

1 ERIC GRANT
United States Attorney
2 VERONICA M.A. ALEGRÍA
Assistant United States Attorney
3 501 I Street, Suite 10-100
Sacramento, CA 95814
4 Telephone: (916) 554-2700
Facsimile: (916) 554-2900
5
6 Attorneys for Plaintiff
United States of America

7
8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 ANIL KUMAR,
11
12 Petitioner,
13
14 v.
15 WARDEN OF THE GOLDEN STATE
ANNEX DETENTION FACILITY, et al.,
16
17 Respondents.

CASE NO. 1:25-CV- 01709-DAD-EFB

OPPOSITION TO PETITIONER'S MOTION TO
ENFORCE ALL WRITS ACT AND MOTION TO
DISMISS FOR MOOTNESS

17
18 I. INTRODUCTION

18 Petitioner Anil Kumar ("Petitioner") is a citizen of India who entered the United States illegally.
19 On December 2, 2025, Petitioner had filed a Petition for Writ of Habeas Corpus, arguing against his
20 detention at the Golden State Annex during the pendency of his immigration proceedings. ECF 1. On
21 January 28, 2026, an Immigration Judge ("IJ") issued a final order of removal to India. Petitioner
22 waived appeal, and he was accordingly transported to India.

23 This Court ordered, *inter alia*, that Respondents "not transfer petitioner to another detention
24 center outside of this judicial district" in order to "ensure this court's jurisdiction to resolve the pending
25 § 2241 petition." ECF 8 at 2-3. Unfortunately, undersigned counsel was not alerted to Petitioner's
26 removal to India and ICE attorneys were unaware of the Court's order in this case. Undersigned counsel
27 sincerely apologizes to the Court for this error, and assures the Court that steps are being taken within
28 the U.S. Attorney's Office to improve protocols to ensure this error does not recur. Nevertheless,

Petitioner was removed to India pursuant to a final order of removal, not to another detention center to divest this Court's jurisdiction. The Court did not divest the IJ of its jurisdiction to resolve Petitioner's immigration proceedings or issue a final order of removal. The Court also did not stay Petitioner's immigration case or order that Petitioner not be removed from the United States. On the facts of this case, where Petitioner challenged only the length of his detention, did not seek a stay of removal, was issued a final order of removal, and waived appeal of that order of removal, there is not cause to bring Petitioner back to the United States.

The Court should deny Petitioner's motion and dismiss the case as moot. Petitioner sought a Writ of Habeas Corpus from his detention by the Immigration and Customs Enforcement ("ICE"). ECF 1. However, Petitioner is no longer in ICE custody, having been removed to his native country of India. Therefore, the requested relief can no longer be granted and the Court should dismiss the Petition as moot.

II. FACTUAL AND PROCEDURAL BACKGROUND

According to ICE attorneys, Petitioner is a native and citizen of India who entered the United States unlawfully and without inspection and was first encountered by DHS on or around June 9, 2023. At that time, Petitioner was issued a Notice to Appear under section 212(a)(6)(A)(i) of the Immigration and Nationality Act ("INA"). On or about March 2024, Petitioner filed an application for asylum with USCIS. On November 30, 2024, Petitioner was arrested by Sacramento Police Department in Sacramento County for Domestic Violence in violation of California Penal Code Section 243(E)(1). On September 11, 2025, Petitioner agreed to a consensual interview with a Deportation Officer Moradi, during which he admitted that he is a citizen of India. After that interview, Petitioner was detained pursuant to 8 U.S.C. § 1225(b)(1).

On December 2, 2025, Petitioner, acting *pro se*, filed his § 2241 habeas corpus petition. ECF 1. Petitioner argued that his detention by ICE during the pendency of his immigration case was unlawful because there had been no judicial finding of his risk of flight or danger. ECF 1 at 2, 5. The Court appointed counsel to represent Petitioner, who made their first appearance on January 8, 2026. See ECF 8, 12, 14, 15. The Court also ordered: "In order to ensure this court's jurisdiction to resolve the pending § 2241 petition, respondents shall not transfer petitioner to another detention center outside of this

1 judicial district, pending further order of the court.” ECF 8 at 2-3 (citing 28 U.S.C. § 1651(a); *F.T.C. v.*
 2 *Dean Foods Co.*, 384 U.S. 597, 604 (1966)). Unfortunately, this order was not transmitted to ICE
 3 attorneys, and they were not aware of the court’s restriction on Petitioner’s transfer when they
 4 effectuated his removal. This Office has been working to streamline our processes and improve our
 5 communication systems to ensure that a miss like this does not occur again. This was an inadvertent
 6 rather than intentional disregard of the Court’s order.

7 On January 23, 2026, the Respondents filed their Answer to the Petition, arguing that Petitioner
 8 was lawfully detained pending adjudication of his asylum application and removal proceedings and
 9 subject to mandatory detention. ECF 19. Petitioner did not file a reply, and the Court has not ruled on
 10 the Petition yet.

11 On January 28, 2026, IJ Vikram Badrinath issued a final order of removal during a hearing with
 12 Petitioner. Ex. 1 (final removal order). The IJ ordered Petitioner removed to India and advised him of
 13 certain penalties for failure to depart pursuant to the removal order. Ex. 1 at 5. As can be heard from
 14 the recording of Petitioner’s January 28th hearing, Petitioner stated that he would like to return to his
 15 country and requested to be removed to India, which the IJ granted. Ex. 2 (recording of January 28,
 16 2026 hearing). During the hearing, the IJ explained that the Petitioner had the right to appeal the
 17 removal order to a higher immigration court, and the Petitioner waived appeal and accepted the final
 18 removal order. *Id.*

19 According to ICE attorneys, after the IJ issued Petitioner’s final order of removal, Petitioner was
 20 transferred from the Golden State Annex to the Arizona Removal Operations Coordinating Center
 21 (AROCC) on January 31, 2026. Then on February 1, 2026, he was transferred to Port Isabel Service
 22 Processing Center near Harlingen, Texas, for final staging before removal from the United States.
 23 Finally, on February 8, 2026, Petitioner traveled from Harlingen to India on a direct flight to Indira
 24 Gandhi International Airport.

25 **III. ARGUMENT**

26 **A. The IJ Maintains Jurisdiction to Issue a Final Order of Removal**

27 Petitioner’s Habeas Petition only challenged his ICE detention during the pendency of his
 28 removal proceedings. It did not seek review of the IJ’s final removal order or even seek to stay his

1 removal proceedings. Indeed, this Court would lack jurisdiction to review the IJ's final order of
 2 removal. *A. Singh v. Gonzales*, 499 F.3d 969, 977 (9th Cir. 2007) (holding that the REAL ID Act
 3 "expressly eliminated habeas review over all final orders of removal," citing 8 U.S.C. § 1252(a)(5)).

4 This Court did not issue a stay in Petitioner's immigration case or otherwise interfere with the
 5 IJ's authority to issue a final order of removal. Instead, it ordered that Petitioner not be transferred to
 6 another detention facility in order to preserve its jurisdiction during the pendency of his habeas petition.
 7 However, as detailed below, that petition is moot now that Petitioner is no longer in ICE custody.

8 While the error was regrettable and should not have occurred, Petitioner was not prejudiced by
 9 the error, because the removal had the effect of ending his detention, which was the sole grounds of his
 10 petition. Moreover, the transfer of Petitioner outside of the district after the IJ issued a final order of
 11 removal was a *de minimus* circumvention of this Court's jurisdiction. Petitioner traveled to Arizona and
 12 Texas over the course of eight days. After those eight days, this Court lost jurisdiction over the matter
 13 entirely, because there was no longer a case or controversy once Petitioner was released from ICE
 14 custody onto a plane to India.

15 Respondents acknowledge and do not dispute that Petitioner should not have been moved to
 16 another detention center outside of the Eastern District of California due to the Court's order.
 17 Petitioner's removal to India, however, was properly ordered by the IJ and not contrary to this Court's
 18 order. Given the claim Petitioner raised in the petition, this is not a case in which ICE should be ordered
 19 to bring Petitioner back to remedy the eight days he spent in ICE detention centers outside of this
 20 district.

21 **B. The Petition Is Moot Because Petitioner Is No Longer in ICE Custody**

22 The case or controversy requirement of Article III of the Federal Constitution deprives the Court
 23 of jurisdiction to hear moot cases. *Iron Arrow Honor Soc'y v. Heckler*, 464 U.S. 67, 70 (1983); *NAACP*,
 24 *Western Region v. City of Richmond*, 743 F.2d 1346, 1352 (9th Cir. 1984). A case becomes moot if the
 25 "the issues presented are no longer 'live' or the parties lack a legally cognizable interest in the
 26 outcome." *Murphy v. Hunt*, 455 U.S. 478, 481 (1984). The Federal Court is "without power to decide
 27 questions that cannot affect the rights of the litigants before them." *North Carolina v. Rice*, 404 U.S.
 28 244, 246 (1971) (per curiam) (quoting *Aetna Life Ins. Co. v. Hayworth*, 300 U.S. 227, 240-241 (1937)).

1 When, because of intervening events, a court cannot give any effectual relief in favor of the petitioner,
 2 the proceeding should be dismissed as moot. *Calderon v. Moore*, 518 U.S. 149, 150 (1996).

3 “[T]he essence of habeas corpus is an attack by a person in custody upon the legality of that
 4 custody, and . . . the traditional function of the writ is to secure release from illegal custody.” *Preiser v.*
 5 *Rodriguez*, 411 U.S. 475, 484 (1973). If a petitioner is no longer imprisoned by the allegedly illegal
 6 custody, then the court cannot fashion the habeas relief requested by the petitioner and the petition
 7 becomes moot. *Burnett v. Lampert*, 432 F.3d 996, 1001 (9th Cir. 2005) (holding that the petitioner’s
 8 release on parole and subsequent reimprisonment rendered his habeas corpus petition moot). When a
 9 habeas petitioner is released from detention, and the only claim pertains to the detention, any action that
 10 ends the detention moots the petition. *Picrin–Peron v. Rison*, 930 F.2d 773, 776 (9th Cir.1991) (finding
 11 that because petitioner only requested release from custody and had been released, the court could
 12 provide no further relief and the petition was properly dismissed); *see also Abdala v. INS*, 488 F.3d
 13 1061, 1064–65 (9th Cir.2007) (discussing and collecting cases in which a petitioner’s release from
 14 detention, parole, or removal rendered a habeas petition moot); *Flores–Torres v. Mukasey*, 548 F.3d
 15 708, 710 n.3 (9th Cir.2008) (dismissing as moot a challenge to immigration detention without a hearing
 16 because the alien had subsequently received a hearing); *Singh v. Warden of the Golden State Annex*
 17 *Detention Facility*, 1:25-cv-01657-JLT-SKO (dismissing the habeas petition as moot when petitioner
 18 had been remanded to the custody of the U.S. Marshal on federal charges and was no longer in ICE
 19 custody).

20 For this reason, in this case, removal had the effect of ending detention and mooted the petition.
 21 Thus, there would be no purpose to returning Petitioner to the United States, which would have the
 22 effect of returning Petitioner to ICE detention. Accordingly, the Court must dismiss this moot petition
 23 because nothing remains before the Court to be remedied. *Calderon*, 518 U.S. at 150. There is no longer
 24 jurisdiction to reach the merits of the case.

25 IV. CONCLUSION

26 The undersigned again apologizes for the failure to transmit and the inadvertent disregard of the
 27 Court’s order. New processes are in place to streamline the transmittal of such orders in the future to
 28 ensure that it does not occur again. Nevertheless, the requested relief in the Petition – to be released from

1 ICE custody during the pendency of his immigration proceedings – is no longer an issue that can be
2 remedied by this Court and the case should be dismissed as moot.

3
4 Dated: March 6, 2026

ERIC GRANT
United States Attorney

5
6 By: /s/ Veronica Alegría
7 VERONICA M.A. ALEGRIA
Assistant United States Attorney
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28