

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 30th day of July, two thousand nineteen.

Present:

John M. Walker, Jr.,
Pierre N. Leval,
Christopher F. Droney,
Circuit Judges.

Ravidath Lawrence Ragbir,

Petitioner-Appellee,

v.

18-1595

William P. Barr, in his official capacity as the
Attorney General of the United States, et al.,

Respondents-Appellants.

Appellants move to dismiss this appeal as moot and to vacate the district court judgment. “When a civil case from a court in the federal system . . . has become moot while on its way [to appellate review], . . . established practice is to reverse or vacate the judgment below and remand with a direction to dismiss.” *Azar v. Garza*, 138 S. Ct. 1790, 1792 (2018) (quoting *United States v. Munsingwear*, 340 U.S. 36, 39–41 (1950)) (internal quotation marks omitted). The district court granted Petitioner temporary release from detention pursuant to 28 U.S.C. § 2241, and the Government promptly complied, thereby mooting the Government’s appeal and foreclosing its opportunity to challenge the district court’s judgment.

Petitioner argues that a live case remains because the district court judgment also applies to future deportation-related detentions to which he may be subjected. However, the district court’s January 29, 2018, release order was limited to the circumstances of Petitioner’s then-present detention. *See* Dist. Ct. Dkt. 48 at 7 (“Petitioner is entitled to . . . say goodbye.”); Dist. Ct. Dkt. 50 (“Once petitioner was released, as he has been, this Court’s jurisdiction [to grant any further relief] terminated.”). And, although Petitioner’s petition and letter of January 30, 2018, sought more expansive relief from detention, he has not cross-appealed the district court’s order foreclosing such relief in this action.

Therefore, upon due consideration, it is hereby ORDERED that the Government's motion to dismiss this appeal is GRANTED, the district court's judgment granting Petitioner's 28 U.S.C. § 2241 petition is VACATED, and the case is REMANDED with instructions to dismiss the habeas petition to the extent it sought the unappealable relief that Petitioner has been granted.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court

The image shows a handwritten signature in black ink that reads "Catherine O'Hagan Wolfe". The signature is written over a circular official seal. The seal is blue and white with the text "UNITED STATES" at the top, "SECOND CIRCUIT" in the center, and "COURT OF APPEALS" at the bottom. There are two small stars on either side of the central text.