

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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FELIX TAVAREZ,

1:19-cv-7477 (NLH)

Petitioner,

MEMORANDUM OPINION & ORDER

v.

WARDEN S. YOUNG,

Respondent.

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**APPEARANCES:**

Felix Tavarez  
90004-054  
Fairton  
Federal Correctional Institution  
P.O. Box 420  
Fairton, NJ 08320  
Petitioner pro se

Craig Carpenito, United States Attorney  
Elizabeth A. Pascal, Assistant United States Attorney  
United States Attorney's Office  
401 Market Street  
P.O. Box 2098  
Camden, NJ 08101  
Attorneys for Respondent

**HILLMAN, District Judge**

WHEREAS, Petitioner Felix Tavarez filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 challenging the Bureau of Prisons' ("BOP") failure to award him good time credit as required by the First Step Act of 2018, see ECF No. 1; and

WHEREAS, the Honorable Jerome B. Simandle, U.S.D.J.,<sup>1</sup> ordered Respondent Warden S. Young to answer the petition on April 23, 2019, see ECF No. 4; and

WHEREAS, Respondent filed an answer on June 10, 2019 asserting that Petitioner's arguments under the First Step Act were premature, see ECF No. 5; and

WHEREAS, Respondent filed a letter indicating that Petitioner's good time credits were recalculated in accordance with the First Step Act on July 1, 2019, see ECF No. 7, and

WHEREAS, "[u]nder Article III of the Constitution, a federal court may adjudicate 'only actual, ongoing cases or controversies.'" Burkey v. Marberry, 556 F.3d 142, 147 (3d Cir. 2009) (quoting Lewis v. Continental Bank Corp., 494 U.S. 472, 477 (1990)). The "case or controversy" requirement continues through all stages of federal judicial proceedings and requires that parties have a personal stake in the outcome. Burkey, 556 F.3d at 147 (citing Lewis, 494 U.S. at 477-78), and

WHEREAS, for there to remain a case or controversy, there must be a likelihood that the petitioner's injury would be redressed by a District Court's grant of his habeas corpus petition. Petitioner only challenged the calculation of good time credits. According to the documentation provided by the

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<sup>1</sup> The matter was reassigned to the undersigned on August 8, 2019. ECF No. 6.

United States, Petitioner has received the relief he requested,

THEREFORE, IT IS on this 25th day of November, 2019

ORDERED that Petitioner shall show cause why the petition should not be dismissed as moot. Any argument should be submitted within 30 days of this Order; and it is finally

ORDERED that the Clerk of the Court shall serve a copy of this Order on Plaintiff by regular first-class mail at his last known address:

Felix Tavarez  
90004-054  
Fairton  
Federal Correctional Institution  
P.O. Box 420  
Fairton, NJ 08320

At Camden, New Jersey

s/ Noel L. Hillman  
NOEL L. HILLMAN, U.S.D.J.