

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

NGUYEN VO BINH,

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Petitioner,

}

}

v.

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Case No.: 4:18-cv-1223-MHH-TMP

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**IMMIGRATION AND CUSTOMS
ENFORCEMENT,**

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Respondent.

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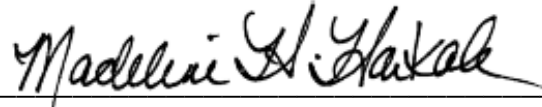
MEMORANDUM OPINION

This action is before the Court on the respondent’s August 27, 2018 motion to dismiss. (Doc. 4). On August 3, 2018, Mr. Binh filed a petition for writ of habeas corpus seeking his release from custody. (Doc. 1). In its motion, the respondent contends that the Court should dismiss Mr. Binh’s § 2241 habeas petition because United States Immigration and Customs Enforcement released Mr. Binh on August 22, 2018. (Doc. 4-1, Pitman Decl.).

Because Mr. Binh 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) (once a habeas petitioner is released from custody, he must demonstrate collateral consequences to avoid mootness doctrine). Accordingly, by separate order, the

Court will dismiss this matter. *Khader v. Holder*, 843 F. Supp. 2d 1202 (N.D. Ala. 2011).

DONE this 12th day of September, 2018.

A handwritten signature in black ink, reading "Madeline H. Haikala". The signature is written in a cursive style with a horizontal line underneath it.

MADELINE HUGHES HAIKALA
UNITED STATES DISTRICT JUDGE