

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

ERIC DIAZ,)	
)	
Petitioner,)	
)	
v.)	Case No.: 4:15-cv-01455-RDP-JEO
)	
SCOTT HASSELL,)	
)	
Respondent.)	

MEMORANDUM OPINION

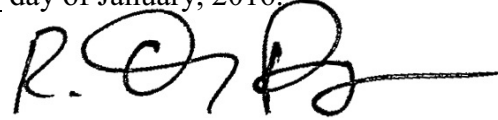
This is an action on a petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2241. (Doc. 1). Petitioner challenges his continued detention by the United States Immigration and Customs Enforcement (“ICE”) at the Etowah County Detention Center in Gadsden, Alabama. Respondent has filed a motion to dismiss the action as moot. (Doc. 10). Having considered the motion, the court finds that it is due to be granted.

In support of his motion, Respondent has filed a declaration from Bryan S. Pitman, the Supervisory Detention and Deportation Officer of the ICE facility in Gadsden, Alabama. (Doc. 10-1). In his declaration, Pitman states that Petitioner was turned over to the United States Marshals Service in Birmingham, Alabama, on December 7, 2015, pursuant to an outstanding warrant for prosecution.¹ (*Id.*) Thus, Petitioner’s claim for release from ICE custody 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

¹Petitioner filed his petition in the name of Eric Diaz, Alien Registration Number A094 222 573. (Doc. 1 at 1). That number, however, is associated with the name Joselito Vasquez Gomez, which is the name appearing on all of the documentation associated with Petitioner’s immigration proceedings and appears to be Petitioner’s true name. (*See* Doc. 1 at 10-28). In his declaration, Pitman refers to Petitioner as Joselito Vasquez Gomez.

longer provide ‘meaningful relief’”). Accordingly, Respondent’s motion is due to be granted, and this matter is due to be dismissed as moot. A separate final order will be entered.

DONE and **ORDERED** this 19th day of January, 2016.

A handwritten signature in black ink, appearing to read 'R. David Proctor', written over a horizontal line.

R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE