

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

TERRENCE PONCEY,)	
)	
Petitioner,)	
)	
vs.)	CASE NO. 1:11cv-837-TMH
)	
MAMIE MCCRORY, et al.,)	(WO)
)	
Respondents.)	

ORDER

This case is before the court on the Recommendation of the Magistrate Judge (Doc. #21) and the Petitioner’s Objection (Doc. #22).

Petitioner filed this habeas petition claiming that he was being held in custody on fines he did not owe. Petitioner cited numerous municipal court cases on which he alleged he was being falsely held. As noted in the Recommendation, petitioner's challenges are now moot as the documents and records for the challenged cases reflect that Petitioner was either declared indigent by the court which ordered his release, the court dismissed his case(s), the court did not direct payment of fines and ordered his release, or the challenged sentence(s) expired with time served in lieu of payment of fines. Petitioner filed no response to the court's order granting him an opportunity to show cause why his petition should not be dismissed as moot. *See Doc. No. 14.*

A review of Petitioner's petition reflects that he clearly was seeking to challenge the fact that he was being held in custody on fines he maintained the sentencing court did not impose and which he, therefore, did not owe. Petitioner indicated that he had entered pleas of guilty to the challenged misdemeanor convictions with the exception of a domestic violence case on which he

states he was tried and convicted, he appealed that case and was released on appeal bond, and the appeal was subsequently dismissed on or about August 2013. Based on the allegations asserted in the petition, Petitioner was understood to be asserting a challenge to his custody due to allegedly improper and/or unfounded fines, rather than asserting a challenge to the validity of any of his convictions.

In his objection, Petitioner continues to complain that he was improperly held in prison for which he is entitled to compensation. Other than making this conclusory allegations, Petitioner fails to indicate how the records before the court regarding the fines and imprisonment imposed for his numerous offenses are inaccurate or invalid, and how the relief he requested in filing this action, at this juncture, is not moot.

For these reasons, after an independent evaluation and *de novo* review, the court finds Petitioner's objection to be without merit. Accordingly, it is hereby ORDERED as follows:

1. Petitioner's objection is OVERRULED.
2. The court ADOPTS the Recommendation of the Magistrate Judge.
3. This 28 U.S.C. § 2254 petition for habeas relief is DISMISSED as moot.

DONE this 24th day of March, 2014.

/s/ W. Harold Albritton
SENIOR UNITED STATES DISTRICT JUDGE