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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

REINIER PEREZ RIVAS

Petitioner,

v.

U.S. DEPARTMENT OF HOMELAND
SECURITY et al,

Respondents.

CASE NO. 1:26-CV-05091-VC

MOTION TO DISMISS HABEAS
PETITION

On July 2, 2026, Petitioner filed a habeas petition and motion for temporary restraining order. (ECF 1, 2). On the morning of July 2, 2026, Petitioner was removed to Mexico pursuant to a final order of removal. *Declaration of Deportation Officer Patrick Cruz*, dated July 16, 2026, ¶¶ 5, 8; Exhibits 1, 2.

Respondents move the Court to dismiss the habeas petition as moot. Respondents do not request a hearing. The Constitutional limit of the scope of federal court jurisdiction to federal cases or controversies “underpins . . . [the] mootness jurisprudence.” *Friends of the Earth, Inc. v. Laidlaw Envtl. Servs. (TOC), Inc.*, 528 U.S. 167, 180 (2000). Mootness is thus jurisdictional. *See Cole v. Oroville Union High Sch. Dist.*, 228 F.3d 1092, 1098 (9th Cir. 2000). “This means that, throughout the litigation, the plaintiff ‘must have suffered, or be threatened with, an actual injury traceable to the defendant and likely to be redressed by a favorable judicial decision.’” *Spencer v. Kemna*, 523 U.S. 1, 7 (1998) (quotation omitted). When, because of intervening events, a court cannot give any effectual relief in

1 favor of the petitioner, the proceeding should be dismissed as moot. *Calderon v. Moore*, 518 U.S. 149,
2 150 (1996).

3 “[T]he essence of habeas corpus is an attack by a person in custody upon the legality of that
4 custody, and . . . the traditional function of the writ is to secure release from illegal custody.” *Preiser v.*
5 *Rodriguez*, 411 U.S. 475, 484 (1973). If a petitioner is no longer imprisoned by the allegedly illegal
6 custody, then the court cannot fashion the habeas relief requested by the petitioner and the petition
7 becomes moot. *Burnett v. Lampert*, 432 F.3d 996, 1001 (9th Cir. 2005) (holding that the petitioner’s
8 release on parole and subsequent reimprisonment rendered his habeas corpus petition moot).

9 Petitioner is no longer in ICE custody and there is no challenge before this Court regarding the
10 purported unlawfulness of his current custody situation. *See e.g. McCollough v. Graber*, 726 F.3d 1057,
11 1060 (9th Cir. 2013)(a habeas petitioner’s release from custody moots the habeas petition because the
12 relief requested in the habeas petition is no longer available); *Picrin-Peron v. Rison*, 930 F.2d 773, 776
13 (9th Cir.1991) (finding that because petitioner only requested release from custody and had been
14 released, the court could provide no further relief and the petition was properly dismissed); *Abdala v.*
15 *I.N.S.*, 488 F.3d 1061, 1064 (9th Cir. 2007)(“Abdala’s attempt to amend his petition after his deportation
16 could not revive his petition. He sought to file an amended petition nearly a month after he was released
17 from custody and deported to Somalia. As Abdala was no longer ‘in custody’ within the meaning of 28
18 U.S.C. § 2254 when he attempted to amend his petition, his petition was moot and there was nothing to
19 amend...we must dismiss his petition as moot.”). *See also generally e.g. Arce-Retana v. Asher*, 586 Fed.
20 App’x 286 (9th Cir. Dec. 1, 2014)(unpublished)(“We lack jurisdiction to review the district court’s
21 dismissal of Arce-Retana’s habeas petition because his subsequent departure from the United States
22 following his release from immigration custody during the pendency of his appeal moots his requests for
23 release from custody on the condition of bond and for a reduction in the bond amount.”); *Chan v.*
24 *Secretary of Homeland Security*, No. LA CV 16-01709-VBF, 2016 WL 4204596(C.D. Cal. Aug. 5,
25 2016) (alien’s habeas petition dismissed as moot where ICE officials caused Petitioner to be removed
26 from the United States and sent to Cambodia pursuant to his final order of removal).

27 Accordingly, the Court must dismiss this moot petition because nothing remains before the Court

1 to be remedied. *Kemna*, 523 U.S. at 18.

2
3 Dated: July 16, 2026

ERIC GRANT
United States Attorney

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5 By: /s/ Anthony Andrews
6 ANTHONY ANDREWS
Assistant United States Attorney
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Reinier Perez Rivas,

Petitioner,

v.

U.S. Department of Homeland Security,

Respondent.

CASE NO. 1:26-cv-05091-VC (HC)

**DECLARATION OF
DEPORTATION OFFICER
PATRICK CRUZ**

I, Patrick Cruz, make the following statements under oath and subject to the penalty of perjury:

1. I am a Deportation Officer ("DO") with the U.S. Department of Homeland Security ("DHS"), U.S. Immigration and Customs Enforcement ("ICE"), Enforcement and Removal Operations ("ERO"), in the Bakersfield, California, sub-office of the San Francisco Field Office. I have been employed with the DHS since May of 2009, when I was hired as a Border Patrol Agent. On January 2012, I transferred to ICE as an Immigration Enforcement Agent and on September 2015, I was promoted to the position of DO.

2. I am currently assigned to the ERO Bakersfield Sub-Office's Detained Unit, which oversees the aliens detained at the California City ICE Processing Center, which is a contract detention facility in California City, California, that is managed by Core Civic, Inc. My responsibilities include, but are not limited to, tracking the progression of detained cases through removal proceedings, tracking detained cases with final removal orders, obtaining travel documents for aliens ordered removed, and effectuating the removal of aliens to their home countries.

3. I am familiar with ICE policies and procedures governing the detention and removal of aliens. I am one of the DOs assigned to the case of Reinier Perez Rivas, ("Petitioner"). The facts in this

DECLARATION OF DEPORTATION OFFICER PATRICK CRUZ
Case No.: 1:26-cv-05091-VC (HC)

1 declaration are based on my personal knowledge, consultation with other DHS and ICE personnel, and
2 review of official documents and records maintained by the agency and Department and other relevant
3 sources during the regular course of my duties. I provide this declaration based on the best of my
4 knowledge, information, belief, and reasonable inquiry for the above-captioned case.

5 4. I have obtained and attached to my declaration true and correct copies of the following
6 documents from the above-named Petitioner's case file and records maintained by DHS, which will be
7 referenced as Exhibits ("Exh.") as follows:

8 Exhibit 1: Immigration judge removal order (April 2, 2019).

9 Exhibit 2: Form I-205 (July 2, 2026).

10
11 5. An immigration judge ordered petitioner removed from the United States to Cuba on
12 April 2, 2019. Petitioner waived appeal from this decision. Exh. 1.

13 6. DHS records establish repatriation was denied by the government of Cuba.

14 7. Petitioner is subject to processing for removal to Mexico as a Third Country removal.

15 8. On the morning of July 2, 2026, Petitioner was removed to Mexico. Exh. 2.

16
17 I declare, under penalty of perjury, under 28 U.S.C. § 1746, that the foregoing is true and correct
18 to the best of my knowledge, information, belief, and reasonable inquiry.

19
20 Dated: July 16, 2026

PATRICK J
CRUZ SR

Digitally signed by PATRICK J
CRUZ SR
Date: 2026.07.16 14:19:45
-07'00'

21 Patrick Cruz
22 Deportation Officer
23 Enforcement and Removal Operations
24 U.S. Immigration and Customs Enforcement
25 U.S. Department of Homeland Security
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EXHIBIT 1

UNITED STATES IMMIGRATION COURT
1100 COMMERCE ST., SUITE 1060
DALLAS, TX 75242

IN THE REMOVAL CASE OF
PEREZ RIVES, REINIER
RESPONDENT

CASE NO.: A [REDACTED]

ORDERS

- [X] This is a memorandum of the Court's Decision and Orders entered on April 2, 2019. This memorandum is solely for the convenience of the parties. The oral or written Findings, Decision and Orders is the official opinion in this case. () Both parties waived issuance of a formal oral decision in the case.
- [X] The respondent was ordered REMOVED from the United States to CUBA () in absentia.
- [] Respondent's application for VOLUNTARY DEPARTURE was DENIED and respondent was ordered removed to _____, in the alternative to _____.
- [] Respondent's application for VOLUNTARY DEPARTURE was GRANTED until _____, upon posting a voluntary departure bond in the amount of \$ _____ to DHS within five business days from the date of this Order, with an alternate Order of removal to _____ or _____. Respondent shall present to DHS within () thirty days () sixty days from the date of this Order, all necessary travel documents for voluntary departure.
- [] Respondent's application for ASYLUM was () granted () denied () withdrawn with prejudice.
() subject to the ANNUAL CAP under the INA section 207(a)(5).
() Respondent knowingly filed a FRIVOLOUS asylum application.
- [] Respondent's application for WITHHOLDING of removal under INA section 241(b)(3) was () granted () denied () withdrawn with prejudice.
- [] Respondent's application for WITHHOLDING of removal under the Torture Convention was () granted () denied () withdrawn with prejudice.
- [] Respondent's application for DEFERRAL of removal under the Torture Convention was () granted () denied () withdrawn with prejudice.
- [] Respondent's application for CANCELLATION of removal under section () 203(b) of NACARA, () 240A(a) () 240A(b)(1) () 240A(b)(2) of the INA, was () granted () denied () withdrawn with prejudice. If granted, it was ordered that the DHS issue all appropriate documents necessary to give effect to this Order. Respondent () is () is not subject to the ANNUAL CAP under INA section 240A(e).
- [] Respondent's application for a WAIVER under the INA section _____ was () granted () denied () withdrawn or () other _____. () The conditions imposed by INA section 216 on the respondent's permanent resident status were removed.
- [] Respondent's application for ADJUSTMENT of status under section _____ of the () INA () NACARA () _____ was () granted () denied () withdrawn with prejudice. If granted, it was ordered that DHS issue all appropriate documents necessary to give effect to this Order.

CASE NUMBER: [REDACTED] RESPONDENT: PEREZ RIVES, REINIER

- ☐ Respondent's status was RESCINDED pursuant to the INA section 246.
- ☐ Respondent's motion to WITHDRAW his application for admission was
() granted () denied. If the respondent fails to abide by any of
the conditions directed by the district director of DHS, then the
alternate Order of removal shall become immediately effective without
further notice or proceedings: the respondent shall be removed from
the United States to _____ until
- ☐ Respondent was ADMITTED as a _____ until
_____ . As a condition of admission, the respondent was
ordered to post a \$ _____ bond.
- ☐ Case was () TERMINATED () with () without prejudice
() ADMINISTRATIVELY CLOSED.
- ☐ Respondent was orally advised of the LIMITATION on discretionary
relief and consequences for failure to depart as ordered.
- ☐ If you fail to voluntarily depart when and as required, you shall
be subject to civil money penalty of at least \$1,000, but not more than
\$5,000, and be ineligible for a period of 10 years for any further
relief under INA sections 240A, 240B, 245, and 248 (INA Section 240B(d)).
- ☐ If you are under a final order of removal, and if you willfully fail
or refuse to 1) depart when and as required, 2) make timely application
in good faith for any documents necessary for departure, or 3) present
yourself for removal at the time and place required, or, if you conspire
to or take any action designed to prevent or hamper your departure, you
shall be subject to civil money penalty of up to \$500 for each day under
such violation. (INA section 274D(a)). If you are removable pursuant
to INA 237(a), then you shall further be fined and/or imprisoned for up
to 10 years. (INA section 243(a)(1)).
- ☐ Other: _____

Date: Apr 2, 2019


Xiomara Diana Davis-Gumbs, Judge
Richard Ozmun

APPEAL: (☒) waived () reserved by () Respondent () DHS (☒) Both

DUE BY:

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: ☐ MAIL ☒ PERSONAL SERVICE

TO: ☒ DHS ☒ ALIEN ☐ Alien's ATT/REP ☐ ALIEN c/o Custodial Officer

DATE: 4/13/2019 BY: ☐ COURT STAFF ☒ JUDGE Richard Ozmun

EXHIBIT 2

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

WARRANT OF REMOVAL/DEPORTATION

Subject ID: [REDACTED]

File No: [REDACTED]

Event No: [REDACTED]

Date: April 28, 2026

To any immigration officer of the United States Department of Homeland Security:

REINIER PEREZ RIVES

(Full name of alien)

who entered the United States at Roma, TX

(Place of entry)

on January 12, 2015

(Date of entry)

is subject to removal/deportation from the United States, based upon a final order by:

- ☒ an immigration judge in exclusion, deportation, or removal proceedings
- ☐ a designated official
- ☐ the Board of Immigration Appeals
- ☐ a United States District or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:

212a2ai

I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of:
Salaries and Expenses, Department of Homeland Security, 2026



K. #07934 WALKER

(Signature of immigration officer)

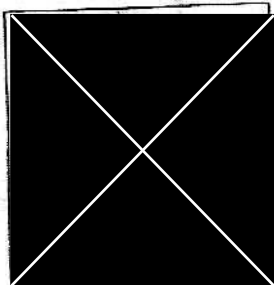
Acting Field Office Director
(Title of immigration officer)

April 28, 2026
(Date and office location)

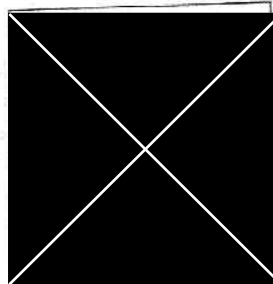
REINIER PEREZ RIVES

Port, date, and manner of removal:

[Handwritten signature] *07/18/26*



Photograph of alien removed



Right index fingerprint of alien removed



(Signature of alien being fingerprinted)

[Handwritten signature]
(Signature and title of immigration officer taking print)

Departure witnessed by:

(Signature and title of immigration officer)

If actual departure is not witnessed, fully identify source or means of verification of departure:

If self-removal (self-deportation), pursuant to 8 CFR 241.7, check here. ☐

Departure Verified by:

(Signature and title of immigration officer)