

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals

**For the Seventh Circuit
Chicago, Illinois 60604**

Submitted August 4, 2026*

Decided August 6, 2026

Before

DIANE S. SYKES, *Circuit Judge*

DAVID F. HAMILTON, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

No. 25-3186

MARIO JAVIER
CEDENO-GONZALEZ,
Petitioner-Appellant,

Appeal from the United States District
Court for the Southern District of
Indiana, Terre Haute Division.

v.

No. 2:25-cv-00473-JPH-MJD

MARKWAYNE MULLIN, et al.,
Respondents-Appellees.

James Patrick Hanlon,
Judge.

ORDER

Mario Cedeno-Gonzalez, a Venezuelan citizen, appeals the denial of his petition for a writ of habeas corpus. 28 U.S.C. § 2241. The district court denied Cedeno-Gonzalez's petition and his emergency motion seeking to stay his removal to a third country, and Cedeno-Gonzalez was subsequently removed to Mexico. Because his

* We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

claims concerning his detention are moot and his remaining claims are not properly before us, we dismiss for lack of jurisdiction.

Cedeno-Gonzalez entered the United States in 2013. In 2016, he was convicted of mail fraud, *see* 18 U.S.C. § 1341, and, after serving his sentence, the government initiated removal proceedings against him. He asserted that he feared persecution or torture if he were returned to Venezuela. In 2018, an immigration judge ordered him removed but granted deferral of removal to Venezuela under the regulations implementing the Convention Against Torture. *See* 8 C.F.R. § 1208.17. Cedeno-Gonzalez was released from Immigration and Customs Enforcement (“ICE”) custody under supervision.

In August 2025, when Cedeno-Gonzalez went to a check-in for his ongoing supervision, he was again detained by ICE. The government informed Cedeno-Gonzalez that his supervision was revoked and that it sought to remove him to a third country. It also notified him that he would be provided an informal interview at which he could respond to the reasons for the revocation of his supervision (“revocation interview”).

In September 2025, the government informed Cedeno-Gonzalez that it intended to remove him to Mexico. He responded that, as a Venezuelan immigrant, he feared being removed to Mexico. An asylum officer conducted a reasonable fear interview and concluded that he did not establish a reasonable possibility of persecution or torture in Mexico. *See* 8 C.F.R. § 208.31(c).

Cedeno-Gonzalez filed a petition for habeas corpus and an emergency motion for a temporary restraining order to prevent his removal to Mexico. He did not challenge his underlying removal order. Instead, he argued that he was unlawfully detained prior to his removal. He also argued that he was not afforded adequate process to challenge the revocation of his supervision.

At the time Cedeno-Gonzalez filed his petition, the government had not yet provided him with a revocation interview at which he could contest his ongoing detention. The district judge entered an order for the government to show cause why the petition should not be granted for this failure. On the same day as the judge’s show-cause order, the government provided Cedeno-Gonzalez with a revocation interview. He was notified that the government was prioritizing his removal because of his criminal conviction for an aggravated felony and that he would likely be removed to a third country. When asked for a response to the revocation of his supervision,

Cedeno-Gonzalez asserted, based on the advice of his counsel, that he would not provide any information.

The district court denied Cedeno-Gonzalez's petition for habeas corpus and his motion to stay his removal. The court determined that Cedeno-Gonzalez's detention was authorized under the relevant statute and regulations, *see* 8 U.S.C. § 1231(a)(6); 8 C.F.R. §§ 241.4, 241.13, and the two-month duration of his detention did not violate his right to due process. The district court also concluded that the post-detention revocation interview was sufficient process. Finally, the court rejected Cedeno-Gonzalez's argument that he was subject to unlawful removal to a third country without notice or a meaningful opportunity to contest the removal because he received a reasonable fear interview.

Cedeno-Gonzalez filed a motion to reconsider. He argued that the delay in his revocation interview violated his due-process rights and the regulations governing detention, *see* 8 C.F.R. § 241.13, and that the district judge erred in dismissing the petition for lack of jurisdiction. The district judge denied the motion to reconsider. The judge explained that Cedeno-Gonzalez did not show that the order to provide a delayed revocation interview constituted a manifest error of law, that he did not offer any evidence to show that he could not present evidence during the interview, and that the petition had not been dismissed for lack of jurisdiction.

Following that order, Cedeno-Gonzalez was removed to Mexico. He appeals from the district court's decisions denying his habeas petition and motion to reconsider. Cedeno-Gonzalez argues that his detention violated the relevant regulations, his revocation interview was delayed and improperly conducted, he was entitled to review by an immigration judge on the issue of his fear of removal to Mexico, the manner of his removal to Mexico violated his due-process rights, and his counsel provided ineffective assistance.

First, the government contends that this case is moot following Cedeno-Gonzalez's third-country removal to Mexico. A case becomes moot "when it is impossible for a court to grant any effectual relief whatever to the prevailing party." *Chafin v. Chafin*, 568 U.S. 165, 172 (2013) (internal quotation omitted). Even if a court could provide redress to the prevailing party at the time the case is filed, when an intervening event prevents the court from granting any effectual relief, the case is moot. *Milwaukee Police Ass'n v. Bd. of Fire & Police Comm'rs*, 708 F.3d 921, 928 (7th Cir. 2013). The government asserts that Cedeno-Gonzalez's removal constitutes an intervening event that deprives us of the ability to grant him any relief.

We agree with the government as to Cedeno-Gonzalez's claims about his detention. In his habeas petition, Cedeno-Gonzalez sought release from detention while his removal was pending or, at least, an interview to contest the revocation of his supervision. Cedeno-Gonzalez received a revocation interview and has been removed to Mexico. Because he is no longer detained, we cannot provide Cedeno-Gonzalez any relief from his allegedly unlawful detention. *See Lindstrom v. Graber*, 203 F.3d 470, 474 (7th Cir. 2000) (appeal moot where habeas petition challenged procedural irregularities in extradition order, but petitioner had already been extradited to Norway).

Cedeno-Gonzalez argues that his appeal is not moot because he continues to have collateral consequences from his removal, such as the 10-year statutory bar to re-entry. *See* 8 U.S.C. § 1182(a)(9)(A)(ii); *Peralta-Cabrera v. Gonzales*, 501 F.3d 837, 842–43 (7th Cir. 2007). But these collateral consequences stem from his removal order—which Cedeno-Gonzalez explicitly does not challenge—not his detention. Because Cedeno-Gonzalez's claims about his detention are moot, we must dismiss them for lack of jurisdiction. *Pakovich v. Verizon LTD Plan*, 653 F.3d 488, 492 (7th Cir. 2011).

Cedeno-Gonzalez's claims concerning his third-country removal to Mexico, however, are not moot. On appeal, he claims that he had a fear of persecution or torture upon removal to Mexico and that he was not provided adequate procedure for the government to make a reasonable fear determination. *See* 8 C.F.R. § 208.31. If he were to prevail, we could grant relief: an order to facilitate his return for a proper reasonable fear determination. *See Nken v. Holder*, 556 U.S. 418, 435 (2009). These claims face other obstacles, however.

Cedeno-Gonzalez's claim about inadequate process concerning his third-country removal to Mexico is not properly before us. He asserts on appeal that after his reasonable fear interview, he made multiple requests for an immigration judge to review the asylum officer's negative fear determination. The government disputes this as a matter of fact, but the decisive problem on appeal is that Cedeno-Gonzalez never raised this issue in the district court. (Perhaps he could have asserted that he sought review by an immigration judge of the negative fear determination in his amended habeas petition or in his motion for reconsideration, but he did neither.) We have jurisdiction to review final orders from the district court, and here, the district court did not adjudicate this issue because it was never presented to that court. Cedeno-Gonzalez is not permitted to raise this new claim for relief for the first time on appeal. *See Krasno v. Mnookin*, 148 F.4th 465, 479 (7th Cir. 2025).

Cedeno-Gonzalez also raises several new arguments on appeal complaining that the government violated his rights in the manner in which it removed him to Mexico. He asserts that he was removed while wearing a medical boot for a physical injury; that the government classified his removal as a “self-deportation” against his wishes; that the government left him in unsafe circumstances in Mexico that forced him into hiding for his own protection; and that the government removed him to Mexico without acceptance from Mexico’s government, leaving him in legal limbo. These too are new claims that Cedeno-Gonzalez cannot raise for the first time on appeal, and we do not consider them. *See Krasno*, 148 F.4th at 479.

Finally, Cedeno-Gonzalez asserts that his counsel in the district court was constitutionally ineffective for failing to provide evidence to support his claims. We are not well-positioned to evaluate an ineffective-assistance claim on a trial record not developed for that purpose, especially where Cedeno-Gonzalez asserts that his counsel failed to introduce crucial evidence into the record. *See Massaro v. United States*, 538 U.S. 500, 504–05 (2003). And regardless, Cedeno-Gonzalez has no right to effective counsel in habeas proceedings. *Piggie v. Cotton*, 342 F.3d 660, 664 (7th Cir. 2003).

DISMISSED