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11 UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 ANDREY BERNIK,
14 Petitioner,
15 v.
16 KRISTI NOEM, *et al.*,
17 Respondents.

No. 5:25-cv-02899-SVW-PVC

**NOTICE OF REMOVAL AND
SUGGESTION OF MOOTNESS**

Honorable Stephen V. Wilson
United States District Judge

On October 30, 2025, Petitioner Andrey Bernik filed a Petition for a Writ of Habeas Corpus (the “Petition”). Dkt. No. 1. Because Petitioner was removed to Ukraine on November 17, 2025 (Declaration of Jorge Suarez, ¶ 7), and is no longer in custody, the Petition is moot.

I. BACKGROUND

Petitioner is a native and citizen of Ukraine. Suarez Decl. ¶ 3.

On or about October 8, 2024, Petitioner was issued a Notice to Appear and placed in removal proceedings before the Immigration Court. *Id.* ¶¶ 4.

On or about November 7, 2024, Petitioner appeared before an Immigration Judge, who ordered him removed. *Id.* ¶ 5. Petitioner did not appeal the removal order. *Id.* ¶ 6.

On November 17, 2025, Petitioner was removed to Ukraine. *Id.* ¶ 12.

II. ARGUMENT

Where, as here, suit is brought without Article III standing, no “case or controversy” exists and the court lacks subject matter jurisdiction, as a result. U.S. Const. art. III, § 2, cl. 1. (requiring district courts to adjudicate only actual cases or controversies); *Iron Arrow Honor Society v. Heckler*, 464 U.S. 67, 70 (1983). Federal courts do not have the power to decide a case that does not affect the rights of a litigant in the case before it. *See Mitchell v. Dupnik*, 75 F.3d 517, 527-28 (9th Cir. 1996); *see also Abdala v. I.N.S.*, 488 F.3d 1061, 1062 (9th Cir. 2007) (dismissing petition as moot after petitioner had been removed).

Here, Petitioner requested his release from immigration custody. However, because Petitioner has been removed from the United States and is thus no longer in immigration custody, there is no further relief this Court can provide. *See, e.g., Maceo v. Dep’t of Homeland Sec.*, No. CV 25-1853-CAS-BFM, Dkt. No. 7, at 2 (C.D. Cal. Sept. 12, 2025) (“Given Petitioner’s release, the Court recommends dismissal of the Petition as moot. Petitioner filed this case seeking release from immigration custody. He is no longer in custody, having been removed last month.”); *Le v. Dep’t of Homeland Sec.*, No. 5:25-cv-01717-PA-MBK, Dkt. 13, at 2-3 (C.D. Cal. Oct. 14, 2025) (“after filing the

Petition, Mr. Le was removed and is no longer in federal custody. Because no further relief can be given to Petitioner by the Court, the Petition is moot and must be dismissed for lack of jurisdiction.”); *Grossi v. Current or Acting Field Off. Dir.*, No. CV 23-8785-FMO-E, [2024 WL 263591](#), at *1 (C.D. Cal. Jan. 24, 2024) (dismissing petition once petitioner removed from the country).

This case is no exception. Petitioner’s habeas petition is now moot.

III. CONCLUSION

Accordingly, Respondent respectfully requests that the Court deny the habeas petition and dismiss the action as moot.

Dated: November 20, 2025

Respectfully submitted,

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