

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JORGE IVAN VALENCIA OSORNO,

Petitioner,

v.

PATRICIA HYDE, Field Office Director,
MICHAEL KROL, HIS New England Special
Agent in Charge,
TODD LYONS, Acting Director U.S.
Immigrations and Customs Enforcement, and
KRISTI NOWM, U.S. Secretary of Homeland
Security,

Respondents.

Civil Action No. 1:25-CV-11592-NMG

**RESPONDENT'S OPPOSITION TO
PETITIONER'S HABEAS CORPUS PETITION**

I. BACKGROUND

Respondents, by and through their attorney, Leah B. Foley, United States Attorney for the District of Massachusetts, herein file this opposition to Petitioner's Writ of Habeas Corpus ("habeas petition") seeking release from custody. Given that Petitioner was granted bond, Respondents contend that Petitioner is no longer in custody of Immigration and Customs Enforcement ("ICE") and his habeas petition should be dismissed as moot.

II. ARGUMENT

A. The Petition is Moot Because Petitioner was Released from ICE Detention

Article III of the Constitution limits the judicial power of the United States to the resolution of "Cases" or "Controversies." U.S. Const. art. III, § 2. The Constitution requires that an "actual controversy must be extant at all stages of review, not merely at the time the

complaint is filed.” *Steffel v. Thompson*, 415 U.S. 452, 459 n.10 (1974). “The case or controversy requirement ensures that courts do not render advisory opinions.” *Overseas Military Sales Corp., Ltd v. Giralt-Armada*, 503 F.3d 12, 16-17 (1st Cir. 2007). The First Circuit has held that a “case is moot . . . when the issues presented are no longer live or when the parties lack a legally cognizable interest in the outcome.” *Id.* at 17 (quoting *Cruz v. Farquharson*, 252 F.3d 530, 533 (1st Cir. 2001)).

Once a case or controversy is moot, a federal court no longer retains jurisdiction to adjudicate its merits. U.S. Const. art. III, § 2; *see also U.S. Bancorp Mortgage Co. v. Bonner Mall P’ship*, 513 U.S. 18, 21-22 (1994); *Ashcroft v. Mattis*, 431 U.S. 171, 172-3 (1977) (explaining that an action that has become moot fails to present a justiciable case or controversy within the meaning of Article III); *Overseas Military Sales Corp.*, 503 F.3d at 17 (holding that dismissal of a moot action is “compulsory”).

Here, Petitioner’s habeas petition asked the Court to “[i]ssue a Writ of Habeas Corpus ordering Respondents to release petitioner immediately.” Petition for Writ of Habeas Corpus (June 6, 2025), Doc. No. 1 at p. 4. As of June 26, 2025, an immigration judge in the Chelmsford, Massachusetts granted Petitioner’s motion for custody redetermination and ordered him released on bond (Ex. 1, Declaration of Assistant Field Office Director Keith M. Chan, p. 2, ¶ 6). Petitioner’s release from ICE detention gave him the relief he was seeking through this habeas petition. Petitioner’s release moots the relief sought in the petition and deprives this Court of habeas jurisdiction. *See, e.g., Order, Ali v. Smith*, No. 1:17-cv-11689-GAO, Doc. No. 9 (D. Mass. Jan. 11, 2018) (granting respondent’s motion to dismiss for mootness because petitioner no longer was in ICE custody); Order of Dismissal, *Lopez v. Hodgson*, No. 18-cv-10603-RGS, Doc. No. 8 (D. Mass. Apr. 20, 2018) (dismissing habeas petition “in light of the representation

that petitioner has been released from custody”); *Verde-Llanes v. Moniz*, No. 17-cv-11894-LTS, Doc. No. 18 (D. Mass. Jan. 17, 2018) (“ In light of the status report . . . and the supporting affidavit reflecting that ICE has released the petitioner from custody, the pending habeas petition is dismissed without prejudice as moot”). Accordingly, the Court should dismiss the petition as moot.

III. CONCLUSION

For the foregoing reasons, the Court should dismiss Petitioner’s habeas petition as moot as Petitioner has received the relief he was seeking through his habeas corpus.

Respectfully submitted,

LEAH B. FOLEY
United States Attorney

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Dated: June 27, 2025

CERTIFICATE OF SERVICE

I, Rayford A. Farquhar, Assistant United States Attorney, hereby certify that a true copy of the above document was served upon the attorneys of record by means of the Court’s Electronic Case Filing system on June 27, 2025.

/s/ Rayford A. Farquhar
Rayford A. Farquhar
Assistant U.S. Attorney

LOCAL RULE 7.1 CERTIFICATION

I, Rayford A. Farquhar, Assistant United States Attorney, herein certify that yesterday and today I corresponded with counsel for Petitioner, and he stated he may oppose this opposition depending upon the conditions of release placed on Petitioner by ICE. As of the time of this filing Petitioner was not fully aware of what, if any, conditions of release were to be placed on him and thus Petitioner may oppose this motion by arguing that any conditions of release not imposed by the immigration court constitute a further form of custody.

/s/ Rayford A. Farquhar

Rayford A. Farquhar
Assistant U.S. Attorney