

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF  
LOUISIANA

Romeo Guerrero A. Sombillo, Jr. v. K. Jordan, et al.

Sombillo · No. No. 25-01157-BAJ-SDJ · Decided May 19, 2026

SUMMARY

The United States District Court for the Middle District of Louisiana grants Respondents’ Rule 12(b)(1) motion and dismisses as moot a habeas petition challenging immigration detention. The court concludes that the petitioner’s removal ended the challenged detention and that no collateral consequences or other continuing case or controversy were asserted.

CASE DETAILS

|                       |                                                                                                                                                                                                                                       |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Middle District of Louisiana                                                                                                                                                                     |
| WRITING FOR THE COURT | Brian A. Jackson                                                                                                                                                                                                                      |
| JURISDICTION          | United States District Court for the Middle District of Louisiana                                                                                                                                                                     |
| DECIDED               | May 19, 2026                                                                                                                                                                                                                          |
| DOCKET                | No. 25-01157-BAJ-SDJ                                                                                                                                                                                                                  |
| DISPOSITION           | dismissed                                                                                                                                                                                                                             |
| PROCEDURAL POSTURE    | Respondents moved under Federal Rule of Civil Procedure 12(b)(1) to dismiss the petition for habeas corpus as moot after representing that the petitioner had been removed from the United States. The petitioner filed no objection. |
| STANDARD OF REVIEW    | The court considered mootness and Article III jurisdiction under Rule 12(b)(1), requiring a live case or controversy throughout the litigation.                                                                                       |
| PRECEDENTIAL VALUE    | unpublished district court ruling; nonprecedential                                                                                                                                                                                    |
| PARTIES               | Romeo Guerrero A. Sombillo, Jr. v. K. Jordan, et al.                                                                                                                                                                                  |

TOPICS

- immigration detention
- subject matter jurisdiction
- motions to dismiss
- civil procedure
- constitutional law

PRACTICE AREAS

- immigration detention
- habeas corpus
- federal jurisdiction
- civil procedure
- constitutional law

## QUESTIONS PRESENTED

1. Whether the petitioner's habeas claim challenging the constitutionality of his detention became moot after his detention ended and he was removed from the United States.
2. Whether any asserted collateral consequences preserved an Article III case or controversy after the challenged detention ended.

## HOLDINGS

1. A habeas petition challenging detention is moot when the detention ends and the petitioner no longer presents a live Article III case or controversy, unless a concrete and continuing injury or other collateral consequence remains.
2. Dismissal on mootness grounds is without prejudice to future suits on the merits of the same claim and does not constitute a final adjudication on the merits.

## KEY QUOTATIONS

*“This means that, throughout the litigation, the plaintiff ‘must have suffered, or be threatened with, an actual injury traceable to the defendant and likely to be redressed by a favorable judicial decision.’”*

*“The petitioner presents an Article III controversy when he demonstrates “some concrete and continuing injury other than the now-ended incarceration”—a “collateral consequence of the conviction.””*

## FACTUAL BACKGROUND

Respondents represented that Romero Guerrero A. Sombillo, Jr. had been removed from the United States, ending the detention challenged in his habeas petition. The petition challenged the constitutionality of his detention rather than his removal order or deportation. The petitioner did not object to dismissal and did not assert any collateral consequences resulting from the ended detention.

## PROCEDURAL HISTORY

Petitioner challenged the constitutionality of his detention, not his removal order or deportation. After his detention ended through removal from the United States, respondents moved to dismiss for lack of a live case or controversy. The court granted the motion and dismissed the matter as moot.

## DISPOSITION

dismissed

## CASES CITED

- Spencer v. Kemna, 528 U.S. 1, 7 (1998)
- Lewis v. Continental Bank Corp., 494 U.S. 472, 477 (1990)
- Zalawadia v. Ashcroft, 371 F.3d 292, 297 (5th Cir. 2004)
- Francis v. Lynch, 622 F. App'x 455 (5th Cir. 2015)

- *Odus v. Ashcroft*, 61 F. App'x 121, 121 (5th Cir. 2003)
- *Umanzor v. Lambert*, 782 F.2d 1299, 1301 (5th Cir. 1986)
- *Wilderness Soc. v. Salazar*, 603 F. Supp. 2d 52, 72 (D.D.C. 2009)
- *Payne v. Panama Canal Co.*, 607 F.2d 155, 158 (5th Cir. 1979)

## OPINION

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF LOUISIANA ROMEO GUERRERO A. SOMBILLO, CIVIL ACTION JR. VERSUS K. JORDAN, ET AL. NO. 25-01157-BAJ-SDJ RULING AND JUDGMENT Before the Court is Respondent's Rule 12(b)(1) Motion to Dismiss As Moot. (Doc. 15). Respondents represent that Petitioner Romero Guerrero A. Sombillo, Jr., has been removed from the United States, and thus his habeas claim is now moot and should be dismissed.

Petitioner has filed no objection, and the standard time to do so has passed. A case becomes moot if it no longer presents a case or controversy under Article III, § 2 of the Constitution. See, e.g., *Spencer v. Kemna*, 528 U.S. 1, 7 (1998).

To remain an active “case or controversy”, “parties must continue to have a ‘personal stake in the outcome’ of the lawsuit.” *Jd.* (quoting *Lewis v. Continental Bank Corp.*, 494 U.S. 472 (1990)). “This means that, throughout the litigation, the plaintiff ‘must have suffered, or be threatened with, an actual injury traceable to the defendant and likely to be redressed by a favorable judicial decision.’” *Jd.* (quoting *Lewis*, 494 U.S. at 477).

For a court to exercise habeas jurisdiction over a petitioner no longer in custody, the petitioner must demonstrate that he was in custody at the time he filed the petition and that his subsequent release has not rendered the petition moot, i.e., that he continues to present a case or controversy under Article III, § 2 of the Constitution. *Spencer*, 523 U.S. at 7.

The petitioner presents an Article III controversy when he demonstrates “some concrete and continuing injury other than the now- ended incarceration”—a “collateral consequence of the conviction.” *Id.* (internal quotations removed). *Zalawadia v. Ashcroft*, 371 F.3d 292, 297 (5th Cir. 2004).

In this case, Petitioner did not challenge his removal order or deportation, but the constitutionality of his detention. Because the detention in question has ended, and there are no collateral consequences asserted, there is no longer a live case or controversy.<sup>1</sup> See *Francis v. Lynch*, 622 F. App'x 455 (5th Cir. 2015) (citing *Odus v. Ashcroft*, 61 F. App'x 121, 121 (5th Cir.

2003); *Umanzor v. Lambert*, 782 F.2d 1299, 1301 (5th Cir. 1986). Accordingly, IT IS ORDERED, ADJUDGED, AND DECREED that this matter is DISMISSED AS MOOT.<sup>2</sup> Baton Rouge, Louisiana, this 19 day of May, 2026 ¢ Dp JUDGE BRIAN A. JACKSON UNITED STATES

DISTRICT COURT MIDDLE DISTRICT OF LOUISIANA 1 To be clear, deportation does not automatically end a habeas claim.

Collateral consequences of the detention in question could still present a live case or controversy. Here, however, Petitioner has not challenged the instant motion or raised collateral consequences.

2 “A dismissal on mootness grounds is without prejudice to future suits on the merits of the same claim.” *Wilderness Soc. v. Salazar*, 603 F. Supp. 2d 52, 72 (D.D.C.

2009); see also *Payne v. Panama Canal Co.*, 607 F.2d 155, 158 (5th Cir.1979) (holding that “[t]he dismissal without prejudice of the prior actions on grounds of mootness does not serve as a final adjudication on the merits so as to bar this action”).