

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

BIAO OU YANG,)	
)	
Petitioner,)	
)	
v.)	Case No.: 4:15-cv-01901-MHH-SGC
)	
LORETTA LYNCH, et al.,)	
)	
Respondents.)	

MEMORANDUM OPINION

On October 28, 2015, Petitioner Biao Ou Yang filed a petition for writ of habeas corpus seeking to be released from custody pending his removal to China. (Doc. 1). This matter is before the court on Respondents' Motion to Dismiss as Moot. (Doc. 4). In the motion, Respondents demonstrate that Petitioner was released from ICE custody on December 2, 2015, pursuant to an Order of Supervision. (*Id.* at 1; Doc. 4-1). Because Petitioner has been released, Respondents contend this case is due to be dismissed as moot.

Because Petitioner has been released on an Order of Supervision, his petition seeking that very relief 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’”); *see also Spencer v. Kemna*, 523 U.S. 1, 8 (1998) (when a habeas petitioner is released from custody, he must demonstrate collateral

consequences to avoid mootness doctrine). Accordingly, the Court will grant the Respondents' motion to dismiss. The Court will enter a separate order dismissing this habeas action.

DONE and **ORDERED** this January 5, 2016.

A handwritten signature in cursive script, reading "Madeline H. Haikala".

MADELINE HUGHES HAIKALA
UNITED STATES DISTRICT JUDGE