

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
MISSISSIPPI, WESTERN DIVISION

Ran Gao v. Todd Lyon, U.S. Immigration and Customs Enforcement
(ICE), et al.

Gao · No. 5:26-cv-00007-DCB-BWR · Decided April 6, 2026

SUMMARY

The document is a Report and Recommendation in a 28 U.S.C. § 2241 habeas petition filed by Ran Gao seeking release from immigration detention. The magistrate judge concluded that the petition was moot because Gao had been released from ICE custody and recommended dismissal. The parties were advised of their fourteen-day period to object.

CASE DETAILS

COURT	United States District Court for the Southern District of Mississippi, Western Division
WRITING FOR THE COURT	Bradley W. Rath
JURISDICTION	United States District Court for the Southern District of Mississippi, Western Division
DECIDED	April 6, 2026
DOCKET	5:26-cv-00007-DCB-BWR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se petition for a writ of habeas corpus under 28 U.S.C. § 2241 seeking immediate release from immigration detention; the magistrate judge issued a Report and Recommendation that the petition be dismissed as moot after petitioner was released.
STANDARD OF REVIEW	The district judge will review properly objected-to portions of the Report and Recommendation de novo under Fed. R. Civ. P. 72(b)(3).
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Ran Gao v. Todd Lyon, U.S. Immigration and Customs Enforcement (ICE), et al.

TOPICS

federal habeas corpus

immigration detention

civil procedure

PRACTICE AREAS

immigration

federal habeas corpus

civil procedure

QUESTIONS PRESENTED

1. Whether Gao's § 2241 petition seeking release from immigration detention became moot after his release from ICE custody.

HOLDINGS

1. The petition was moot because Gao had been released from ICE custody and therefore no longer had a personal stake in the requested relief of immediate release.

KEY QUOTATIONS

“Under Article III of the Constitution, federal courts may adjudicate only actual, ongoing cases or controversies.” (at 1)

“The Petition no longer presents a live case or controversy for purposes of satisfying Article III.” (at 1)

FACTUAL BACKGROUND

Gao, a former immigration detainee, filed a habeas petition seeking immediate release from ICE custody. ICE reported that Gao was released on February 10, 2026, and Gao did not contest that report or otherwise respond to the Order to Show Cause. Because the requested release had already occurred, the court concluded that no live controversy remained.

PROCEDURAL HISTORY

Ran Gao filed a § 2241 petition on January 5, 2026, seeking immediate release from ICE custody. After an Order to Show Cause, respondents reported that Gao had been released from ICE custody on February 10, 2026. Gao did not respond, and the magistrate judge recommended dismissal because the release mooted the petition.

DISPOSITION

dismissed

CASES CITED

- Lewis v. Cont'l Bank Corp., 494 U.S. 472, 477 (1990)
- Bacilio-Sabastian v. Barr, 980 F.3d 480, 482 (5th Cir. 2020)
- Dep't of Homeland Sec. v. Thuraissigiam, 591 U.S. 103, 106 (2020)
- Douglass v. United Servs. Auto. Assoc., 79 F.3d 1415, 1428-29 (5th Cir. 1996)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI WESTERN DIVISION RAN GAO PETITIONER V. Cause No. 5:26-cv-00007-DCB-BWR TODD LYON RESPONDENTS U.S. Immigration and Customs Enforcement (ICE) et al. REPORT AND RECOMMENDATION THIS MATTER is before the Court on the 28 U.S.C. § 2241 Petition [1] filed pro se by Ran Gao, a former immigration detainee.

Petitioner has been released from U.S. Immigration and Customs Enforcement (ICE) custody. His Petition is moot and should be dismissed. I. BACKGROUND On January 5, 2026, Petitioner filed his Petition seeking immediate release from immigration detention. Pet.

[1] at 3. On March 17, 2026, the Court issued an Order to Show Cause to all parties because ICE's Online Detainer Locator System indicated that Petitioner was no longer in ICE custody. Order [10]. On March 27, 2026, Respondents filed a response, informing the Court that "Petitioner was released from ICE custody on February 10, 2026." Resp't Resp.

[11] at 1. Petitioner did not file a response to the Order to Show Cause. "Under Article III of the Constitution, federal courts may adjudicate only actual, ongoing cases or controversies." *Lewis v. Cont'l Bank Corp.*, 494 U.S. 472, 477 (1990) "To invoke the jurisdiction of a federal court, a litigant must have suffered, or be threatened with, an actual injury traceable to the defendant and likely to be redressed by a favorable judicial decision" *Id.* The "[m]ootness doctrine requires that, to show a case or controversy under Article III of the Constitution, 'through all stages of federal judicial proceedings, trial and appellate[,...] parties must continue to have a personal stake in the outcome of the lawsuit.'" *Bacilio-Sabastian v. Barr*, 980 F.3d 480, 482 (5th Cir.

2020) (finding former immigration detainee's petition moot)(quoting *Lewis*, 494 U.S. at 477-48. The Petition seeks Petitioner's release from ICE custody and is now moot because Petitioner has been released from ICE custody. See *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 106 (2020) (describing habeas in the immigration context as "traditionally provid[ing] a means to seek release from unlawful detention").

The Petition no longer presents a live case or controversy for purposes of satisfying Article III. III. RECOMMENDATION It is recommended that the Petition [1] be dismissed because it is moot. IV. NOTICE OF RIGHT TO OBJECT Within fourteen days after being served with a copy of this Report and Recommendation, a party may serve and file specific written objections to the proposed findings and recommendations.

Fed. R. Civ. P. 72(b)(2). A party may respond to another party's objections within 14 days after being served with a copy of the objections. *Id.* The district judge will determine de novo any part of the Report 2 and Recommendation that has been properly objected to. Fed. R. Civ. P. 72(b)(3).

The district judge may accept, reject, or modify the Report and Recommendation; receive further evidence; or return the matter to the magistrate judge with instructions. *Id.* An objecting party

must specifically identify the findings, conclusions, and recommendations to which he objects. A district judge need not consider frivolous, conclusive, or general objections.

A party who fails to file written objections to the proposed findings, conclusions, and recommendations shall be barred, except upon grounds of plain error, from attacking on appeal any proposed factual finding or legal conclusion adopted by the Court to which he did not object. *Douglass v. United Servs. Auto. Assoc.*, 79 F.3d 1415, 1428-29 (5th Cir. 1996), superseded by statute on other grounds, 28 U.S.C. § 636(b)(1).

SIGNED, this the 6th day of April 2026. Bradley W. Rath s/ BRADLEY W. RATH UNITED STATES MAGISTRATE JUDGE 3