

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

MAYANKKUMAR RATILAL PATEL,

Petitioner,

v.

WARDEN, STE. GENEVIEVE COUNTY
DETENTION CENTER

Respondent.

Case No. 1:26-CV-00079-CMS

GOVERNMENT'S SUPPLEMENTAL RESPONSE
TO PETITION FOR RELIEF PURSUANT TO 28 U.S.C. § 2243

COMES NOW Respondent "Warden, Ste. Genevieve County Detention Center,"¹ in his official capacity, by and through his attorneys, Thomas C. Albus, United States Attorney for the Eastern District of Missouri, and Shane K. Blank, Assistant United States Attorney for said district, and for his Supplemental Response in accordance with 28 U.S.C. § 2243, states as follows:

On April 17, 2026, Petitioner filed this *habeas* action. ECF 1. On April 28, 2026, Respondents filed their Response Brief arguing, in totality, that the Eighth Circuit's decision in *Avila v. Bondi*, 170 F.4th 1128, 1134 (8th Cir. Mar. 25, 2026) controlled the outcome. ECF 8, pp. 5-6. On May 6, 2026, Respondent filed a Notice of Supplemental Authority, informing this Court

¹ Petitioner argues he is held under the control of "Ste. Genevieve County Detention Center." *Pct.*, ¶ 2. As such, he must name the local warden as required by U.S. Supreme Court precedent. *See Rumsfeld v. Padilla*, 542 U.S. 426, 436 (2004) ("[L]ongstanding practice confirms that in *habeas* challenges to present physical confinement—core challenges—the default rule is that the proper respondent is the warden of the facility where the prisoner is being held, not the Attorney General or some other remote supervisory official." (cleaned up)). At first blush, this may strike Petitioner as particularly pedantic; nevertheless, 28 U.S.C. § 2242 must be satisfied. *See* 28 U.S.C. § 2242 (petitioner "shall ... name the person who has custody over him"). One can debate whether "Warden of St. Genevieve Detention Center" accomplishes the job of naming "the person" who has custody; in any case, the correct Respondent is Gary Stolzer.

Because of intergovernmental service agreements, the undersigned AUSA represents Gary Stolzer solely regarding this current immigration *habeas* matter involving a person detained at his jail facility.

of Judge Bluestone's decision holding that the Fifth Amendment's Due Process Clause is not, in fact, violated where an alien is held for mandatory detention during ongoing removal proceedings. ECF 10 (citing Lugo-Solet v. Mullin, 2026 WL 1162233 (E.D. Mo. Apr. 29, 2026) (Bluestone, J.)). On May 15, 2026, this action was administratively reassigned from Judge Schelp to Judge Stevens. ECF 11. While the undersigned counsel was overseas, Petitioner was granted released from custody on an Order of Recognizance (OREC); simply put, Petitioner is no longer in custody. See OREC Documentation, attached hereto as GOV'T EXHIBIT A. Thus, this action is moot—there is no further *habeas*-related relief that can be granted. See Munaf v. Geren, 553 U.S. 674, 693 (2008) (“Habcas is at its core a remedy for unlawful executive detention. The typical remedy ... is, of course, release.”); Derevianko v. Ashcroft, 78 F.App’x. 795, 796 (3d Cir. 2003) (habeas action mooted on appeal where petitioner received a bond hearing and was ordered released); Ortez v. Chandler, 845 F.2d 573, 575 (5th Cir. 1988) (where habeas relief requested “can no longer be effected,” the case is moot); Mehmood v. U.S. Attorney General, 808 F.App’x. 911, 913-14 (11th Cir. 2020) (habeas corpus petition mooted where relief “simply cannot [be] provided” because petitioner is “no longer detained by ICE or any other United States Government entity”). accord

Ortiz-Forgas v. Warden, 2026 WL 1233404 at *1 (W.D. La. May 5, 2026); Hernandez Membreno v. Vergara, 2026 WL 1045952 at *2-3 (W.D. Tex. Apr. 14, 2026).²

WHEREFORE, Respondent asks this Court to *dismiss as moot* this *habeas* action against him.

Respectfully Submitted,

THOMAS C. ALBUS
United States Attorney

/s/ Shane K. Blank

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CERTIFICATE OF SERVICE

A copy of the foregoing was served on Friday, May 29, 2026, on all counsel of record via this Court's electronic case filing system.

/s/ Shane K. Blank

SHANE K. BLANK, #65787MO
Assistant United States Attorney

² There has been some back-and-forth between counsel regarding Petitioner's allegation that ICE withheld certain identification documentation at the time of his release. The undersigned AUSA requested that the agency determine whether any such documents were retained; however, after review, the agency was unable to locate any such materials. It remains uncertain whether this bald allegation constitutes the type of collateral consequence that would allow a *habeas* action to proceed, at least by analogy to the criminal context. See Generally Spencer v. Kemna, 523 U.S. 1, 8 (1998). Nevertheless, aside from preparing an affidavit explaining the agency's findings—which the undersigned is prepared to obtain at the Court's direction—there does not appear to be any meaningful cure for this narrow issue. As of the date of this Supplemental Brief, the undersigned is also attempting to confirm with the state detention facility whether it might possess Petitioner's identification documentation. This Supplemental Brief is therefore submitted, at minimum, to notify the Court that it need not reach the full merits of this case even if it concludes that a potential collateral consequence exists that could support ongoing jurisdiction—a thorny question, to be sure, that is not at all obvious from *Kemna*. The undersigned will further brief this issue if the Court is inclined to address it, although it is the Government's position that this action is, in fact, moot and any redress on the issue of allegedly withheld documents is more properly addressed in a separate civil action, if at all, with due regard to the pleading sufficiency of *Twombly* and *Iqbal*.