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## **NOT FOR PUBLICATION**

## UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

HANZEL BEITA BEITA,

v.

Civil Action No. 17-3961 (JMV)

Petitioner,

: OPINION

CHARLES GREEN,

Respondent.

APPEARANCES:

HANZEL BEITA BEITA Essex County Correctional Center 354 Doremus Avenue Newark, NJ 07105 Petitioner, pro se

BRYAN LONEGAN United States Attorney's Office District of New Jersey 970 Broad Street, Suite 700 Newark, NJ 07102

On behalf of Respondent

## VAZQUEZ, United States District Judge

On May 31, 2017, Petitioner filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 (ECF No. 1), challenging his prolonged detention since October 12, 2016, by U.S. Immigration and Customs Enforcement ("ICE"). (ECF No. 1 at 2.) This Court ordered Respondent to answer the petition. (ECF No. 2.) On July 18, 2017, Respondent submitted the Declaration of Deportation Officer Gerardo Ore, indicating that ICE removed Petitioner to Costa Rica on June 26, 2017. (ECF No. 4-1, ¶5.) Respondent contends the habeas petition is moot.

(ECF No. 4.)

A habeas petition "generally becomes moot when [a petitioner] is released from custody"

because there is no longer "an actual injury traceable to the defendant and likely to be redressed

by a favorable judicial decision." Vasquez v. Aviles, 639 F. App'x 898, 902 (3d Cir. 2016)

(quoting DeFoy v. McCullough, 393 F.3d 439, 442 (3d Cir. 2005)). The present petition no longer

presents a case or controversy under Article III, § 2 of the United States Constitution because

Petitioner is no longer detained by ICE. See id. (finding petition moot where there were no

collateral consequences that could be addressed by success on the petition after removal) (citing

Abdala v. I.N.S., 488 F.3d 1061, 1064 (9th Cir. 2007)). Therefore, the petition is dismissed as

moot.

An appropriate Order follows.

Date: July 20, 2017

At Newark, New Jersey

s/ John Michael Vazquez JOHN MICHAEL VAZQUEZ

United States District Judge

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