

No. 22-856

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SUPREME COURT, U.S.

IN THE
Supreme Court of the United States

RAUL GARCIA MARIN,

Petitioner,

v.

MERRICK B. GARLAND,
Attorney General of the United States,

Respondent.

**On Petition for a Writ of Certiorari to the
United States Court of Appeals
for the Seventh Circuit**

REPLY BRIEF FOR PETITIONER

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Petitioner was placed in withholding-only proceedings and granted deferral of removal by an immigration judge, but the Board of Immigration Appeals (BIA) reversed the judge's ruling. Petitioner then petitioned the Seventh Circuit for review of the BIA's decision, and the government removed him to Mexico while that petition was still pending and before he sought a judicial stay of removal. See Pet. 11-12. At the government's urging, the Seventh Circuit ruled that the petition for review was mooted by his removal. See Pet. App. 6a.

In the Brief for the Respondent, the government explains that it has "reassessed its position on mootness" in cases like this one and asks this Court to grant the petition, vacate the Seventh Circuit's judgment, and remand the case for further proceedings. U.S. Br. 10; see *id.* at 17. The government now concedes that the Seventh Circuit "was mistaken to view itself as categorically disabled from granting any effectual relief." U.S. Br. 13; see *id.* at 17. Rather, the government explains, "the mootness inquiry should have taken into account whether ICE may facilitate petitioner's return to the United States[,] in the event that he prevails in the litigation," pursuant to the Return Directive (ICE Policy Directive 11061.1). U.S. Br. 11-13; see Pet. 20-28. As the government states, "[t]he court of appeals did not have the benefit of the government's current views when it dismissed the petition for review as moot, and the court may well change its view on mootness upon further consideration." U.S. Br. 10.

In light of the government's reassessment of the mootness issue, petitioner agrees that the government's requested disposition is an appropriate one. Granting the petition, vacating the judgment, and remanding for further proceedings would allow petitioner to pursue his petition for review in the Seventh

Circuit and would give the court of appeals an opportunity to consider the government's "current views" for the first time. U.S. Br. 10. In the alternative, petitioner respectfully requests that this Court grant plenary review or summarily reverse for the reasons set forth in the petition.

Respectfully submitted,

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