

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JS-6

CIVIL MINUTES – GENERAL

Case No. 5:26-cv-00835-FWS-E
Title: Hani Labib Karas v. David Marin

Date: May 26, 2026

Present: HONORABLE FRED W. SLAUGHTER, UNITED STATES DISTRICT JUDGE

Rolls Royce Paschal
Deputy Clerk

N/A
Court Reporter

Attorneys Present for Petitioner:

Attorneys Present for Respondents:

Not Present

Not Present

**PROCEEDINGS: (IN CHAMBERS) ORDER REJECTING REPORT AND
RECOMMENDATION [32]; DISMISSING PETITION AS MOOT**

I. Introduction and Background

Petitioner Hani Labib Karas, who “entered the United States from Egypt as a lawful permanent resident on December 18, 1972, at the age of eleven, together with his parents, brother, and three sisters,” brings this Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241 against Respondent David Marin, Warden of Adelanto Immigration and Customs Enforcement Detention Facility. (Dkt. 1 (“Petition”) at 2.) In the 1980’s and 1990’s, Petitioner was “convicted of second-degree robbery without a firearm” and “sustained several drug-use-related convictions, including possession offenses.” (*Id.*) In 1997, an Immigration Judge ordered Petitioner removed to Egypt. (*Id.*) Petitioner was later released under an Order of Supervision. (*Id.* at 2-3.) In 2017, he married a United States citizen. (*Id.* at 3.)

In 2018, Petitioner was convicted of possession of a controlled substance with intent to distribute. (*Id.*) After serving his sentence, Petitioner was again released on an Order of Supervision. (*Id.*)

On January 27, 2026, Immigration and Customs Enforcement arrested Petitioner and detained him. (*Id.* at 3-4.) Petitioner alleges that “[d]uring his arrest he was never served a notice of revocation or similar[] documents stating why his supervision is being revoked” and did not receive an interview regarding the reasons for re-detention. (*Id.* at 4.) He alleges his

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detention violates the Due Process Clause of the Fifth Amendment of the United States Constitution and federal regulations. (*Id.* at 4-14.)

On February 24, 2026, the court granted Petitioner’s Motion for a Temporary Restraining order, ordering Respondent to release Petitioner from custody under the previous terms of supervision and stated that “any future enforcement actions after release must comply with the required procedures.” (Dkt. 8 (“TRO”).) Respondent complied, and submitted an Order of Release on Recognizance reflecting that Petitioner was released from custody on terms of supervision. (Dkt. 16-1.)

On March 23, 2026, the court denied as moot Petitioner’s request for a preliminary injunction, reasoning, “Now that Petitioner has mostly obtained th[e requested] relief, (see TRO at 7), the court finds Petitioner fails to make an adequate showing that a preliminary injunction is warranted.” (Dkt. 24 at 3.) The court referred further proceedings on the merits of the Petition, including the issue of whether the Petition should be dismissed as moot, to the assigned Magistrate Judge. (*Id.* at 4.)

Before the court is the Magistrate Judge’s April 24, 2026, Report and Recommendation, which recommends the court grant the Petition and “order[] that Judgment be entered: (a) declaring that ICE’s previous detention of Petitioner violated applicable regulations and Petitioner’s due process rights; and (b) enjoining Respondents from re-detaining Petitioner without complying with applicable regulations. (Dkt. 32 (“Report and Recommendation”) at 4.) Based on the record, as applied to the relevant law, and on *de novo* review, *see* 28 U.S.C. § 636(b)(1)(C), the court **REJECTS** the Report and Recommendation and **DISMISSES** the Petition.

II. Legal Standard

“For a habeas petition to continue to present a live controversy after the petitioner’s release or deportation . . . there must be some remaining ‘collateral consequence’ that may be redressed by success on the petition.” *Abdala v. I.N.S.*, 488 F.3d 1061, 1064 (9th Cir. 2007). “By contrast, where the grounds for habeas relief will not redress collateral consequences, a habeas petition does not continue to present a live controversy once the petitioner is released

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from custody.” *Id.* “Collateral consequences create concrete legal disadvantages.” *Alam v. Carter*, 843 F. Appx. 953, 954 (9th Cir. 2021) (internal quotation marks omitted).

“A case becomes moot when interim relief or events have deprived the court of the ability to redress the party’s injuries.” *United States v. Alder Creek Water Co.*, 823 F.2d 343, 345 (9th Cir. 1987); *see also NASD Disp. Resol., Inc. v. Jud. Council*, 488 F.3d 1065, 1068 (9th Cir. 2007) (finding appeal to be moot when the plaintiffs had already been granted the relief they sought). Courts have an obligation to consider mootness *sua sponte*, and should deny requested relief where it is superfluous. *In re Burrell*, 415 F.3d 994, 997 (9th Cir. 2005). The “basic question in determining mootness is whether there is a present controversy as to which effective relief can be granted.” *Nw. Envtl. Def. Ctr. v. Gordon*, 849 F.2d 1241, 1244 (9th Cir. 1988).

Petitioner argues that his release does not moot the Petition because “[a]lthough Petitioner is not longer physically detained, he remains subject to an Order of Supervision imposed by immigration authorities,” under which “Petitioner is required to comply with reporting requirements and other restrictions on his liberty” such that “collateral consequences continue to exist” and “the conduct is capable of repetition yet evading review. (Dkt. 28 at 1-2 (some portions headings).) The court is not persuaded. While it is true that Petitioner “remains subject to continuing restraints on his liberty under the Order of Supervision, the allegations in the Petition reflect that Petitioner was subject to similar restraints *before* his unlawful detention. (See Pet. at 2-3 (describing orders of supervision in effect in between and following criminal convictions).) In other words, the effect of the relief granted in the TRO was to put Petitioner in the position he would have been were he never unlawfully detained. Based on the record before the court, the court finds Petitioner’s release “does not give rise to collateral consequences that are redressable by success on his original petition.” *Abdala*, 488 F.3d at 1065; *see Mejia v. Semaia*, 2025 WL 2633165, *2 (C.D. Cal. 2025) (“[I]f release from custody fully resolves the claims raised in a habeas petition, the claims are indeed moot.”).

In addition, the court finds that Petitioner’s argument that “[w]ithout judicial review, respondents could repeatedly detain and release individuals before courts are able to fully adjudicate the legality of such detention,” as applied to Petitioner, appears to be “speculative and hypothetical.” *Alam*, 843 F.Appx. at 954; *see id.* (holding that the petitioner’s release from

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detention mooted his petition for a writ of habeas corpus and that “[a]ny risk of re-detention does not save his petition from mootness, as he was released pursuant to court order and there is thus a legal impediment to his re-detention”). Notably, “Petitioner acknowledges that re-detention could be justified if materially new circumstances arise attributable to Petitioner.” (Dkt. 12 at 2.) Accordingly, the court does not find a preventative blanket order prohibiting re-detention absent a pre-deprivation hearing appropriate.

III. Disposition

For the foregoing reasons, the Report and Recommendation is **REJECTED**. The Petition is **DENIED AS MOOT**. This case is therefore **DISMISSED WITHOUT PREJUDICE**.