UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ANASTACIO ESCOBAR-ROBLEDO, Petitioner, v. U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, Respondent.	)	Case No. 3:26-CV-00906 JUDGE DAVID A. RUIZ MOTION TO DISMISS FOR LACK OF JURISDICTION

Pursuant to Federal Rule of Civil Procedure 12(b)(1), Respondent respectfully requests that the Court dismiss the Petition for lack of jurisdiction. Petitioner has been removed from the country, so all of his claims are moot and the Court therefore lacks jurisdiction.

A court must dismiss the case if it lacks subject matter jurisdiction. Fed. R. Civ. P. 12(b)(1), 12(h)(3). Mootness is a threshold jurisdictional issue. *WJW-TV, Inc. v. City of Cleveland*, 878 F.2d 906, 909 (6th Cir. 1989). Under Article III of the United States Constitution, federal courts may only adjudicate actual, ongoing cases or controversies. *Lewis v. Continental Bank Corp.*, 494 U.S. 472, 477 (1990).

The case or controversy requirement must exist throughout the entirety of the proceedings. *Lewis v. Continental Bank Corp.*, 494 U.S. 472, 477 (1990). "The parties must continue to have a personal stake in the outcome of the lawsuit" throughout the entire litigation. *United States v. Prophet*, 989 F.3d 231, 234 (3d Cir. 2021) (quoting *Spencer v. Kemna*, 523 U.S. 1, 7 (1998)). "Mootness results when events occur during the pendency of litigation which render the court unable to grant the requested relief." *Brock v. U.S. Dep't of Justice*, 256 F. App'x 748, 750 (6th Cir. 2007). If a party loses their personal stake in the outcome at any point in the litigation, the case becomes moot and must be dismissed—even if it once was a live controversy

at an earlier stage of the proceedings. *Davis v. Fed. Election Comm'n*, 554 U.S. 724, 732-33 (2008); *see also Lyshe v. Levy*, 854 F.3d 855, 857 (6th Cir. 2017) (dismissal for lack of jurisdiction is appropriate when a case becomes moot under Article III).

This is because the mootness doctrine is concerned with the court's ability to grant effective relief. *Spencer*, 523 U.S. at 18 (however it comes about, mootness "deprives us of our power to act; there is nothing for us to remedy, even if we were disposed to do so."). Thus, if developments occur during the course of litigation that eliminate a plaintiff's personal stake in the outcome or prevent a court from being able to grant the requested relief, the case must be dismissed as moot. *Brock v. U.S. Dep't of Justice*, 256 F. App'x 748, 750 (6th Cir. 2007).

Here, Petitioner seeks immediate release or a bond hearing. (ECF No. 1, Petition.) But the Court cannot provide these remedies because Petitioner has since been removed from the country.[1] As such, this case is moot and should be dismissed for lack of jurisdiction.

Respectfully submitted,

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[1] As of the time of this filing, Respondent does not have a document or declaration certifying that Petitioner has been removed; however, in-house counsel for the U.S. Department of Immigration and Customs Enforcement has informed undersigned counsel of Petitioner's removal, and undersigned counsel will supplement this filing with a declaration and/or document certifying as such, as soon as possible.

CERTIFICATE OF SERVICE

I hereby certify that, on May 20, 2026, a copy of the foregoing *Notice of Appearance* was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. A copy has also been mailed via email and U.S. mail, postage prepaid, to the following:

Anastacio Escobar-Robledo A087484566
Corrections Center of Northwest Ohio
3151 County Road
Stryker, OH 43557

/s/ Karen E. Swanson Haan
Karen E. Swanson Haan