

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

April 4, 2022

Lyle W. Cayce
Clerk

No. 21-60064
Summary Calendar

JAIME RAMON ALVAREZ COLINA,

Petitioner—Appellant,

versus

SHAWN R. GILLIS, *Warden of Adams County Correctional Center,*

Respondent—Appellee.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 5:20-CV-12

Before HIGGINBOTHAM, DUNCAN, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:*

Jaime Ramon Alvarez Colina, a native and citizen of Venezuela, appeals the district court's dismissal of his 28 U.S.C. § 2241 petition for a writ of habeas corpus challenging his prolonged post-removal-order detention by U.S. Immigration and Customs Enforcement as unlawful. The

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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respondent has moved to dismiss Alvarez Colina's appeal because he was removed to Venezuela on June 6, 2021, thereby rendering his appeal moot and leaving this court without jurisdiction over the appeal.

“Whether an appeal is moot is a jurisdictional matter, since it implicates the Article III requirement that there be a live case or controversy.” *Bailey v. Southerland*, 821 F.2d 277, 278 (5th Cir. 1987). We review the mootness of an appeal de novo. *United States v. Lares-Meraz*, 452 F.3d 352, 355 (5th Cir. 2006). Here, Alvarez Colina challenged only the lawfulness of the length of his post-removal-order detention, not the basis for his removal or the removal order itself; therefore, no collateral consequences follow his release from detention. *See Bacilio-Sabastian v. Barr*, 980 F.3d 480, 482-83 (5th Cir. 2020). As a result, because Alvarez Colina is no longer detained and has been removed from the United States, his challenge is now moot. *See id.*

Accordingly, the respondent's motion is GRANTED, and the appeal is DISMISSED AS MOOT. Alvarez Colina's motion for the imposition of sanctions is DENIED.