

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

JIMMY HARRIS, JR.,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No.: 1:18-cv-01159-ACA-
	)	SGC
FEDERAL BUREAU OF PRISONS,	)	
	)	
Respondent.	)	

**MEMORANDUM OPINION**

This case is before the court on Respondent’s Motion to Dismiss as Moot, filed September 7, 2018. (Doc. 9). Respondent notes that, after Petitioner filed the instant petition, the Bureau of Prisons expunged the Incident Report at issue and reinstated the good conduct time and privileges Petitioner lost as a result. (Doc. 9-1). Respondent contends this case is due to be dismissed as moot because Petitioner already has received all of the relief requested in the petition. (Doc. 9 at 2-4). On September 12, 2018, the magistrate judge entered an order requiring Petitioner to file any response within twenty (20) calendar days. (Doc. 10). Petitioner has not responded.

On July 26, 2018, Petitioner filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 requesting: (1) expungement of Incident Report # 3028943 from his record; and (2) reinstatement of all privileges and good time credit he lost as a

result of the report. (Doc. 2 at 2, 9). Respondent's motion notes that on August 21, 2018, Disciplinary Hearing Administrator Michael Hicks: (1) expunged the report from Petitioner's record on August 21, 2018; and (2) restored 41 days of his good conduct time and lifted all other sanctions against him. (Doc. 9-1 at 3). Petitioner has not responded to the motion, and therefore, these facts are uncontroverted.

“The rule that federal courts may not decide cases that have become moot derives from Article III’s case and controversy requirement.” *Sierra Club v. U.S. E.P.A.*, 315 F.3d 1295, 1299 (11th Cir. 2002). A case is moot when “the issues presented are no longer ‘live’ or the parties lack a legally cognizable interest in the outcome.” *T.P. ex rel. T.P. v. Bryan Cty. Sch. Dist.*, 792 F.3d 1284, 1292 (11th Cir. 2015) (quoting *BankWest, Inc. v. Baker*, 446 F.3d 1358, 1364 11th Cir. 2006)). Because Petitioner has received all of the relief sought in his petition, the petition is moot. *See United States v. Sec’y, Fla. Dep’t of Corr.*, 778 F.3d 1223, 1228 (11th Cir. 2015) (quoting *Calderon v. Moore*, 518 U.S. 149, 150 (1996)). Accordingly, this matter is due to be dismissed.

A separate order will be entered.

**DONE** and **ORDERED** this October 22, 2018.



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**ANNEMARIE CARNEY AXON**  
UNITED STATES DISTRICT JUDGE

