

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

CHARLES BLACK,)
)
Petitioner,)
)
v.)
)
JEFFERSON S. DUNN, Commissioner)
of the Alabama Department of)
Corrections,)
)
Respondent.)

Case No. 3:15-cv-00947-KOB-HNJ

MEMORANDUM OPINION

This is an action by an Alabama state prisoner pursuant to 28 U.S.C. § 2254, challenging the validity of his 1998 sentence of life without parole, imposed in Colbert County, Alabama, for a capital murder which petitioner committed when he was 16 years old. This matter was stayed by the court on June 9, 2015, pending the outcome of the United States Supreme Court case of *Montgomery v. Louisiana*, cert. granted. 135 S. Ct. 1546 (2015), in which the Supreme Court was expected to decide whether the holding in *Miller v. Alabama*, 132 S. Ct. 2455 (2012), applies retroactively to cases on collateral review.

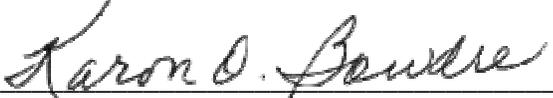
A recent review of Colbert County Circuit Court records in *State of Alabama v. Charles Black*, Case No. CC-1997-212 & 212.63, indicated the petitioner’s sentence was amended to Life with the Possibility of Parole on August 6, 2018, in

accordance with *Miller* and *Montgomery*. (*Id.* at doc. 5). Accordingly, on October 24, 2018, the magistrate judge ordered the petitioner to show cause why the stay should not be lifted and this action dismissed as moot.

In response to the magistrate judge's order, the petitioner has submitted a motion to dismiss the petition as moot. (Doc. 11). The petitioner acknowledges that he has obtained the relief requested in the petition. (*Id.* at 3). The petitioner's motion is **GRANTED** and this action should be dismissed as moot.

The court will enter a separate Final Order.

DONE and ORDERED this 7th day of November, 2018.



KARON OWEN BOWDRE
CHIEF UNITED STATES DISTRICT JUDGE