



Rodriguez Lopez v. Secretary of Homeland Security et al

2018 | Cited 0 times | D. Minnesota | December 11, 2018

STATES DISTRICT COURT DISTRICT OF MINNESOTA

IVAN R.-L., CIVIL NO. 18-1840 (DSD/DTS) Petitioner, v. REPORT AND RECOMMENDATION SECRETARY OF HOMELAND SECURITY; JEFFERSON SESSIONS, Attorney General; SCOTT BANIECKE, ICE Field Office Director; and KURT FREITAG, Freeborn County Sheriff, Respondents. On July 2, 2018 Petitioner filed a Petition for a Writ of Habeas Corpus challenging his continued detention pending deportation. Docket No. 1. On August 9, 2018 the Government filed a response [Docket No. 12] stating that -day removal period following his June 5, 2018 Removal Order would end on September 3, 2018 and a 90-day custody review would take place on or before that date. See Richard Pryd Jr. Decl. (Aug. 9, 2018) ¶ 12, Docket No. 13. The Government also stated that it learned on July 5, 2018 that Cuba had denied Petitioner a travel document; the Bahamas and the Dominican Republic denied acceptance of Petitioner on July 20 and August 1, respectively; and requests sent to Costa Rica and Jamaica on August 2 were pending. Id. ¶¶ 8-10. On November 20, 2018 the Court ordered the Government to provide a status update regarding Petitioner. Docket No. 15. On November 26, counsel for the Government teleph released under an order of supervision, and filed a written updated response on

2 November 29, 2018. See Docket No. 16. The updated response had no new information on the August 2, 2018 requests to Costa Rica and Jamaica, but stated that Petitioner was released under an Order of Supervision on September 4, 2018. Richard Pryd Jr. Decl. (Nov. 29, 2018) ¶¶ 7, 9, Docket No. 17. Article III of the United States Constitution limits the jurisdiction of the federal courts to actual, ongoing cases and controversies. *Haden v. Pelofsky*, 212 F.3d 466, 469 (8 th

n a case lose their life because of the passage of time or a change in circumstances . . . Id. (omission in original) (internal quotation marks omitted). Mootness deprives the Court of the power to act; there is nothing for the Court to remedy. *Spencer v. Kemna*, 523 U.S. 1, 18 (1998). Petitioner has been released from custody, and his habeas petition is thus moot. *hip & Immigration Servs.*, No. 10-cv-292, 2010 WL 5141803, at *12 (D. Minn. Dec. 13, 2010) [petitioner] from the United

jurisdiction in this action.

RECOMMENDATION For the reasons set forth above, IT IS RECOMMENDED THAT:

1. The Petition for a Writ of Habeas Corpus [Docket No. 1] be DENIED AS



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MOOT.

3 2. This action be DISMISSED WITHOUT PREJUDICE for lack of jurisdiction. Date: December 11, 2018 s/David T. Schultz DAVID T. SCHULTZ United States Magistrate Judge

NOTICE Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals. ions to a objections within 14 days after being served a copy of the objections. LR 72.2(b)(2). All

objections and responses must comply with the word or line limits set for in LR 72.2(c).

