

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

DELIA HERNANDEZ DUQUE,)	
)	
Petitioner,)	
)	
v.)	No. 4:25-cv-00231-SEB-KMB
)	
SCOTTY MAPLES,)	
KRISTI NOEM,)	
PAMELA BONDI,)	
SAMUEL OLSON,)	
TODD LYONS,)	
)	
Respondents.)	

ORDER DIRECTING FURTHER PROCEEDINGS

On November 24, 2025, Petitioner Delia Hernandez Duque filed a petition for writ of habeas corpus under 28 U.S.C. § 2241, challenging the Department of Homeland Security's revocation of her Order of Supervision and her subsequent civil detention in Clark County Jail. Dkt. 1. On November 25, 2025, the Court granted Petitioner's motion for temporary restraining order to the limited extent that ". . . pursuant to the All Writs Act, 28 U.S.C. § 1651, the Court orders [that] Respondents shall not transfer Petitioner outside the jurisdiction of the United States or transfer her to any federal judicial district other than those in the States of Illinois, Indiana, or Wisconsin during the pendency of this habeas petition." Dkt. 8. On December 1, 2025, Respondents notified the Court that Petitioner was transferred to Texas on November 24, 2025, and later deported to her native country of Guatemala on November 29, 2025. Dkt. 12. Because Respondents violated this Court's Order by transferring Petitioner outside of the United States, Respondents **are ordered to show cause** why the Court should not issue sanctions for violating its Order. *See Fuery v. City of Chicago*, 900 F.3d 450, 463 (7th Cir. 2018) ("A federal court's

inherent authority is an implied power that emanates from the nature of the institution and the need to 'impose silence, respect, and decorum, in their presence, and submission to their lawful mandates ... so as to achieve the orderly and expeditious disposition of cases.'" (internal citations omitted). Respondents shall file a response by **December 8, 2025**.

Furthermore, because Petitioner is presumably no longer detained, Petitioner **must show cause** why her petition is not moot. "[I]n all habeas corpus proceedings under 28 U.S.C. § 2254, the successful petitioner must demonstrate that [s]he 'is in custody in violation of the Constitution or laws or treaties of the United States.'" *Brown v. Watters*, 599 F.3d 602, 611 (7th Cir. 2010) (quoting 28 U.S.C. § 2254(a)). "It is the custody itself that must violate the Constitution. Accordingly, prisoners who are not seeking earlier or immediate release are not seeking habeas corpus relief." *Washington v. Smith*, 564 F.3d 1350, 1350 (7th Cir. 2009). A habeas action becomes moot when a federal court's ruling will not change the length of the petitioner's custody. *White v. Indiana Parole Bd.*, 266 F.3d 759, 763 (7th Cir. 2001). Although the end of detention does not necessarily moot a habeas action, it is up to the petitioner to demonstrate that she suffers from collateral consequences from the detention. *See Spencer v. Kemna*, 523 U.S. 1, 7–14 (1998); *Eichwedel v. Curry*, 700 F.3d 275, 279 (7th Cir. 2012) ("Assuming for the sake of argument that such collateral consequences of a disciplinary proceeding can be shown, it is clear that, after *Spencer*, the burden is on [the petitioner] to establish those consequences."). Thus, Petitioner **shall show cause why her petition is not moot by December 8, 2025**.

IT IS SO ORDERED.

Date: 12/1/2025



SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

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