

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 20-21553-COOKE/GOODMAN

PATRICK GAYLE, et al.,

Plaintiffs,

v.

MICHAEL W. MEADE, et al.,

Defendants.

ORDER ON EMERGENCY MOTION TO INTERVENE

This Order concerns the Emergency Motion to Intervene filed by Hilcias Ricardo Batz. [ECF No. 486]. Respondents filed an opposition to Mr. Batz's Emergency Motion to Intervene. [ECF No. 514].

In the Court's June 2, 2020 Order, United States District Judge Marcia G. Cooke certified as class members "all current civil immigration detainees who are held by ICE at Krome, BTC and Glades when this action was filed, or in the future." [ECF No. 158, p. 38]. In addition, in the same Order, Judge Cooke also ruled that the Court "shall retain jurisdiction over all class members who are transferred to other facilities regardless of where those facilities are located." *Id.*

Mr. Batz was detained at the Broward Transitional Center; however, on January 15, 2021, Mr. Batz was removed to his native country of Guatemala. [ECF No. 514-1, p. 2].

While the Court retains jurisdiction over class members transferred to other facilities, the Court **does not** retain jurisdiction over class members that have been deported out of the United States. *See, e.g., Salmeron-Salmeron v. Spivey*, 926 F.3d 1283, 1290 (11th Cir. 2019) (determining that a habeas corpus petition challenging detention became moot when the petitioner was removed); *Soliman v. United States*, 296 F.3d 1237, 123 (11th Cir. 2002) (finding habeas corpus petition challenging detention was moot when the petitioner was removed because “no order from this Court requiring INS to release him into the community awaiting his final removal could have any effect”).

Because Mr. Batz has been removed to Guatemala, the Undersigned **denies as moot** Mr. Batz’s Emergency Motion to Intervene.

DONE AND ORDERED in Chambers, in Miami, Florida, on January 21, 2021.


Jonathan Goodman
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

The Honorable Marcia G. Cooke
All counsel of record