

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

FRANHELI SEGUNDO MORALES
BARRIOS

Petitioner,

v.

MARCOS CHARLES, et al.,

Respondents.

Case No. 6:26-CV-00088-ADA-DNM

**MOTION TO WITHDRAW HABEAS
PETITION AS MOOT**

COMES NOW Petitioner, FRANHELI SEGUNDO MORALES BARRIOS, by and through undersigned counsel, and respectfully moves this Honorable Court to permit withdrawal of the Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2241, on the grounds that the petition has become moot. Since the filing of the Habeas Petition, the Immigration Judge granted Petitioner release on bond, thereby terminating the immigration detention challenged in this action and eliminating any live case or controversy before this court.

Jurisdiction and Procedural Posture

This Court had jurisdiction over this matter pursuant to 28 U.S.C. § 2241 and 28 U.S.C. § 1331, as Petitioner challenged the legality of his immigration detention while in custody of U.S. Immigration and Customs Enforcement (ICE).

Petitioner filed the instant habeas petition seeking release from ICE custody. Subsequent to filing, material changes in circumstances have occurred, as described below, that render the petition nonjusticiable.

BACKGROUND

Petitioner was detained by ICE at the Limestone County Detention Center pending removal proceedings under 8 U.S.C. § 1229a. On February 12, 2026, Petitioner filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241, challenging the legality and duration of his immigration detention. On February 27, 2026, Petitioner was released on bond after the Immigration Judge granted Petitioner's request for a change in custody status and set bond in the amount of \$5,000. *See* Exhibit 1– Order of the Immigration Judge. As a result of his release on bond, Petitioner is no longer subject to immigration detention and no longer seeks the relief requested in the habeas petition.

LEGAL STANDARD: MOOTNES

Article III of the United States Constitution limits federal court jurisdiction to actual, ongoing cases or controversies. U.S. Const. art. III, § 2. A habeas petition becomes moot when “it no longer presents a live controversy with respect to which the court can give meaningful relief.” *Spencer v. Kemna*, 523 U.S. 1, 7 (1998). The Supreme Court has held that the case or controversy requirement of Article III, “limits the business of federal courts to ‘questions presented in an adversary context and in a form historically viewed as capable of resolution through the judicial process.’” *United States Parole Comm’n v. Geraghty*, 445 U.S. 388, 396 (1980) (quoting *Flast v. Cohen*, 392 U.S. 83, 95 (1968)). The doctrine of mootness ensures that federal courts are presented with issues that they have the ability to resolve. *Id.* at 396-97. A case becomes moot “‘when the issues presented are no longer ‘live’ or the parties lack a legally cognizable interest in the outcome.’” *Id.* (quoting *Powell v. McCormack*, 395 U.S. 486, 496 (1969)).

In the immigration detention context, courts consistently hold that a § 2241 petition challenging detention is rendered moot once the petitioner is no longer detained or otherwise

subject to custody being challenged. Because Petitioner has been released on bond and is no longer in immigration detention, there is no effective relief this Court can grant through habeas review.

WITHDRAWAL UNDER FEDERAL RULE OF CIVIL PROCEDURE 41(a)

Pursuant to Federal Rule of Civil Procedure 41(a)(2), an action may be dismissed at the plaintiff's request by court order on terms the court considers proper. Where dismissal is sought due to mootness and no prejudice to Respondent exists, dismissal without prejudice is appropriate.

Petitioner respectfully requests that the Court permit withdrawal and dismisses the petition without prejudice, as the merits of the habeas claims were not adjudicated.

CONCLUSION

Because the relief sought in the Petition for Writ of Habeas Corpus has been rendered moot by the Immigration Judge's grant of bond, Petitioner respectfully requests that this Court grant this motion, permit withdrawal of the Petition for Writ of Habeas Corpus and dismiss this action without prejudice.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully prays that this Honorable Court grants the Motion to Withdraw Habeas Petition as Moot and dismiss this action without prejudice and grants such other relief as the Court deems just and proper.

DATED 20th of April, 2026.

Respectfully submitted,

/s/ Nelly C. Sanchez Estrada
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Counsel for Petitioner

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, FRANHELI SEGUNDO MORALES BARRIOS, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Motion To Withdraw Habeas Petition As Moot are true and correct to the best of my knowledge.

Dated this 20th of April 2026.

/s/ Nelly C. Sanchez Estrada
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Instrument was sent via ECF on April 20th April, 2026, to all counsel of record.

/s/ Nelly C. Sanchez Estrada
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ATTACHMENTS

Exhibit

Pages

1. Order of the Immigration Judge.....9-10

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Before the Court is Petitioner's combined motion to supplement habeas petition and supplemental petition filed pursuant to Rule 15(d) of the Federal Rules of Civil Procedure.

Having considered the motion, the record, and the applicable law, the Court finds that the motion is well taken and should be Granted.

Accordingly, IT IS HEREBY ORDERED that:

1. Petitioner's Motion to Withdraw Habeas Petition as Moot is Granted;
2. Petitioner's Motion to Withdraw Habeas Petition as Moot is deemed filed and accepted as part of the record;

IT IS SO ORDERED.

Date: _____

UNITED STATES DISTRICT JUDGE