 273 F.3d 1330, 1336 (11th Cir. 2001). "Indeed, dismissal is required because mootness is jurisdictional." *Id.*; *see also De La Teja v. United States*, 321 F.3d 1357, 1362 (11th Cir. 2003). Once a petitioner has been removed from the United States, the dispute regarding his detention is rendered moot and must be dismissed. *See Soliman*, 296 F.3d at 1243.

Here, Petitioner requested release from custody. Pet. 7, ECF No. 1. He was removed from the United States on June 23, 2026, and is no longer in Respondent's custody. Guerra Decl. ¶ 9. Because Petitioner is not in Respondent's custody, the Court can no longer give Petitioner any meaningful relief regarding his detention. Accordingly, the Petition is moot and should be dismissed.

CONCLUSION

For the foregoing reasons, Respondent requests that Petitioner's application for habeas relief be dismissed.

Respectfully submitted this 23th day of June, 2026.

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CERTIFICATE OF SERVICE

This is to certify that I have this date filed the Motion to Dismiss with the Clerk of the United States District Court using the CM/ECF system, which will send notification of such filing to the following:

N/A

I further certify that I have this date mailed by United States Postal Service the document and a copy of the Notice of Electronic Filing to the following non-CM/ECF participants:

Banda Chifunilo
A# [redacted]
Stewart Detention Center
P.O. Box 248
Lumpkin, GA 31815

This 23th day of June, 2026.

BY: *s/ Travis D. Lynes*
TRAVIS D. LYNES
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