

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

| | | |
|--------------------------------|---|-----------------------------|
| OLUBUNMI O. AKINYEMI, |] | |
| |] | |
| Petitioner, |] | |
| |] | |
| v. |] | 1:11-cv-2171-RDP-RRA |
| |] | |
| WARDEN JOHN T. RATHMAN, |] | |
| |] | |
| Respondent. |] | |

ORDER OF DISMISSAL

This case is before the court on a Petition for Writ of Habeas Corpus filed by Olubunmi Akinyemi pursuant to 28 U.S.C. § 2241. (Doc. #1). The Petition was twice amended (Docs. # 6, 9), and now is the subject of a Report and Recommendation filed by the Magistrate Judge on March 27, 2013. (Doc. # 22). That Report recommends that the court dismiss the Petition as moot. (*Id.*).

When he filed his Petition, the Petitioner, was a federal inmate incarcerated at the Federal Correctional Institution in Talladega, Alabama. Petitioner alleges that he was unlawfully expelled from the Residential Drug Abuse Program and did not receive the one-year sentence reduction he claims he had earned. As relief, Petitioner seeks to have the one-year sentence reduction immediately restored and to be released to a halfway house.

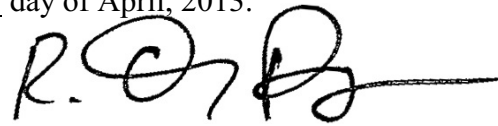
On April 9, 2012, Respondent filed a Motion to Dismiss as Moot. (Doc. #6). Respondents assert that Petitioner has already served the entirety of his sentence, and has been released. Indeed, Petitioner has filed a change of address notice and listed his new address as a halfway house (Doc. # 21), and the court has confirmed that he was released on October 5, 2012 by reviewing the Bureau

of Prisons website.¹

Having now carefully reviewed and considered *de novo* all of the materials in the court file, including the Report and Recommendation, and any objection to it, the court is of the opinion that the Report is due to be, and hereby is, **ADOPTED**, and the Recommendation is **ACCEPTED**. Accordingly, it is hereby **ORDERED, ADJUDGED** and **DECREED** that Petitioner's Petition for Writ of Habeas Corpus (Doc. #1) is hereby **DISMISSED** as **MOOT**. See *Nyaga v. Ashcroft*, 323 F.3d 906, 913 (11th Cir. 2003); *Soliman v. United States ex rel. INS*, 296 F.3d 1237, 1242 (11th Cir. 2002).

The Clerk of Court is **DIRECTED** to mail a copy of this order to Petitioner at his most recent known address and to serve a copy upon the U.S. Attorney for the Northern District of Alabama.

DONE and **ORDERED** this 12th day of April, 2013.



R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE

¹<http://www.bop.gov/iloc2/InmateFinderServlet?Transaction=IDSearch&needingMoreList=false&IDType=IRN&IDNumber=59335-019&x=100&y=22> .