

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 23 2019

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

JESUS PALAFOX-LUGO,

No. 18-16783

Petitioner-Appellant,

D.C. No.

v.

2:18-cv-01294-GMN-VCF

JOSEPH LOMBARDO, Sheriff, Las Vegas
Metropolitan Police Department, in his
official capacity,

MEMORANDUM*

Respondent-Appellee.

Appeal from the United States District Court
for the District of Nevada
Gloria M. Navarro, District Judge, Presiding

Submitted April 17, 2019**

Before: McKEOWN, BYBEE, and OWENS, Circuit Judges.

Former Nevada state pre-trial detainee Jesus Palafox-Lugo appeals from the district court's judgment denying his 28 U.S.C. § 2241 habeas corpus petition challenging his detention in a Nevada state facility without release on court-

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

ordered bail. We dismiss for lack of jurisdiction.

During the pendency of this appeal, Palafox-Lugo was released from custody and deported from the United States. Because he has already obtained the relief he seeks, his claim is moot. *See Abdala v. INS*, 488 F.3d 1061, 1065 (9th Cir. 2007) (habeas petition moot where petitioner's release and deportation "cur[ed] his complaints" about the length of his detention). Though Palafox-Lugo argues that his inadmissibility to the United States is a collateral consequence sufficient to meet the case-or-controversy requirement, any future inadmissibility determination will be a result of his guilty plea in the Nevada state court, which he does not challenge, not the challenged detention. *See Wilson v. Terhune*, 319 F.3d 477, 482 (9th Cir. 2003) (alleged collateral consequence insufficient to create live controversy where it does not result from challenged action). Moreover, under the circumstances of this case, there is no reasonable expectation that Palafox-Lugo will be unlawfully detained by appellee in the future. *See United States v. Brandau*, 578 F.3d 1064, 1068 (9th Cir. 2009); *see also Spencer v. Kemna*, 523 U.S. 1, 15 (1998) (case-or-controversy requirement not met by general speculation that petitioner will be prosecuted in the future). Accordingly, we must dismiss. *See Mamigonian v. Biggs*, 710 F.3d 936, 942 (9th Cir. 2013) ("Federal courts do

not have constitutional authority to decide moot cases.”).

Appellee’s unopposed motions to supplement the record and to file a supplemental brief are granted. Appellee’s alternate request to strike portions of appellant’s reply brief is denied as moot. Appellee’s request for judicial notice is granted.

Appellant’s unopposed motion to supplement the record, and his requests for judicial notice, are granted.

DISMISSED.