


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

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|--------------------------------|---|--|
| ERVIN LENROY PHILLIP, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | Case No.: 4:13-cv-00573-VEH-JEO |
| |) | |
| PHILLIP MILLER, et al., |) | |
| Respondents. |) | |

MEMORANDUM OPINION

On March 27, 2013, Petitioner filed a petition for writ of habeas corpus seeking to be released from custody, under reasonable conditions of supervision, pending his removal to Antigua. (Doc. 1 at 7). On May 1, 2013, Respondents filed a motion to dismiss the petition as moot. (Doc. 5). In their motion, Respondents note that Petitioner was released on an Order of Supervision on May 1, 2013. (Doc. 5-1). Because Petitioner has been released on an Order of Supervision, thus, is no longer in custody, his petition is moot. *See Nyaga v. Ashcroft*, 323 F.3d 906, 913 (11th Cir. 2003) (“a case must be dismissed as moot if the court can no longer provide ‘meaningful relief’”). Accordingly, Respondents' Motion to Dismiss as Moot (doc. 5) is due to be granted and the petition is due to be dismissed without prejudice.

DONE this 7th day of May, 2013.



VIRGINIA EMERSON HOPKINS
 United States District Judge