

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 August, two thousand twenty-four.

Present:

Debra Ann Livingston,
Chief Judge,
Robert D. Sack,
Beth Robinson,*
Circuit Judges.

John Doe,

Petitioner-Appellee,

v.

Amended Order
22-489

Thomas Decker, in his official capacity as Director of the New York Field Office of U.S. Immigrations and Customs Enforcement; Alejandro Mayorkas, in his official capacity as Secretary, U.S. Department of Homeland Security; Merrick Garland, in his official capacity as Attorney General of the United States,

Respondents-Appellants.

On May 14, 2024, the parties were directed to brief whether this appeal is moot in light of our decision in *Doe v. Garland*, No. 21-6574. The parties agree that our resolution of Petitioner-Appellee's petition for review in *Doe v. Garland*, No. 21-6574, has rendered this appeal moot.

Upon due consideration, it is hereby **ORDERED** that this appeal is **DISMISSED** as moot. It is **FURTHER ORDERED** that the judgment of the district court is **VACATED** in part, only with respect to the issue on appeal—whether 8 U.S.C. § 1226 governs the detention of a noncitizen who is subject to an administratively final order of removal where (1) the noncitizen has petitioned this

* Judge Rosemary S. Pooler, originally a member of the panel that heard oral argument in this case, passed away on August 10, 2023. Judge Beth Robinson was selected at random to complete the panel. See 28 U.S.C. § 46(d); 2d Cir. IOP E(b).

Court for review of his final removal order and moved for a stay of removal; and (2) the government has agreed to forbear from removing the noncitizen during the pendency of the stay motion, but the Court has not ordered a stay.

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk of Court




A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit


