

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


|                      |   |                      |
|----------------------|---|----------------------|
| MARK THEUS,          | ] |                      |
|                      | ] |                      |
| Petitioner,          | ] |                      |
|                      | ] |                      |
| v.                   | ] | 4:13-cv-0021-KOB-RRA |
|                      | ] |                      |
| ERIC HOLDER, et al., | ] |                      |
|                      | ] |                      |
| Respondents.         | ] |                      |

MEMORANDUM OPINION

This matter is before the court on the habeas corpus petition filed by the petitioner, Mark Theus, pursuant to 28 U.S.C. § 2241. (Doc. 1). The magistrate judge entered a report recommending that the court grant the respondents’ motion to dismiss as moot because the petitioner was released from ICE custody on April 3, 2013 pursuant to an order of supervision. (Doc. 9). No parties have filed any objections.

Having considered the entire file in this action, including the report and recommendation, the court ADOPTS the magistrate judge’s report and ACCEPTS his recommendation. Accordingly, the court finds that the respondents’ motion to dismiss is due to be granted because the petitioner is no longer in ICE custody pursuant to an order of supervision. The court will enter a separate order granting the motion to dismiss and dismissing this action as moot.

DONE and ORDERED this 29<sup>th</sup> day of April, 2013.

  
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 KARON OWEN BOWDRE  
 UNITED STATES DISTRICT JUDGE