

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

February 23, 2010

No. 09-30045
Summary Calendar

Charles R. Fulbruge III
Clerk

CARLOS SEMEDO,

Petitioner-Appellant

v.

ERIC HOLDER, JR., U.S. ATTORNEY GENERAL; MICHAEL CHERTOFF;
MICHAEL GARCIA; CHRISTINE DAVIS; GEORGE LURD, III; J P YOUNG,

Respondents-Appellees

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 2:08-CV-886

Before REAVLEY, DAVIS, and HAYNES, Circuit Judges.

PER CURIAM:*

After the Board of Immigration Appeals (BIA) affirmed an order of removal against Carlos Semedo, he filed a petition for review with this court and we ordered a stay of removal. *Semedo v. Holder*, No. 08-60150 (5th Cir. Mar. 5, 2008). While his petition for review was pending, Semedo filed a 28 U.S.C. § 2241 petition in the district court challenging his continued detention. Semedo now appeals the district court's denial of his § 2241 petition.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

We need to say no more about the application of 8 U.S.C. § 1231, than to say that the Government cannot be faulted for delaying deportation while Semedo is prosecuting a habeas case in federal court. The Government now says the detention will end with his deportation when this case ends. It now ends and the complaint will shortly be moot.

AFFIRMED.