

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

Loththan Souphanthong v. Pamela J. Bondi

Souphanthong · No. CIV-25-1220-D · Decided December 16, 2025

SUMMARY

The United States District Court for the Western District of Oklahoma adopted a magistrate judge’s Report and Recommendation and dismissed Loththan Souphanthong’s 28 U.S.C. § 2241 habeas petition as moot. The dismissal followed the petitioner’s deportation to Laos and his resulting lack of custody by U.S. Immigration and Customs Enforcement.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
WRITING FOR THE COURT	Timothy D. DeGiusti
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	December 16, 2025
DOCKET	CIV-25-1220-D
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241; the district court reviewed and adopted a magistrate judge's Report and Recommendation recommending dismissal as moot.
STANDARD OF REVIEW	The district court reviewed the Report and Recommendation after the absence of timely objections and applied the waiver rule recognized in Tenth Circuit precedent.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status is not identified in the opinion.
PARTIES	Loththan Souphanthong v. Pamela J. Bondi

TOPICS

- federal habeas corpus
- immigration detention
- deportation
- removal proceedings

PRACTICE AREAS

- Federal habeas corpus
- Immigration detention
- Immigration law

QUESTIONS PRESENTED

1. Whether the petition became moot after Souphanthong was deported and was no longer in ICE custody.
2. Whether Souphanthong waived further review of the issues addressed in the Report and Recommendation by failing to file a timely objection.

HOLDINGS

1. A party who fails to timely object to a Report and Recommendation after being advised of the objection procedure and consequences waives further review of the issues addressed in the recommendation.
2. The § 2241 petition was moot because Souphanthong had been deported and was no longer in the custody of U.S. Immigration and Customs Enforcement.

FACTUAL BACKGROUND

Souphanthong was detained in the custody of U.S. Immigration and Customs Enforcement when he filed a petition for habeas corpus under § 2241. Before the petition was resolved, Respondent informed the court that Souphanthong had been deported to Laos and was no longer in ICE custody.

PROCEDURAL HISTORY

Souphanthong filed a § 2241 habeas petition, and the matter was referred to Magistrate Judge Chris M. Stephens. After Respondent reported that Souphanthong had been deported to Laos, the magistrate judge recommended dismissal as moot because Souphanthong was no longer in U.S. Immigration and Customs Enforcement custody. The district court found no timely objection, deemed further review waived, adopted the Report and Recommendation in its entirety, and dismissed the action as moot.

DISPOSITION

dismissed

CASES CITED

- Moore v. United States, 950 F.2d 656, 659 (10th Cir. 1991)
- United States v. 2121 East 30th Street, 73 F.3d 1057, 1060 (10th Cir. 1996)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA LOTHAN SOUPHANTHONG,)) Petitioner,)) v.) Case No. CIV-25-1220-D) PAMELA J. BONDI)) Respondent.) ORDER Petitioner Lothnan Souphanthong's filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. [Doc. No. 1].

The matter was referred to United States Magistrate Judge Chris M. Stephens for initial proceedings in accordance with 28 U.S.C § 636(b)(1)(B) and (C). [Doc. No. 3]. Judge Stephens ordered Respondent to file a response to the Petition. [Doc. No. 12].

On November 10, 2025, Respondent filed her response objecting to the Petition and informing the court that Petitioner had been deported to Laos. [Doc. No. 14]. On November 19, 2025, Judge Stephens issued a Report and Recommendation (“the R and R”) recommending the Court dismiss as moot the Petition because the Petitioner was no longer in the custody of U.S. Immigration and Customs Enforcement.

The case file shows no timely objection to the R and R nor request for an extension of time, even though Petitioner was expressly informed of his right to object, the procedure for doing so, and the consequences of failing to object.

Therefore, the Court finds that Petitioner has waived further review of all issues addressed in the R and R. See *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); see also *United States v. 2121 East 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996).

For the reasons explained by Judge Stephens in the R and R, the Court finds this action should be dismissed as moot. IT IS THEREFORE ORDERED that the R and R [Doc. No. 16] is ADOPTED in its entirety. This action is DISMISSED AS MOOT. A separate judgment of dismissal shall be entered. IT IS SO ORDERED this 16th day of December, 2025. Aly O.O,Pit TIMOTHY D. DeGIUSTI Chief United States District Judge