

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

RICHARD DULNUAN,)
)
 Petitioner,)
 v.)
)
 JEFF SESSIONS, Attorney General)
 of the United States,)
)
 Respondent.)

Civil Action Number
4:17-cv-00730-AKK-JHE

MEMORANDUM OPINION

On May 5, 2017 Richard Dulnuan filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 alleging he was being unlawfully detained pending his deportation. Doc. 1. At the time he filed his petition, Dulnuan, a native of the Phillipines, was incarcerated at the Etowah County Detention Center, in the custody of the Bureau of Immigration and Customs Enforcement (“ICE”). *Id.* After an Immigration Judge granted Dulnuan a \$3,000 bond in February 2018, Dulnuan posted bond on July 17, 2018, and ICE released him from its custody. *See* doc. 17-2. As a result, the court finds that this case is due to be dismissed as moot.

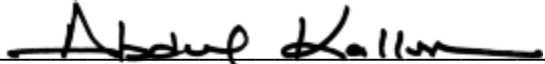
Article III of the Constitution limits the jurisdiction of federal courts to the consideration of “cases or controversies.” U.S. Const. art. III, § 2. The doctrine of mootness is derived from this limitation because “an action that is moot cannot be

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).

The relief sought by Dulnuan in his petition is to be released from ICE custody. Where, as here, Dulnuan is no longer in ICE custody, his petition has been rendered moot, unless an exception to the mootness doctrine applies. Because the court concludes that neither of the two exceptions to the mootness doctrine, “collateral consequences” or “capable of repetition yet evading review,” *see Carafas v. LaVallee*, 391 U.S. 234, 237 (1968); *Murphy v. Hunt*, 455 U.S. 478, 482 (1982), apply here, there is no longer any relief that the court can grant to Dulnuan, and his petition is due to be dismissed as moot.

Based on the foregoing, this case is due to be dismissed as moot. A separate order will be entered.

DONE the 31st day of July, 2018.



ABDUL K. KALLON
UNITED STATES DISTRICT JUDGE