

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

NATHAN D. SLATON,)	
)	
Petitioner,)	
)	
v.)	Case No.: 4:15-cv-00900-LSC-JHE
)	
JEFFERSON S. DUNN,)	
)	
Respondent.)	

MEMORANDUM OPINION

On May 29, 2015, Petitioner Nathan Slaton (“Slaton”) filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, requesting relief from his sentence of mandatory life imprisonment without parole. (Doc. 1). Because Slaton has obtained the relief requested in his petition for habeas relief, he now moves to dismiss this pending habeas action as moot. (Doc. 8). The motion is due to be **GRANTED**.

Slaton was convicted of one count of capital murder for an incident that occurred when he was 17 years old. On July 9, 2007, Slaton was sentenced to life imprisonment without parole, which was the mandatory minimum sentence for a 17-year-old child convicted of capital murder in Alabama. See ALA. CODE § 13A-6-2(c); *Roper v. Simmons*, 543 U.S. 551, 578 (2005).

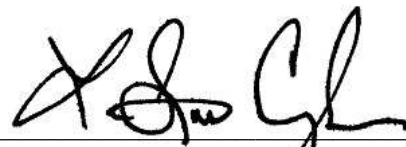
After the decision in *Miller v. Alabama*, 567 U.S. 460 (2012), which invalidated his mandatory life-without-parole sentence, Slaton sought relief in the state courts. On May 9, 2014, the Marshall County Circuit Court ordered the dismissal of Slaton’s petition without a hearing on the grounds that Slaton was not entitled to relief because of the Eleventh Circuit Court of Appeals’ decision that Miller is not retroactive. Order Dismissing Slaton’s Rule 32 Petition, *Slaton v. State*, No. CC-87-200210.62 (Ala. Cir. Ct. May 9, 2014) (citing *In re Morgan*, 713 F.3d

1365 (11th Cir. 2013)). The trial court's decision was affirmed on appeal. *Slaton v. State*, No. CR-13-1367 (Ala. Crim. App. Nov. 14, 2014).

After Slaton filed his petition in this Court, the United States Supreme Court decided *Montgomery v. Louisiana*, 136 S. Ct. 718 (2016), establishing the retroactivity of *Miller*. The Supreme Court also remanded Slaton's case for further consideration in light of *Miller* and *Montgomery*, *Slaton v. Alabama*, 136 S. Ct. 2445 (2016) (mem.), and the Alabama Court of Criminal Appeals did so as well, Order After Remand by the United States Supreme Court, *Slaton v. State*, No. CR-13-1367 (Ala. Crim. App. Aug. 31, 2016). On May 4, 2017, the Marshall County Circuit Court entered an order granting relief from Slaton's mandatory sentences of life without parole. Because Slaton has obtained the relief requested in his petition for habeas relief, his petition will be dismissed as **MOOT**.

Based on the foregoing, the Petitioner's motion to dismiss, (doc. 8), is **GRANTED**. A separate order will be entered.

DONE AND ORDERED ON MAY 17, 2017.



L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE

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