

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHWESTERN DIVISION**

LATURUS M. STONE,)	
)	
Petitioner,)	
)	
vs.)	Case Nos. 1:12-CV-08032-CLS-JEO
)	1:06-CR-00023-CLS-RRA
UNITED STATES OF)	
AMERICA,)	
)	
Respondent.)	


MEMORANDUM OPINION

The magistrate judge to whom the “Motion to Vacate, Set Aside, or Correct Conviction and Sentence” of Laturus M. Stone was assigned filed a report and recommendation on March 28, 2016, finding that the motion is due to be denied. (Doc. 16). A copy of the report and recommendation was served upon Stone at his last known address at FCI Beaumont, Beaumont, Texas. It has been returned as undeliverable, due to the fact that he is no longer at the institution. Stone, therefore, has failed to keep this Court informed of his present address. The Court also has determined that he has been released from custody, which moots his sentencing claim in this action. *See Cleckler v. United States*, 410 F. App’x 279, 283 (11th Cir. 2011) (“Ordinarily, if a habeas petitioner attacks only his sentence, and the sentence expires

before final adjudication of the habeas petition, the case is moot.”).¹

Accordingly, this matter is due to be dismissed without prejudice. An order in accordance with the Court’s findings will be entered.

DONE this 14th day of April, 2016.


United States District Judge

¹ Unpublished opinions of the Eleventh Circuit Court of Appeals are not considered binding precedent; however, they may be cited as persuasive authority. 11th Cir. R. 36-2.