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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

EDGARDO ANTONIO RODRIGUEZ-GUTIERREZ, Petitioner, v. JEREMY CASEY, Warden, Imperial Regional Detention Center; et al., Respondents.	Case No.: 26-cv-03295-BAS-MSB **RETURN TO PETITION FOR WRIT OF HABEAS CORPUS**

Petitioner has filed a habeas petition under 28 U.S.C. § 2241. Petitioner is currently in removal proceedings under 8 U.S.C. § 1229a and is charged with deportability/removability under 8 U.S.C. § 1227(a)(1)(B), as an individual who was admitted to the United States but remained for a time longer than permitted by law. *See* Exhibit 1 (Form I-261). As such, Petitioner is detained pursuant to 8 U.S.C. § 1226(a). *See* Exhibit 2 (Form I-286). Petitioner is entitled to and received a bond hearing before an immigration judge (IJ) pursuant to 8 U.S.C. § 1226(a). *Id.* At Petitioner's bond hearing on June 4, 2026, the IJ ordered Petitioner's release under a $2,500 bond. *See*

Exhibit 3. Once payment of the bond is processed, Petitioner will be released. Accordingly, the Court should deny any requests for relief and dismiss the petition.

Section 1226 provides for detention "pending a decision on whether the alien is to be removed from the United States." 8 U.S.C. § 1226(a). Under § 1226(a), the government may detain an alien during his removal proceedings, release him on bond, or release him on conditional parole. By regulation, immigration officers can release aliens upon demonstrating that the alien "would not pose a danger to property or persons" and "is likely to appear for any future proceeding." 8 C.F.R. § 236.1(c)(8). An alien can also request a custody redetermination (i.e., a bond hearing) by an IJ at any time before a final order of removal is issued. *See* 8 U.S.C. § 1226(a); 8 C.F.R. §§ 236.1(d)(1), 1236.1(d)(1), 1003.19.

As set forth above, DHS has determined that Petitioner is deportable/removable under 8 U.S.C. § 1227(a)(1)(B), as an individual who was admitted to the United States but remained for a time longer than permitted by law. Based on that charge, he was issued a Notice to Appear (NTA) and placed in removal proceedings under 8 U.S.C. § 1229a. As such, Petitioner is detained pursuant to 8 U.S.C. § 1226(a). Accordingly, Petitioner is entitled to a bond hearing before an immigration judge and on June 4, 2026, an IJ granted Petitioner release on bond.

There is no "case" or "controversy" when an issue is moot. "[T]he question of mootness is . . . one which a federal court must resolve before it assumes jurisdiction." *North Carolina v. Rice*, 404 U.S. 244, 246 (1971). "A case becomes moot—and therefore no longer a Case or Controversy for purposes of Article III—when the issues presented are no longer live or the parties lack a legally cognizable interest in the outcome." *Already, LLC v. Nike, Inc.*, 568 U.S. 85, 91 (2013) (internal quotation marks and citations omitted). The Supreme Court has routinely cautioned that a case becomes moot "if an event occurs while a case is pending on appeal that makes it impossible for the court to grant 'any effectual relief whatever' to a prevailing party." *Church of Scientology of Cal. v. United States*, 506 U.S. 9, 12 (1992). Thus, even a once-justiciable

case becomes moot and must be dismissed "when the issues presented are no longer 'live' or the parties lack a legally cognizable interest in the outcome." *Powell v. McCormack*, 395 U.S. 486, 496 (1969). "'[A] petitioner's release from detention under an order of supervision moot[s] his challenge to the legality of his extended detention.'" *Panosyan v. Mayorkas*, 854 Fed. App'x 787, 788 (9th Cir. 2021) (quoting *Abdala v. INS*, 488 F.3d 1061, 1063 (9th Cir. 2007)).

Petitioner's habeas petition requested this Court facilitate his release from ICE custody. Since Petitioner has received an order from an IJ granting him release from custody, the court cannot grant 'any effectual relief whatever' to a prevailing party." *Church of Scientology of Cal.*, 506 U.S. at 12; *see Picrin-Peron v. Rison*, 930 F.2d 773, 775 (9th Cir. 1991) (case is moot if court lacks power to grant relief). Petitioner has already obtained the relief he sought—the ability to be released from ICE custody.

As such, this Court should dismiss Petitioner's habeas petition as moot.

DATED: June 5, 2026

Respectfully submitted,

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s/ Hunter V. Norton
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