

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 26-CV-61389-EA

LUIS DAVID FLORES RUIZ,

Petitioner,

v.

WARDEN, POMPAÑO BEACH
DETENTION FACILITY, et al.,

Respondents.

RESPONDENTS' MOTION TO DISMISS PETITION

Respondents, by and through the undersigned Assistant United States Attorney, hereby moves this Court to dismiss Petitioner's Petition [ECF 1] and state in support thereof as follows:

BACKGROUND

Luis David Flores Ruiz ("Petitioner") was detained at Broward Transitional Center between January 11, 2026, and May 27, 2026. **See Exhibit A**, Detention History. On May 27, 2026, Petitioner was released from ICE custody on his own recognizance. **See Exhibit B**, Notice of EOIR: Alien Address. Petitioner has not been in ICE custody since May 27, 2026. **See Exhibits A and B**.

LEGAL STANDARD

"Federal courts are courts of limited jurisdiction." *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994) (citations omitted). Courts must determine whether subject matter jurisdiction exists. *Cadet v. Bulger*, 377 F.3d 1173, 1179 (11th Cir. 2004). "It is to be presumed that a cause lies outside this limited jurisdiction . . . and the burden of establishing the contrary rests upon the party asserting jurisdiction . . ." *Kokkonen*, 511 U.S. at 377 (citations omitted). The

Eleventh Circuit has further explained that attacks on subject matter jurisdiction under Federal Rule of Civil Procedure 12(b)(1) present in two forms: facial or factual. *Kennedy v. Floridian Hotel, Inc.*, 998 F.3d 1221, 1230 (11th Cir. 2021). Facial attacks require that the court merely look to see whether plaintiff has sufficiently alleged a basis of subject matter jurisdiction while taking the allegations of the complaint to be true. *Id.* at 1230. Factual attacks challenge the existence of subject matter jurisdiction irrespective of the pleadings, and extrinsic evidence may be considered. *Id.*

When ruling on a motion to dismiss for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6), the court assumes as true all well-pleaded factual allegations and determines whether they plausibly give rise to an entitlement for relief. *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009). The plausibility standard asks for more than the sheer possibility that a defendant has acted unlawfully. *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 556 (2007). A pleading that offers labels and conclusions, a formulaic recitation of elements to a cause of action, or naked assertions devoid of factual enhancement will not stand. *Id.* at 557.

ARGUMENT

I. The Court Lacks Jurisdiction as Petitioner has Failed to Establish Standing

The Eleventh Circuit described standing as a threshold jurisdictional question which requires courts to assess whether they have the power to entertain suit. *Booker v. Sec'y, Fla. Dep't of Corr.*, 22 F.4th 954, 957 (11th Cir. 2022). Therefore, in order to bring a claim in federal court, a plaintiff must establish standing under Article III's "case-or-controversy requirement." *Spencer v. Kemna*, 523 U.S. 1, 7 (1998). Pursuant to this requirement, Plaintiff must show throughout the course of litigation: (1) an injury in fact; (2) fairly traceable to the challenged conduct; and (3) that is likely to be redressed by the relief requested. *Fed. Election Comm'n v. Cruz*, 596 U.S. 289, 296

(2022). Here, the relief requested is that this Court order ICE release Petitioner with or without bond. However, Petitioner has been released from ICE custody since May 27, 2026, and therefore, the relief requested cannot be provided. As such, Petitioner lacks standing because the redressability element cannot be satisfied.

CONCLUSION

Based upon the foregoing, Respondents' respectfully requests the dismissal of Petitioner's Petition [ECF 1].

Dated: June 8, 2026.

Respectfully submitted,

JASON A. REDING QUIÑONES
UNITED STATES ATTORNEY

By: /s/ Lair A. Hall
LAIR A. HALL
ASSISTANT U.S. ATTORNEY
United States Attorney's Office
Southern District of Florida
Florida Bar No. 125018
500 East Broward Boulevard, Suite 700
Fort Lauderdale, Florida 33394
Tel: (954) 660-5672
Email: Lair.Hall@usdoj.gov