UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

E.J.C.F. and M.A.C.F., minors, by and through their next friend, [redacted]	§	
Petitioners,	§	CIVIL NO. 2:26-CV-53
v.	§	
ROBERT F. KENNEDY, JR, Secretary of Health and Human Services; ANGIE SALAZAR, Acting Director of Office of Refugee Resettlement; JESSICA FUENTES VELA, Federal Field Specialist, Office of Refugee Resettlement; ONEIDA GUTIERREZ, Senior Program Director, Upbring Bokenkamp Shelter, in their official capacities; U.S. Department of Health and Human Service; Office of Refugee Resettlement,	§	
Respondents.	§	

RESPONDENTS' UNOPPOSED MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS AS MOOT

Pursuant to Federal Rule of Civil Procedure 12(b)(1),[1] Respondents move to dismiss the above-captioned case for mootness. Petitioners have been released from detention through the reunification process with their sister; therefore, the habeas petition should be dismissed as moot.

PROCEDURAL HISTORY

On February 10, 2026, Petitioners filed their Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241. Dkt. 1. The Federal Respondents, by and through the undersigned attorney, hereby

[1] Respondents have filed this Rule 12 motion in lieu of their answer and preserve all affirmative defenses for inclusion in their answer in the event that the instant motion is denied.

file this Motion to Dismiss Petitioners' Writ of Habeas Corpus and request that the Court dismiss this case in accordance with Federal Rules of Civil Procedure 12(b)(1).

BACKGROUND

Petitioners are brothers, and natives and citizens of Honduras who entered the United States as minors and were subsequently detained in the care of the Office of Refugee Resettlement (ORR) at the Upbring Bokencamp facility in Corpus Christi, Texas. Dkt. 1 at ¶ 2. Petitioners' sister, [redacted] sought to have them released through the reunification process. *Id.* at ¶ 4. Petitioners filed a Petition for Writ of Habeas Corpus with this Court on February 10, 2026, seeking release from detention and reunification with their sister. *Id.* at ¶ 1-7. On March 10, 2026, Petitioners were released from detention. Ex.1; ORR Discharge Notifications. (Filed separately as an exhibit under seal).

LEGAL STANDARD

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). In ruling on a motion to dismiss pursuant to Rule 12(b)(1), the court may consider: "(1) the complaint alone; (2) the complaint supplemented by undisputed facts in the record; or (3) the complaint supplemented by undisputed facts plus the court's resolution of disputed facts." *Clark v. Tarrant County*, 798 F.2d 736, 741 (5th Cir.1986) (*citing Williamson v. Tucker*, 645 F.2d 404, 413 (5th Cir.1981)). However, all factual allegations of the complaint must be accepted as true. *Den Norske Stats Oljeselskap As v. HeereMac Yof*, 241 F.3d 420, 424 (5th Cir. 2002).

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, *Alwan 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).

ARGUMENT

Petitioners have been released through the reunification process with their sister, thus rendering this Petition moot. Furthermore, Petitioners do not challenge any future detention, and even if they had, the possibility of future detention is too speculative to give rise to a case or controversy. Rather, if future detention does occur, Petitioners may file another habeas corpus petition at that future time. *See Cruz v. Cruz*, 140 F.3d 1037 (5th Cir. March 18, 1998) (unpublished) (relief from future immigration custody does not present a live case or controversy), *citing Bailey v. Sutherland*, 821 F.2d 277 (5th Cir. 1987)); *Lewin v. Thompson*, 996 F.2d 305 (5th Cir. June 21, 1993) (unpublished), and *United States ex rel. Marcello v. District Director of INS*, 634 F.2d 964 (5th Cir. 1981)). The Court lacks jurisdiction because Petitioners have been released, making their claim moot. Ex. 5. Therefore, the Petition for Writ of Habeas Corpus should be dismissed under Rule 12(b)(1).

CONCLUSION

For the above reasons and analysis, Respondents pray this Honorable Court dismiss Petitioners' Writs of Habeas Corpus and grant Respondents' Motion to Dismiss due to lack of subject matter jurisdiction as the action is now moot.

Dated: March 10, 2026

Respectfully submitted,

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CERTIFICATE OF CONFERENCE

On March 10, 2026, the undersigned spoke with Petitioners' counsel, who is unopposed to the matter being dismissed as moot.

/s/ Christopher Bastian
CHRISTOPHER BASTIAN
Attorney for Respondents

CERTIFICATE OF SERVICE

I hereby certify that on March 10, 2026, a copy of the foregoing Respondents' Motion to Dismiss was served on opposing counsel pursuant to the Federal Rules of Civil Procedure via the Court's CM/ECF.

/s/ Christopher Bastian
CHRISTOPHER BASTIAN
Attorney for Respondents