

United States District Court
Eastern District of Michigan

Pablo Aguilar,

Petitioner,

Civil No. 25-13497

v.

Honorable Laurie J. Michelson
Mag. Judge Curtis Ivy, Jr.

Kevin Raycraft, Acting Field Office
Director of Enforcement and Removal
Operations, Detroit Field Office,
Immigration and Customs
Enforcement, et al.

Respondents.

Response to Order to Show Cause

On December 3, 2025, the Court issued an order requiring the parties to show cause “why the Court should not find that Aguilar, by being subject to electronic monitoring and travel restrictions (but not detention), is conditionally paroled as provided by 8 U.S.C. § 1226(a), such that his habeas petition is now moot.” (Order, ECF No. 10, PageID.80). The Court ordered a response by December 5, 2025. (*See id.*). As described below, the Court should dismiss this matter as moot but should not conclude that petitioner is paroled under 8 U.S.C. § 1226(a) or any particular statute because the Northern District of Illinois has jurisdiction to determine the statutory basis for his release.

This matter is moot. When petitioner filed this suit, he was in custody. (*See* Pet., ECF No. 1, PageID.19–20). Therefore, in the active petition, petitioner seeks release from custody or a bond hearing, but he does not raise any challenge to his parole or challenge the statutory basis for his parole. (*See id.*).

After petitioner filed this suit, ICE released him pursuant to litigation in the Northern District of Illinois, *Castanon Nava v. DHS*, 18-03757 (N.D. Ill.). The parties' agreements and the Northern District of Illinois' orders in *Castanon Nava* govern the terms of petitioner's release, including the statutory basis for his release. *See id.* Any challenges to his release under *Castanon Nava* must be brought in the *Castanon Nava* litigation. *See Nava Ibarra v. Noem*, No. 1:25-01335, 2025 WL 3223765, at *8–9 n.4 (W.D. Mich. Nov. 19, 2025).

Petitioner now resides in Illinois and his parole is within the jurisdiction of ICE's Chicago Field Office, not the Detroit Field Office. (*See* Pet. Status Rep., ECF No. 9). Accordingly, petitioner's suit is moot because the Court can no longer grant him the relief he seeks in the active petition (release or a bond hearing), he has not amended his petition to add claims challenging his parole or seeking to classify the statutory basis for his parole, and, even if he were to amend his petition in this case, the Court would lack jurisdiction over his claims because no petitioner and no

respondent with current control over petitioner reside in this district,¹ and any order this Court entered regarding his parole would unduly interfere with the Northern District of Illinois's jurisdiction over the *Castanon Nava* litigation, which governs his release.

Respectfully submitted,

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Dated: December 5, 2025

¹ The Attorney General and Secretary of Homeland Security do not reside in this district; they reside in Washington, D.C. *See Butterworth v. Hill*, 114 U.S. 128, 132 (1885).

Certificate of Service

I hereby certify that on December 5, 2025, I electronically filed the foregoing paper with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the parties of record.

/s/ Zak Toomey

Zak Toomey

Assistant U.S. Attorney