

**UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA**

Kurbatov Andrii v. Garret Ripa

Andrii · No. 1:26-cv-21717-LEIBOWITZ · Decided March 24, 2026

SUMMARY

The United States District Court for the Southern District of Florida dismissed Kurbatov Andrii's 28 U.S.C. § 2241 petition and related request for injunctive relief as moot. The court concluded that Petitioner's removal from the United States and release from Immigration and Customs Enforcement custody eliminated the requested relief and required dismissal for lack of an ongoing case or controversy.

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA CASE NO. 1:26-cv-21717-LEIBOWITZ KURBATOV ANDRII, Petitioner, v. GARRET RIPA,, Respondents.
_____/ ORDER DISMISSING 28 U.S.C. § 2241 PETITION AS MOOT THIS CAUSE is before this Court upon Petitioner Kurbatov Andrii's ("Petitioner") pro se Petition for Writ of Habeas Corpus and Complaint for Injunctive Relief (the "Petition") [ECF No. 1] to which Respondents' have filed their Response, arguing Petitioner's claims are moot [ECF No. 7].

Upon consideration of the Petition, the parties' papers, the relevant portions of the record, and the governing law, the Petition is DISMISSED AS MOOT as explained below. I. BACKGROUND On March 13, 2026, Petitioner filed a pro se Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 [ECF No. 1], alleging that he is being wrongfully detained at the Krome Service Processing Center and seeking immediate release from Immigration and Customs Enforcement custody.

[Id. at 19]. After reviewing the Petition, on March 18 the Court ordered the Respondents to show cause why the Petition should not be granted. [ECF No. 5]. On March 20, 2026, the Respondents filed a Response to Order to Show Cause (the "Response"). [ECF No. 7].

In the Response, Respondents state that Petitioner was removed from the United States on March 14, 2026, and is no longer detained. [Id. at 1]. As a result of Petitioner's release, Respondents argue Petitioner's claims are moot and the Petition should, therefore, be dismissed. [Id.]. II. DISCUSSION This Court's jurisdiction is limited to Article III of the Constitution's definition of "cases" or "controversies." *Soliman v. United States ex rel.*

INS, 296 F.3d 1237, 1242 (11th Cir. 2002). “The doctrine of mootness derives directly from the case or controversy limitation because an action that is moot cannot be characterized as an active case or controversy.” *Id.* at 1242 (quotation omitted).

The case-or-controversy requirement applies through all stages of the litigation. *Lewis v. Cont'l Bank Corp.*, 494 U.S. 472, 477 (1990). “If events that occur subsequent to the filing of a lawsuit or an appeal deprive the court of the ability to give the plaintiff or appellant meaningful relief, then the case is moot and must be dismissed.” *Al Najjar v. Ashcroft*, 273 F.3d 1330, 1336 (11th Cir.

2001). For a federal court to have subject-matter jurisdiction over a habeas proceeding, the petitioner must be “in custody in violation of the Constitution or laws or treaties of the United States[.]” 28 U.S.C. § 2241(c)(3); accord *Maleng v. Cook*, 490 U.S. 488, 490–91 (1989).

The “in custody” determination is made at the time the § 2241 petition is filed. *Carafas v. LaVallee*, 391 U.S. 234, 238 (1968). Where, as here, an alien detainee files a section 2241 petition requesting release, the case becomes moot and the court loses jurisdiction once the alien is released from custody. See *Djadju v. Vega*, 32 F.4th 1102, 1107 (11th Cir. 2022).

In the case at bar, Petitioner satisfied the “in custody” requirement at the time he filed the Petition, but his subsequent release from custody has rendered his Petition moot. Petitioner sought release from ICE custody, which has now occurred. [ECF No. 1 at 5].

Because this Court cannot grant relief post-release, no case or controversy exists. See *Djadju*, 32 F.4th at 1107 (“Since *Djadju* already has been released from custody, his prayer for relief has been satisfied.”); *Soliman v. U.S. ex rel. INS*, 296 F.3d 1237, 1243 (11th Cir. 2002) (“Quite simply, ‘there is nothing for us to remedy, even if we were disposed to do so.’” (citing *Spencer v. Kemna*, 523 U.S. 1, 18 (1998))).

Furthermore, no exception to the mootness doctrine is implicated because there is no 2 indication Petitioner will be returned to ICE custody soon. See *Djadin*, 32 F.4th at 1109 (“[T]here’s no reasonable basis for us to believe that *Djadju* will be re-detained unlawfully upon termination of this suit”); *A/ Nagar*, 273 F.3d at 1336 (“The remote possibility that an event might recur is not enough to overcome mootness.”).

Accordingly, this Court lacks jurisdiction over this case, and dismissal is required. See *A/ Nagar*, 273 F.3d at 1336 (“dismissal is required because mootness is jurisdictional.”). II. CONCLUSION Accordingly, it is ORDERED AND ADJUDGED as follows: 1. Petitioner’s Petition for Writ of Habeas Corpus and Complaint for Injunctive Relief [ECF No. 1] is DISMISSED AS MOOT.

2. The Clerk is DIRECTED to CLOSE this case. 3. Any pending motions are DENIED AS MOOT. DONE AND ORDERED in the Southern District of Florida on March 23, 2026. ee es

UNITED STATES DISTRICT JUDGE cc: counsel of record Kurbatov Andru, Pro Se

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