

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 Petitioner,

12 v.

13 WARDEN OF THE GOLDEN STATE
ANNEX DETENTION FACILITY, et al.,

14 Respondents.
15
16

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

REPLY TO PETITIONER'S OPPOSITION TO
RESPONDENTS' MOTION TO DISMISS FOR
MOOTNESS

17 I. ARGUMENT

18 If a habeas prisoner is no longer held in detention, then the petitioner no longer has a justiciable
19 claim for habeas corpus. "[T]he essence of habeas corpus is an attack by a person in custody upon the
20 legality of that custody, and . . . the traditional function of the writ is to secure release from illegal
21 custody." *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973). If a petitioner is no longer imprisoned by the
22 allegedly illegal custody, then the court cannot fashion the habeas relief requested by the petitioner and
23 the petition becomes moot. *Burnett v. Lampert*, 432 F.3d 996, 1001 (9th Cir. 2005) (holding that the
24 petitioner's release on parole and subsequent reimprisonment rendered his habeas corpus petition moot).

25 Significantly, this Court did not stay Petitioner's immigration proceeding. While the Court
26 ordered that Respondents "shall not transfer petitioner to another detention center outside of this judicial
27 district," Petitioner's return to India and release is not contrary to the Court's order. ECF 8 at 2-3. The
28 Court's order that Petitioner remain in a detention center within this district serves to "ensure this court's

1 jurisdiction to resolve the pending § 2241 petition.” *Id.* However, there is no need to resolve the
2 pending § 2241 petition once Petitioner is no longer in ICE custody. The claim is moot and the court
3 can no longer remedy Petitioner’s detention.

4 Petitioner’s request to return to the United States makes no logical sense. Petitioner is now free
5 of ICE detention, yet seemingly he would have this Court haul Petitioner back to the United States and
6 into ICE detention in order to continue litigating this habeas petition. This is directly contradicted by
7 Petitioner’s statements at his immigration court hearing, in which he requested that the IJ return him to
8 India and waived his appeal:

9 IJ: Do you need more time to find a lawyer to represent you?

10 Pet.: No, I don’t need time. I would like to sign.

11 IJ: You would like to sign what, sir?

12 Pet.: I would like to go back to my country.

13 * * *

14 IJ: Sir, do you wish to designate a country of removal?

15 Pet: India.

16 IJ: Based up the Respondent’s admissions and concessions, the Court
17 finds that the four factual allegations are sustained. . . . Now sir, you filed
18 an application for asylum. Since you wish to return to your home country,
19 I am going to deny your application. Do you wish to be ordered
20 removed from the United States.

21 Pet: Yes.

22 IJ: . . . And sir, do you give up your right to apply for any other relief in
23 these removal proceedings?

24 Pet: Yes.

25 IJ: **Alright sir, I am going to grant your request and I am going to
26 order your removal from the United States to India.** Please understand
27 that this is a removal order from the United States. This removal order
28 will last for a period of 10 years. . . . If you return unlawfully to the United
States once again, then you can be charged with a federal crime. . . . Do
you understand this information sir?

Pet: Yes.

* * *

IJ: **Do you also understand that you have the right to appeal any**

1 decision of the Court to a higher court called the Board of Immigration
2 Appeals?

3 Pet: Yes.

4 IJ: This means that if you disagree with any aspect of the Court's
5 decisions, you can tell a higher immigration court all the reasons why you
6 believe this Court made the wrong decision.

7 Pet: Yes.

8 IJ: Alright. **And do you wish to waive your right to appeal the Court's
9 decision to a higher immigration court?**

10 Pet: Yes.

11 (Exhibit 2 (emphasis added).) Indeed, the IJ asked Petitioner one last time: "Sir, do you accept this
12 decision as a final decision?" and Petitioner responded, "Yes." (*Id.*)

13 The inescapable facts are that Petitioner requested to return to India, the IJ granted that request,
14 and Petitioner waived any appeal of that final order. The IJ still retained his authority to order Petitioner
15 removed to India. In the interest of justice, this Court should not disturb Petitioner's clearly articulated
16 desire by hauling him back to the United States, only for him to be removed to India again. The removal
17 order was final and remains valid for 10 years.

18 In the Ninth Circuit, when a habeas petitioner is released from detention, and the only claim
19 pertains to the detention, any action that ends the detention moots the petition. *Picrin-Peron v. Rison*,
20 930 F.2d 773, 776 (9th Cir.1991) (finding that because petitioner only requested release from custody
21 and had been released, the court could provide no further relief and the petition was properly dismissed);
22 *see also Abdala v. INS*, 488 F.3d 1061, 1064–65 (9th Cir.2007) (discussing and collecting cases in
23 which a petitioner's release from detention, parole, or removal rendered a habeas petition moot); *Flores-*
24 *Torres v. Mukasey*, 548 F.3d 708, 710 n.3 (9th Cir.2008) (dismissing as moot a challenge to immigration
25 detention without a hearing because the alien had subsequently received a hearing); *Singh v. Warden of*
26 *the Golden State Annex Detention Facility*, 1:25-cv-01657-JLT-SKO (dismissing the habeas petition as
27 moot when petitioner had been remanded to the custody of the U.S. Marshal on federal charges and was
28 no longer in ICE custody).

//

//

II. CONCLUSION

For the foregoing reasons, the Habeas Corpus Petition should be dismissed as moot.

Dated: March 13, 2026

ERIC GRANT
United States Attorney

By: /s/ Veronica Alegria
VERONICA M.A. ALEGRIA
Assistant United States Attorney