

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
MIDDLE DIVISION**

JI BIN CHEN,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No.: 4:18-cv-01601-ACA-HNJ
	)	
KIRSTJEN NIELSEN, et al.,	)	
	)	
Respondents.	)	

**MEMORANDUM OPINION**

This case is before the court on Respondents’ Motion to Dismiss Petition as Moot, filed October 31, 2018. (Doc. 10). Respondents attach to the motion a declaration that Petitioner was released from custody on an order of supervision on October 31, 2018. (Doc. 10-1). Because Petitioner is no longer in custody, Respondents contend this case is due to be dismissed as moot.

On October 3, 2018, Petitioner filed a petition for writ of habeas corpus seeking to be released from custody pending his removal to China. (Doc. 1). Because Petitioner has been released from custody, his petition is moot. *See Nyaga v. Ashcroft*, 323 F.3d 906, 913 (11th Cir. 2003) (“[A] case must be dismissed as moot if the court can no longer provide ‘meaningful relief.’”); *see also Soliman v. United States*, 296 F.3d 1237, 1242–43 (11th Cir. 2002) (holding that once a habeas petitioner is no longer detained, “no order ... requiring [his]

release into the community awaiting his final removal order could have any effect”). Accordingly, this matter is due to be dismissed. *Khader v. Holder*, 843 F. Supp. 2d 1202, 1202 (N.D. Ala. 2011).

The court will enter a separate order consistent with this opinion.

**DONE** and **ORDERED** this November 1, 2018.



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**ANNEMARIE CARNEY AXON**  
**UNITED STATES DISTRICT JUDGE**