

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

Xin Lin v. Rafael Vergara

Lin · No. 5:26-cv-00015-DCB-BWR · Decided May 5, 2026

SUMMARY

The magistrate judge recommends granting the respondent's motion to dismiss Xin Lin's 28 U.S.C. § 2241 petition as moot. The petition sought release from immigration detention, but Lin was removed from the United States while the case was pending, eliminating a live Article III controversy.

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	May 5, 2026
DOCKET	5:26-cv-00015-DCB-BWR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Report and recommendation on a 28 U.S.C. § 2241 petition seeking immediate release from immigration detention and the respondent's motion to dismiss for mootness.
STANDARD OF REVIEW	Article III case-or-controversy and mootness principles; properly filed objections to the report and recommendation are reviewed de novo by the district judge under Fed. R. Civ. P. 72(b)(3).
PRECEDENTIAL VALUE	Nonprecedential report and recommendation; proposed disposition subject to district-judge review and objections.
PARTIES	Xin Lin v. Rafael Vergara, in his official capacity as Warden of Adams County Correctional Center

TOPICS

- immigration detention
- removal proceedings
- subject matter jurisdiction
- civil procedure

PRACTICE AREAS

Immigration detention

Federal habeas corpus

Mootness

Article III jurisdiction

QUESTIONS PRESENTED

1. Whether Lin's § 2241 petition seeking release from immigration detention became moot after he was released from ICE custody and removed from the United States.
2. Whether the respondent's motion to dismiss for mootness should be granted and the petition dismissed without prejudice.

HOLDINGS

1. The petition became moot because Lin was released from ICE custody and removed from the United States, eliminating the personal stake and any live controversy concerning his release from detention.

KEY QUOTATIONS

“Under Article III of the Constitution, federal courts may adjudicate only actual, ongoing cases or controversies.” (at 2)

“The Petition is moot because Petitioner has been released from ICE custody and removed from the United States.” (at 2)

FACTUAL BACKGROUND

Xin Lin, a Chinese national, was detained in immigration custody at Adams County Correctional Center when he filed a § 2241 petition seeking immediate release. He had entered the United States in 2001, received a final removal order in 2003, and was arrested by ICE on June 2, 2025. The government informed the court that Lin was removed from the United States on March 24, 2026, and submitted an immigration warrant documenting the removal.

PROCEDURAL HISTORY

Xin Lin filed a § 2241 petition while detained by Immigration and Customs Enforcement at Adams County Correctional Center. After Lin was removed from the United States on March 24, 2026, Respondent moved to dismiss the petition as moot. Lin did not respond. The magistrate judge recommended granting the motion and dismissing the petition without prejudice as moot, subject to the parties' right to object under Federal Rule of Civil Procedure 72(b).

DISPOSITION

dismissed

CASES CITED

- *Lewis v. Continental Bank Corp.*, 494 U.S. 472, 477-478 (1990)
- *Bacilio-Sabastian v. Barr*, 980 F.3d 480, 482 (5th Cir. 2020)

- Department of Homeland Security v. Thuraissigiam, 591 U.S. 103, 106 (2020)
- Douglass v. United Services Automobile Association, 79 F.3d 1415, 1428-1429 (5th Cir. 1996)

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