UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

KEINER JESUS GOMEZ RODRGIUEZ,
Petitioner,

v.

WARDEN, *Department of Homeland Security, Department of Justice, et al.*,
Respondents.

No. 3:26-CV-02202-DB

Federal Respondents' Advisory to the Court

Respondents file this Advisory to notify the Court of Petitioner's physical removal from the United States, which action potentially moots this habeas challenge to the legality of his detention. *See Bacilio-Sabastian v. Barr*, 980 F.3d 480, 483 (5th Cir. 2020) (habeas relief mooted where noncitizen released from custody); *Ortez v. Chandler*, 845 F.2d 573, 575 (5th Cir. 1988); Riley v. I.N.S., 310 F.3d 1253, 1257 (10th Cir. 2002); *Virani v. Huron*, 2020 WL 7405655, at *3 (W.D. Tex. Dec. 17, 2020).

On June 22, 2026, Petitioner was ordered removed from the Untied States to Venezuela. *See* Ex. B (Order of the Immigration Judge). On August 24, 2026, Petitioner filed an In Forma Pauperis Affidavit and a Petitioner for Writ of Habeas Corpus, *See* ECF Nos. 1, 1-1. On August 26, 2026, this Court ordered that Petitioner not be removed or deported from the United States. *See* ECF No. 3 at 4. On August 19, 2026, before this habeas had been filed or the Court issued the temporary restraining order preventing removal, Petitioner had been removed to Venezuela via an ICE Air Operations Charter flight. Ex. A (Martinez Declaration). Petitioner is no longer in ICE custody and was not at the time this petitioner was received by the Court. *Id.*; *see also* ECF No. 1 (Filed August 24, 2026).

Respondents believe this information responds to the petition, if not, Respondents request additional time to provide more specific responsive information.

Since the relief Petitioner sought, namely release, has already occurred, Respondents respectfully request the Court deny or dismiss the petition as moot.

Respectfully submitted,

Justin R. Simmons
United States Attorney

By: */s/ Nathan Ripley*

Nathan Ripley
Special Assistant United States Attorney
Illinois ID No. 304097
700 E. San Antonio Ave., Ste. 200
El Paso, Texas 79901
(915) 534-6884 (phone)
Nathan.Ripley@usdoj.gov

Attorneys for Federal Respondents

CERTIFICATE OF SERVICE

Given that Petition has been removed from the United States and has no known address outside the United States, Respondents request that service upon the court clerk be considered proper service under Fed. R. Civ. P. 5(b)(2)(D).

Dated: August 31, 2026

Respectfully submitted,

Justin R. Simmons
United States Attorney

/s/ Nathan Ripley
Nathan Ripley
Special Assistant United States Attorney
Illinois Bar No. 304097
700 E. San Antonio Ave., Suite 200
El Paso, Texas 79901
(915) 534-6884 (phone)
Nathan.Ripley@usdoj.gov

Attorneys for Federal Respondents