

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

ABUBAKAR MUTASEM,)	
)	
Petitioner,)	
)	
v.)	Case No.: 4:17-cv-00658-AKK-JHE
)	
JOHN F. KELLY,)	
)	
Respondent.)	

MEMORANDUM OPINION

On April 24, 2017, Petitioner Abubakar Mutasem (“Mutasem”) filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Doc. 1. At the time he filed his petition, Mutasem, a native of Sudan, was incarcerated at the Etowah County Detention Center, in the custody of the Bureau of Immigration and Customs Enforcement (“ICE”). In his petition, Mutasem alleged that he was being illegally detained by ICE pending his deportation. On July 24, 2017, Mutasem was removed from the United States, doc. 9, 9-1, and, as a result, Respondents have filed a motion to dismiss the action as moot. For the reasons stated below, Respondents’ motion will be granted and the action be dismissed as moot.

Article III of the Constitution limits the jurisdiction of federal courts to the consideration of “cases or controversies.” U.S. CONST. art. III, § 2. The doctrine of mootness is derived from this limitation because “an action that is moot cannot

be characterized as an active case or controversy.” *Adler v. Duval Cnty. Sch. Bd.*, 112 F.3d 1475, 1477 (11th Cir. 1997). A case is moot and must be dismissed if the court can no longer provide “meaningful relief.” *Nyaga v. Ashcroft*, 323 F.3d 906, 913 (11th Cir. 2003) (citations omitted). Mutasem’s release from ICE custody rendered his petition moot. Moreover, neither of the two exceptions to the mootness doctrine—(1) collateral consequences and (2) “capable of repetition yet evading review,” *Carafas v. LaVallee*, 391 U.S. 234, 237 (1968); *Murphy v. Hunt*, 455 U.S. 478, 482 (1982), apply in light of Mutasem’s removal. Therefore, because there is no longer any relief that the court can grant to Mutasem, his petition is due to be dismissed as moot.

Based on the foregoing, the Respondents’ motion to dismiss, doc. 9, is **GRANTED**. A separate order will be entered.

DONE the 18th day of August, 2017.


ABDUL K. KALLON
UNITED STATES DISTRICT JUDGE