UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

K.A.R.M., a minor, by and through his next friend, Maegan Faitsch Petitioner, v. KRISTI NOEM, *et al.*, Respondents.	§ § § § § § § § § § §	CASE NO. 7:25-cv-00581

FEDERAL RESPONDENTS' MOTION TO DISMISS AS MOOT

Federal Respondents in accordance with Rule 12(b)(1) of the Federal Rules of Civil Procedure, move the Court to dismiss the instant Petition for writ of habeas corpus as moot. Federal Respondents have learned from the United States Department of Health and Human Services ("HHS") that Petitioner was released from custody of the Office of Refugee and Resettlement ("ORR") on or about December 21, 2025. The following supports this motion:

1. The Petition for writ of habeas corpus was filed on December 11, 2025. (Dkt. 1).
2. On December 18, 2025, the Court ordered Respondents to file a response to Petitioner's habeas Petition by January 2, 2025. (Dkt. No 8).
3. On December 22, 2025, an HHS attorney informed undersigned counsel that Petitioner was released from ORR custody. *See* **Gov't Ex. 1**.
4. Federal Rule of Civil Procedure 12(b)(1) governs challenges to a court's subject matter jurisdiction. "A case is properly dismissed for lack of subject matter jurisdiction when the court lacks the statutory or constitutional power to adjudicate the case." *Home Builders Ass'n of Miss., Inc. v. City of Madison*, 143 F.3d 1006, 1010 (5th Cir. 1998).

5. Federal courts lack jurisdiction to decide moot cases because their constitutional authority extends only to actual cases or controversies. Mootness is a question of subject matter jurisdiction, *Alvan v. Ashcroft*, 388 F.3d 507, 511 (5th Cir. 2004), and if a question of mootness arises, the court must resolve it before it can assume jurisdiction, *North Carolina v. Rice*, 404 U.S. 244, 246, 92 S.Ct. 402, 30 L.Ed.2d 413 (1971). A case becomes moot "when the issues presented are no longer 'live' or the parties lack a legally cognizable interest in the outcome." *United States Parole Comm'n v. Geraghty*, 445 U.S. 388, 395, 100 S.Ct. 1202, 63 L.Ed.2d 479 (1980). "If a dispute has been resolved or if it has evanesced because of changed circumstances ... it is considered moot." *American Med. Ass'n v. Bowen*, 857 F.2d 267, 270 (5th Cir.1988).
6. As such, this matter is moot because no live controversy exists.
7. Undersigned counsel has reached out to Petitioner's primary legal counsel, Frances Bourliot, by telephonic and electronic communication to determine if counsel would voluntarily dismiss the action. However, Petitioner's counsel has not responded to undersigned counsel's communications.
8. Because Petitioner has been released from ORR custody, Respondents request that the Court grant this motion and dismiss the instant Petition as moot.

Dated: January 2, 2026

Respectfully submitted,

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By: */s/ Alexander McDonough*
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CERTIFICATE OF SERVICE

I certify that on January 2, 2026, the foregoing was filed and served through the Court's CM/ECF system.

/s/ Alexander McDonough
Alexander McDonough
Special Assistant United States Attorney