

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

Johny Ariel Batiz Ruiz v. Melissa Harper, ICE Area Field Director, et
al.

Batiz Ruiz · No. 5:26-CV-139-DCB-BWR · Decided May 4, 2026

SUMMARY

The United States District Court for the Southern District of Mississippi adopted a magistrate judge’s Report and Recommendation in a 28 U.S.C. § 2241 habeas action challenging the duration of an immigration detention. Because the petitioner had been removed from the United States, the court concluded that the petition was moot and dismissed it without prejudice.

CASE DETAILS

COURT	United States District Court for the Southern District of Mississippi, Western Division
JURISDICTION	United States District Court for the Southern District of Mississippi, Western Division
DECIDED	May 4, 2026
DOCKET	5:26-CV-139-DCB-BWR
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's report and recommendation in a 28 U.S.C. § 2241 habeas petition challenging the duration of immigration detention. No objections were filed, and the district court adopted the report and recommendation and dismissed the petition without prejudice as moot.
STANDARD OF REVIEW	When no objections are made to a magistrate judge's report and recommendation, the district court applies a clearly erroneous, abuse of discretion, and contrary to law standard rather than conducting de novo review.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Johny Ariel Batiz Ruiz v. Melissa Harper, ICE Area Field Director, et al.

TOPICS

federal habeas corpus

immigration detention

removal proceedings

civil procedure

immigration

PRACTICE AREAS

immigration

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immigration detention

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QUESTIONS PRESENTED

1. Whether the petitioner's challenge to the duration of detention during removal proceedings became moot after his removal from the United States.
2. What standard of review applies when no party objects to a magistrate judge's report and recommendation.

HOLDINGS

1. A § 2241 challenge to the duration of detention pending removal becomes moot when the petitioner has been removed from the United States.
2. When no party objects to a magistrate judge's report and recommendation, the district court need not conduct de novo review and instead reviews for clear error, abuse of discretion, and contrariness to law.

FACTUAL BACKGROUND

Batiz Ruiz, a Honduran citizen, was detained during removal proceedings and challenged the duration of that detention under 28 U.S.C. § 2241. During the proceedings, he was removed from the United States, eliminating the continuing controversy concerning detention pending removal. The docket also reflected that the report and recommendation was returned as undeliverable, and the petitioner filed no objections within the time allowed.

PROCEDURAL HISTORY

Batiz Ruiz filed a § 2241 petition challenging the duration of his detention during removal proceedings. Magistrate Judge Bradley W. Rath recommended dismissal as moot after the petitioner was removed from the United States. The petitioner did not object by the deadline, and the district court adopted the report and recommendation in full.

DISPOSITION

dismissed

CASES CITED

- United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir. 1989)
- Francis v. Lynch, 622 F. App'x 455, 455-456 (5th Cir. 2015)
- John v. U.S. Immigration and Customs Enforcement, No. 3:25-CV-1844-B-BW, 2026 WL 569043 (N.D. Tex. Feb. 6, 2026)

OPINION

Ruiz

PER CURIAM.

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

JOHNY ARIEL BATIZ RUIZ PETITIONER

A 213-410-350

VS. CIVIL ACTION NO.5:26-CV-139-DCB-BWR

MELISSA HARPER, ICE Area

Field Director, ET AL. RESPONDENTS

ORDER ADOPTING REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation (“Report”) [ECF No. 4] of the United States Magistrate Judge entered herein on April 7, 2026, in this action brought pursuant to 28 U.S.C. § 2241. Batiz Ruiz, a citizen of Honduras, challenged the duration of his detention during his removal proceedings under section 237(A)(1)(8) of the Immigration and Nationality Act. Pet. [ECF No. 1] at 6-7; [ECF No. 1-1] at 34; see also 8 U.S.C. § 1229a

(2006). In the Report, Judge Rath recommended that the Petition

[ECF No. 1] be dismissed as moot because Batiz Ruiz has been removed from the United States. Petitioner, proceeding pro se, has failed to file objections to the Report by his deadline of April 21, 2026. Where no party has objected to a Magistrate Judge’s Report and Recommendation, the Court need not conduct a de novo review of it. 28 U.S.C. § 636(b)(1) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.”). Where there are no objections, the Court applies the “clearly erroneous, abuse of discretion and contrary to law” standard of review to the Report and Recommendation. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). The Court has reviewed the Petition [ECF No. 1], and the related filings. The Court observes that Petitioner responded to an Order to Show Cause [ECF No. 2] issued by the Court, confirming that he has been removed from the country. See [ECF No. 3]. However, Petitioner did not file objections to the Report within the time allowed under Rule 72(b)(2) of the Federal Rules of Civil Procedure. The docket further reflects that the Report was returned as “undeliverable” on May 1, 2026. Having considered the Report of Judge Rath, the Court adopts his findings and conclusions in full. In his Report, Judge Rath determined, after a thorough review of the applicable law, that Batiz Ruiz’s removal mooted these proceedings. The Court agrees. See, e.g., *Francis v. Lynch*, 622 F. App’x 455, 455-456 (5th Cir. 2015) (holding that the petitioner’s challenge to the duration of his detention pending removal became moot when he was removed from the United States); see also *John v. U.S. Immigration and Customs Enforcement*, No. 3:25-CV-1844-B-BW, 2026 WL 569043 (N.D. Tex. Feb. 6, 2026) (dismissing ICE detainee’s § 2241 petition without prejudice as moot upon evidence of his removal from the United States).

ACCORDINGLY,

IT IS, THEREFORE, ORDERED that the Report and Recommendation be, and the same hereby is, adopted as the finding of this Court. Accordingly, Batiz Ruiz's Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 [ECF No. 1] should be dismissed without prejudice as moot. Pursuant to Rule 58 of the Federal Rules of Civil Procedure, a separate judgment will be entered. SO ORDERED AND ADJUDGED, this the 4th day of May, 2026. /s/ David Bramlette
UNITED STATES DISTRICT JUDGE