

DEC 1 2014

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

HERBERT ARCE-RETANA, a.k.a.  
Herbert Conrado Arce-Retana,

Petitioner - Appellant,

v.

NATHALIE ASHER, ICE Field Office  
Director,

Respondent - Appellee.

No. 13-35549

D.C. No. 2:12-cv-02062-TSZ

MEMORANDUM\*

Appeal from the United States District Court  
for the Western District of Washington  
Thomas S. Zilly, Senior District Judge, Presiding

Submitted November 18, 2014\*\*

Before: LEAVY, FISHER, and N.R. SMITH, Circuit Judges.

Herbert Arce-Retana appeals pro se from the district court’s final judgment dismissing with prejudice his 28 U.S.C. § 2241 habeas petition challenging his

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

immigration detention and bond amount. We dismiss the appeal for lack of jurisdiction.

We lack jurisdiction to review the district court’s dismissal of Arce-Retana’s habeas petition because his subsequent departure from the United States following his release from immigration custody during the pendency of his appeal moots his requests for release from custody on the condition of bond and for a reduction in the bond amount. *See Mamigonian v. Biggs*, 710 F.3d 936, 942 (9th Cir. 2013) (“Federal courts do not have constitutional authority to decide moot cases.”); *see also Abdala v. INS*, 488 F.3d 1061, 1065 (9th Cir. 2007) (dismissing a habeas petition for mootness, where the petitioner’s deportation “cur[ed] his complaints about the length of his INS detention” and presented “no collateral consequences . . . that his original petition could have redressed”).

**DISMISSED.**