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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 SEYNI HAMANI,

12 Petitioner,

13 v.

14 KELLEY A. BECKHELM, in his official
15 capacity, Field Office Director, ICE ERO,
16 San Diego; KENNETH C. SMITH;
17 Assistant Field Office Director, San Diego
18 ICE ERO Field Office; JOHN F. KELLY,
19 in his Official Capacity, Secretary of
20 DHS; DANA J. BOENTE, in her Official
21 Capacity, Acting U.S. Attorney General,

22 Respondents.

Case No.: 17-CV-0212-AJB-NLS

**ORDER DISMISSING PETITION
FOR WRIT OF HABEAS CORPUS**

(Doc. No. 1)

23 Presently before the Court is Petitioner Seyni Hamani’s (“Petitioner”) petition for
24 writ of habeas corpus under 28 U.S.C. § 2241 (“Petition”). (Doc. No. 1.) On July 6, 2017,
25 Respondents filed a return, informing the Court that Petitioner was scheduled to depart the
26 United States on July 11, 2017. (Doc. No. 3 at 1.) On July 14, 2017, the United States filed
27 a status report, verifying that Petitioner had in fact been removed. (Doc. Nos. 4, 4-1.)
28 Despite being given until August 7, 2017, to file a traverse, Petitioner has not otherwise
responded. (See Doc. No. 2 at 1.) After a thorough review of the papers and applicable law,

1 the Court **DISMISSES** the petition for writ of habeas corpus **AS MOOT**.

2 Petitioner is a native and citizen of Mali. (Doc. No. 1 ¶ 7.) He converted to lawful
3 permanent resident status in 2004, which was subsequently revoked in 2010 based upon a
4 misdemeanor conviction. (*Id.* ¶¶ 7, 14.) Petitioner was placed in removal proceedings and
5 ultimately ordered removed on September 2, 2010. (*Id.* ¶ 14.) Petitioner, however, was not
6 removed and was thus released on March 16, 2011. (*Id.* ¶ 15.) He remained out of custody
7 without issue until June 2016, when ICE officers detained him upon traveling to San Diego,
8 California. (*Id.* ¶ 16.)

9 On June 15, 2016, ICE issued a notice of revocation of release, asserting Petitioner
10 “failed to assist ‘in obtaining a Travel Document from his country of Mali.’” (*Id.*) Petitioner
11 has been in ICE custody since. (*Id.* ¶ 17.) Petitioner asserts that his detention is based on
12 “patently false bases” in violation of his due process rights. (*Id.*) For example, Petitioner
13 contends that ICE misrepresented that Petitioner did not attempt to obtain his travel
14 documents from the Mali embassy, that Petitioner has missed scheduled interviews, or that
15 he is not a citizen of Mali. (*Id.* ¶¶ 16–18.) Petitioner asserts “ICE has been unable to remove
16 [him] from the United States,” and Petitioner believes “his removal is not significantly
17 likely to occur in the reasonably foreseeable future.” (*Id.* ¶¶ 21, 28.)

18 “Deportation from the United States after filing a habeas petition” will moot a
19 petitioner’s claim unless there is “some remaining ‘collateral consequence’ that may be
20 redressed by success on the petition.” *Abdala v. INS*, 488 F.3d 1061, 1063–64 (9th Cir.
21 2007) (citations omitted). If “the habeas petition[] raised claims that were fully resolved by
22 release from custody,” the petition is moot. *Id.* at 1065. Collateral consequences
23 notwithstanding deportation after the filing of the petition have been found to exist where,
24 for example, a petitioner challenged an aggravated felony conviction, which would bar him
25 from reentering the country for twenty years. *Zegarra-Gomez v. INS*, 314 F.3d 1124, 1127
26 (9th Cir. 2003). In contrast, petitions were found moot and not saved by the collateral
27 consequences doctrine where, for example, a petitioner requested only a stay of deportation
28 and was later deported, *Hose v. INS*, 180 F.3d 992, 995 (9th Cir.1999), and a petitioner was

1 released after challenging the legality of his extended detention, *Riley v. INS*, 310 F.3d
2 1253, 1256–57 (10th Cir. 2002).

3 Here, Petitioner challenges the legality of his unreasonably long detention.
4 Specifically, Petitioner cites the Supreme Court’s decision in *Zadvydas v. Davis*, 533 U.S.
5 678, 689 (2001), for the proposition that “8 U.S.C. 1231(a)(6) does not allow ICE to detain
6 a noncitizen indefinitely while attempting to carry ou[t] removal.” (Doc. No. 1 ¶ 25.)
7 Petitioner contends he is being illegally detained given that his detention exceeded six
8 months and “he is not a risk of flight, danger to the community, nor is there a reasonable
9 likelihood ICE will obtain travel documents for him for Mali.” (*Id.* ¶ 18; *see id.* ¶ 28.)

10 Based on these allegations, the Court construes the petition as challenging the
11 legality of Petitioner’s continued detention. Because Petitioner has since been released
12 from custody by virtue of having been removed to Mali, the Petition is moot. *Abdala*, 488
13 F.3d at 1064; *Riley*, 310 F.3d at 1256–57; *see Adem v. Kane*, No. CIV-14-2472-PHX-GMS
14 (MHB), 2014 WL 12614446, at *1 (D. Ariz. Dec. 22, 2014) (recommending that § 2241
15 petition be dismissed as moot when petitioner asserting “he is entitled to supervised release
16 from custody because . . . there is no prospect that his removal will be effected in the
17 reasonably foreseeable future” was released from custody), *adopted*, 2015 WL 12838143
18 (D. Ariz. Jan. 16, 2015).

19 Based on the foregoing, the Court **DISMISSES** the petition for writ of habeas corpus
20 **AS MOOT**. (Doc. No. 1.) This case is now **CLOSED**.

21
22 **IT IS SO ORDERED.**

23 Dated: August 15, 2017

24 
25 Hon. Anthony J. Battaglia
26 United States District Judge
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