

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Walter A.T. v. Facility Administrator, Golden State Annex

Walter A.T. · No. 1:24-cv-01513-KES-EPG-HC · Decided July 18, 2025

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 WALTER A.T.,¹ Case No. 1:24-cv-01513-KES-EPG-HC 12 Petitioner,
ORDER VACATING JUNE 24, 2025 FINDINGS AND RECOMMENDATION 13 v. FINDINGS
AND RECOMMENDATION TO 14 FACILITY ADMINISTRATOR, GOLDEN DISMISS
PETITION FOR WRIT OF STATE ANNEX, HABEAS CORPUS AS MOOT AND 15
TERMINATE RESPONDENT’S MOTION Respondent.

TO DISMISS 16 (ECF Nos. 16, 19) 17 18 Petitioner is proceeding pro se with a petition for writ
of habeas corpus pursuant to 28 19 U.S.C. § 2241. 20 I. 21 BACKGROUND 22 Petitioner is a
native of Guatemala. (ECF No. 16 at 2; ECF No. 16-1 at 7, 12.2) On 23 February 2, 2024, the
Department of Homeland Security (“DHS”) detained Petitioner and began 24 administratively
processing him for expedited removal after Petitioner entered the United States 25 1 The Court
partially redacts Petitioner’s name to mitigate privacy concerns, as requested by Petitioner 26 and
suggested by the Committee on Court Administration and Case Management of the Judicial
Conference of the United States.

See Memorandum Re: Privacy Concern Regarding Social Security & 27 Immigration Opinions
(May 1, 2018), https://www.uscourts.gov/sites/default/files/18-cv-l-suggestion_cacm_0.pdf. 1
without inspection, admission, or parole. (ECF No. 16 at 2; ECF No. 16-1 at 3, 19.)

On April 23, 2 2024, DHS transferred Petitioner from expedited removal proceedings to full
removal 3 proceedings, charging Petitioner with removability under sections 212(a)(7)(A)(i)(I)
and 4 212(a)(6)(A)(i) of the Immigration and Nationality Act (“INA”) as an alien without valid
entry 5 documents and present in the United States without admission or parole.

(ECF No. 16-1 at 3, 29.) 6 On October 22, 2024, an immigration judge (“IJ”) denied Petitioner’s
applications for relief from 7 removal and ordered Petitioner removed. (ECF No. 1 at 2; ECF No.
16-1 at 4, 40–43.) Petitioner 8 appealed the decision to the Board of Immigration Appeals
(“BIA”). (ECF No. 1 at 2; ECF No. 9 16-1 at 5.) 10 On November 27, 2024, Petitioner filed the
instant petition for writ of habeas corpus, 11 asserting that his prolonged detention in Immigration
and Customs Enforcement (“ICE”) custody 12 without a hearing on danger and flight risk violates
the Due Process Clause of the Fifth 13 Amendment.

(ECF No. 1 at 2.) On March 12, 2025, Respondent filed a motion to dismiss and 14 response to the petition. (ECF No. 16.) On June 24, 2025, the undersigned issued findings and 15 recommendation to deny the motion to dismiss, grant the petition for writ of habeas corpus, and 16 direct Respondent to provide Petitioner with a bond hearing before an IJ. (ECF No. 19.)

17 On June 27, 2025, Respondent filed objections to the findings and recommendation. 18 (ECF No. 20.) Therein, Respondent informs the Court that the BIA affirmed the IJ's decision on 19 April 29, 2025, and Petitioner was removed from the United States to Guatemala on May 15, 2025. (ECF No. 20-2 at 2; ECF No. 20-1 at 2.) 21 II. 22 DISCUSSION 23 The jurisdiction of federal courts is limited to "actual, ongoing cases or controversies." 24 *Lewis v. Continental Bank Corp.*, 494 U.S. 472, 477 (1990). "This case-or-controversy 25 requirement subsists through all stages of federal judicial proceedings," which "means that, 26 throughout the litigation, the plaintiff 'must have suffered, or be threatened with, an actual injury 27 traceable to the defendant and likely to be redressed by a favorable judicial decision.'" Spencer 1 challenges his prolonged detention in ICE custody.

On May 15, 2025, Petitioner was removed 2 from the United States to Guatemala. (ECF No. 20-1 at 2.) Given that Petitioner is no longer in 3 ICE custody, the Court finds that no case or controversy exists and the petition is moot. See 4 *Abdala v. I.N.S.*, 488 F.3d 1061, 1065 (9th Cir. 2007) (finding habeas petition challenging length 5 of immigration detention moot because "there was no extant controversy for the district court to 6 act upon" when petitioner was subsequently deported, "thereby curing his complaints about the 7 length of his INS detention").

8 III. 9 ORDER & RECOMMENDATION 10 Based on the foregoing, the undersigned HEREBY ORDERS that the findings and 11 recommendation issued on June 24, 2025³ (ECF No. 19) is VACATED. 12 Further, the undersigned HEREBY RECOMMENDS that: 13 1.

The petition for writ of habeas corpus be DISMISSED as MOOT; and 14 2. Respondents' motion to dismiss (ECF No. 16) be TERMINATED. 15 This Findings and Recommendation is submitted to the assigned United States District 16 Court Judge, pursuant to the provisions of 28 U.S.C. § 636 (b)(1)(B) and Rule 304 of the Local 17 Rules of Practice for the United States District Court, Eastern District of California.

Within 18 FOURTEEN (14) days after service of the Findings and Recommendation, any party may file 19 written objections, no longer than fifteen (15) pages, including exhibits, with the Court and 20 serve a copy on all parties. Such a document should be captioned "Objections to Magistrate 21 Judge's Findings and Recommendation." Replies to the objections shall be served and filed 22 within fourteen (14) days after service of the objections.

The assigned United States District 23 Court Judge will then review the Magistrate Judge's ruling pursuant to 28 U.S.C. § 636(b)(1)(C). 24 The parties are advised that failure to file objections

within the specified time may waive the 25 /// 26 /// 27 /// 1 | right to appeal the District Court's order. Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2 | 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir.

1991)). 3 4 IT IS SO ORDERED. 5} Dated: _ July 18, 2025 [Je hey — 6 UNITED STATES MAGISTRATE JUDGE 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28