

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JORGE SOTO JAIMES,

Case No. 1:25-cv-1397

Petitioner,

Hon. Paul L. Maloney
U.S. District Court Judge

v.

KEVIN RAYCRAFT, Field Office Acting
Director of Enforcement and Removal
Operations, Detroit Field Office, Immigration
and Customs Enforcement; NOEM, Secretary,
U.S. Department of Homeland Security; U.S.
DEPARTMENT OF HOMELAND
SECURITY; PAMELA BONDI, U.S. Attorney
General; THE GEO GROUP INC., facility
operators; JOHN DOE, Warden of North Lake
Correctional Facility (or his/her successors),

Respondents.

RESPONSE TO PETITIONER'S MOTION TO DISMISS

Federal Respondents, Kevin Raycraft, Field Office Acting Director of Enforcement and
Removal Operations, Detroit Field Office, Immigration and Customs Enforcement; Kriti Noem,
Secretary, U.S. Department of Homeland Security; U.S. Department of Homeland Security;

Pamela Bondi, U.S. Attorney General (collectively, Federal Respondents), submit their response to Petitioner's motion to dismiss and for a limiting order.¹

DISCUSSION

Petitioner, Jorge Soto Jaimes, filed a notice advising the Court of his release from ICE custody and requesting dismissal of his habeas petition as moot. (Mot., PageID.18-20.) Although he concedes that his release from ICE custody renders his habeas claims moot, he simultaneously asks the Court to enter affirmative injunctive orders barring future detention. (*Id.*) As a procedural matter, once mootness is acknowledged, the Court's jurisdiction is limited to determining whether any live case or controversy remains. *North Carolina v. Rice*, 404 U.S. 244, 247 (1971) (confirming that federal courts "are without power to decide questions that cannot affect the right of litigants in the case before them."). The court may not proceed to issue new, forward-looking remedies in a case that no longer presents an active dispute. A federal court "has no authority to give opinions upon moot questions or abstract propositions." *Cleveland Branch, NAACP v. City of Parma*, 263 F.3d 513, 530 (6th Cir. 2001). The Sixth Circuit repeatedly holds that release from custody moots a detention challenge and eliminates the Court's power to grant additional relief. *See Demis v. Snizek*, 558 F.3d 508, 512, 515 (6th Cir. 2009) (mootness upon release bars further judicial action unless concrete collateral consequence persists).

¹ A writ of habeas corpus may only be issued "to the person having custody of the person detained." 28 U.S.C. § 2243. Except in extraordinary circumstances, the only proper respondent in a habeas corpus case is the detainee's immediate custodian. *See Roman v. Ashcroft*, 340 F.3d 314, 320 (6th Cir. 2003). In the immigration context, that is the ICE Field Office Director. *Id.* Here, the petition names additional Federal Respondents, but they are not proper respondents to this habeas action. *See Roman*, 340 F.3d at 322 (reasoning that "adopting a broader definition of 'custodian'" that encompasses any official with control over an alien's detention and release "would complicate and extend the duration of habeas corpus proceedings"); *Escobar-Ruiz v. Raycraft*, No. 1:25-CV-1232, 2025 WL 3039255, at *8 (W.D. Mich. Oct. 31, 2025) (dismissing the Attorney General as an improper respondent to a habeas petition).

Here, Petitioner identifies no continuing injury and no legal authority permitting a federal court to prospectively restrain hypothetical future detention in this habeas case. Rather, he admits that his claims are moot. Article II jurisdiction is, therefore, absent, and the Court must deny the requested “limiting order”

CONCLUSION

For these reasons, the federal Respondents request that the Court grant Petitioner’s motion to dismiss the case but deny his request to issue a limiting order.

Respectfully submitted,

TIMOTHY VERHEY
United States Attorney

Dated: November 19, 2025

/s/ Carolyn Almassian
CAROLYN ALMASSIAN
Assistant United States Attorney
Post Office Box 208
Grand Rapids, MI 49501-0208
(616) 456-2404
Carolyn.Almassian@usdoj.gov
Attorney for Respondents