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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GURMEET SINGH,  
  
Petitioner,  
  
v.  
  
WARDEN, MESA VERDE ICE  
PROCESSING CENTER,<sup>1</sup>  
  
Respondent.

No. 1:24-cv-01080-HBK (HC)  
  
ORDER GRANTING RESPONDENT’S  
MOTION TO DISMISS<sup>2</sup>  
  
(Doc. No. 26)

Pending before the Court is a pro se petition for writ of habeas corpus under 28 U.S.C. § 2241, filed by Petitioner Gurmeet Singh while he was detained in U.S. Immigration Customs and Enforcement (ICE) custody at the Mesa Verde ICE Processing Center in Bakersfield, California. (Doc. No. 1, “Petition”).<sup>3</sup> The Petition raises a sole claim for relief: Petitioner has unlawfully

<sup>1</sup> As noted by Respondent, the warden of the private detention facility where Petitioner is being held is the proper Respondent in a habeas corpus petition pursuant to 28 U.S.C. § 2241 filed by an immigration detainee. *See Doe v. Garland*, 109 F.4th 1188. The Clerk of Court will be directed to update the docket with the correct Respondent in this matter.

<sup>2</sup> Both parties have consented to the jurisdiction of a magistrate judge, in accordance with 28 U.S.C. § 636(c)(1). (Doc. No. 18).

<sup>3</sup> Petitioner filed the Petition and various motions pro se. On October 22, 2024, Petitioner filed a motion for order staying removal, attaching the sworn declaration of Attorney Anthony P. Capozzi, who represents Petitioner in Fresno County Superior Court, Case NO. CF02906286, an action seeking to vacate Petitioner’s August 10, 2020 conviction for Assault with a Deadly Weapon. (Doc. Nos. 24, 24-1).

1 been detained in immigration custody for more than the 6-month presumptive reasonable period  
2 after entry of his final order of removal. (*Id.* at 4). As relief, Petitioner seeks immediate release  
3 from custody. (*Id.* at 5). The Court dismisses the Petition as moot.

## 4 I. BACKGROUND

### 5 A. Procedural History

6 Petitioner initiated this action on June 7, 2024 in the Northern District of California. On  
7 September 9, 2024, the Northern District transferred the action to this Court. (Doc. No. 11). On  
8 September 19, 2024, the Court ordered expedited briefing, directing Respondent to respond to the  
9 Petition within forty-five (45) days. (Doc. No. 19). On October 22, 2024, counsel, on behalf of  
10 Petitioner requested that the Court issue a stay of removal pending resolution of the instant case.  
11 (Doc. No. 24). On November 4, 2024, Respondent filed a Motion to Dismiss. (Doc. No. 26).  
12 Respondent argues the Court lacks jurisdiction to consider the Petition because Petitioner’s  
13 removal from the United States to his homeland of India moots the Petition. (Doc. No. 26 at 2).  
14 Respondent submits the Declaration of Deportation Officer Rigoberto Muro and exhibits in  
15 support as evidence of Petitioner’s deportation. (Doc. No. 26-2 at 1-66). The Court grants  
16 Respondent’s Motion to Dismiss.

### 17 B. Background

18 Petitioner, a citizen of India, was admitted to the United States as a lawful permanent  
19 resident in May 1988. (Doc. No. 26-2 at 2). In November 2012, after jury trial, Petitioner was  
20 convicted in the Eastern District of California for conspiracy to distribute and to possess with  
21 intent to distribute cocaine in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(A), and 846; and he  
22 was sentenced to serve a term of 192 months of federal incarceration, which was later reduced to  
23 150 months. *See United States v. Mann et al.*, 1:08-cr-00212-AWI-4, Crim. Doc. Nos. 180, 488,  
24 518 (E.D. Cal.).<sup>4</sup> After he was released from federal custody, in June 2020, Petitioner was  
25 convicted in Fresno County Superior Court of assault with a semiautomatic firearm in violation of  
26 California Penal Code § 245(b). (Doc. No. 26-2 at 41-51).

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28 <sup>4</sup> The undersigned cites to the record in Petitioner’s underlying EDCA criminal cases as “Crim. Doc. No.  
—.”



1 requirement. *See Poe v. Ullman*, 367 U.S. 497, 502-505 (1961). To maintain a claim, a litigant  
2 must continue to have a personal stake in all stages of the judicial proceeding. *Abdala v. INS*, 488  
3 F.3d 1061, 1063 (9th Cir. 2007) (internal citation omitted). A case must be dismissed if it  
4 becomes moot at any stage. *See City of Mesquite v. Aladdin's Castle*, 455 U.S. 283, 288 (1982).  
5 Absent collateral consequences, a “habeas petition does not continue to present a live controversy  
6 once the petitioner is released from custody.”  
7 Deportation does not necessarily moot a petition. *Abdala*, 488 F.3d at 1063. To present a live  
8 controversy, the Petition must raise some “collateral consequence that may be redressed by  
9 success on the petition.” *Id.* at 1064.

10 Here, the Petition challenges only the length of Petitioner’s detention by INS as  
11 presumptively invalid under *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001). (Doc. No. 1 at 4-5).  
12 The Petition asserts no collateral consequences that can be remedied by a successful ruling on the  
13 Petition. Petitioner’s deportation cures his complaints about the length of his detainment by INS.  
14 *Abdala*, 488 F.3d at 1064 (dismissing petition as moot because detainee was challenging “only  
15 the length of his detention at the INS facility” and “the original petition did not seek to redress  
16 collateral consequences arising from his deportation.”). Although Petitioner file a motion to stay  
17 his deportation, his “removal also moots his petition for a stay of removal that has already  
18 occurred.” *Carpio v. Dep't of Homeland Sec.*, 2020 WL 7418966, at \*1 (C.D. Cal. Mar. 13,  
19 2020) (citing *Abdala*, 488 F.3d at 1064 (“where a petitioner only requested a stay of deportation,  
20 his habeas petition was rendered moot upon his deportation”)). Finding the Petition is moot, the  
21 Court lacks jurisdiction to consider it.

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25 Accordingly, it is **ORDERED**:

- 26 1. The Clerk of Court is directed to substitute Warden, Mesa Verde ICE Processing  
27 Center as Respondent in this matter.
- 28 2. Respondent’s Motion to Dismiss (Doc. No. 26) is GRANTED.

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- 3. The Petition for Writ of Habeas Corpus (Doc. No. 1) is DISMISSED as moot.
- 4. The Clerk of Court is directed to terminate any pending motions and close this case.

Dated: November 26, 2024

  
HELENA M. BARCH-KUCHTA  
UNITED STATES MAGISTRATE JUDGE