

United States Court of Appeals
for the Fifth Circuit

No. 25-30004

United States Court of Appeals
Fifth Circuit

FILED

March 20, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

EDUIN ARIEL VALLE-PERLA,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 6:24-CR-272-1

Before GRAVES, WILLETT, and WILSON, *Circuit Judges*.

PER CURIAM:*

Eduin Ariel Valle-Perla was charged with illegally reentering the United States after being removed, in violation of 8 U.S.C. § 1326(a). A magistrate judge ordered that Valle-Perla be detained pretrial, and the district court denied Valle-Perla's motion to revoke the magistrate judge's detention order. Valle-Perla then appealed the district court's denial.

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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In the meantime, on March 6, 2025, Valle-Perla pleaded guilty to the charge. As Valle-Perla concedes, his guilty plea moots his appeal for pretrial release. *See United States v. O’Shaughnessy*, 772 F.2d 112, 113 (5th Cir. 1985); *see also United States v. Ruiz-Garcia*, 832 F. App’x 313, 314 (5th Cir. 2020) (unpublished) (dismissing as moot pretrial detention due to a guilty plea).¹

Accordingly, Valle-Perla’s appeal is DISMISSED as moot.

¹ In a 28(j) letter conceding that his appeal is moot, Valle-Perla nevertheless asks us to find “an exception to mootness” because the “challenged practices are likely to recur.” Valle-Perla invokes the voluntary-cessation exception, but that doctrine only applies when the mootness arises from the defendant’s voluntary cessation of a challenged practice. *See Freedom From Religion Found., Inc. v. Abbott*, 58 F.4th 824, 833 (5th Cir. 2023). The government here did not voluntarily cease holding Valle-Perla in pretrial detention. Rather, his pretrial detention was overtaken by his subsequent guilty plea, which deprives him of any “legally cognizable interest” in this appeal. *O’Shaughnessy*, 772 F.2d at 113. Moreover, we are unaware of any precedent—and Valle-Perla does not cite any—applying the voluntary-cessation exception in the criminal context.