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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Teena Marie Kerekes,)	
)	
Petitioner,)	No. CV-08-0099-PHX-PGR (DKD)
vs.)	
)	
Craig Apker, Warden,)	<u>ORDER</u>
)	
Respondent.)	

Having reviewed *de novo* the Report and Recommendation of Magistrate Judge Duncan in light of the petitioner’s Appeal to Report and Recommendation (doc. #16), the Court finds that the Magistrate Judge correctly concluded that the petitioner’s amended habeas petition, filed pursuant to 28 U.S.C. § 2241, wherein the petitioner challenges the Bureau of Prison’s determination that she was ineligible for early release upon completion of the Residential Drug and Alcohol Program, must be dismissed as moot because the petitioner was released from BOP custody on December 19, 2009.¹ Therefore,


¹

In her objection to the Report and Recommendation, the petitioner does not contest that her amended habeas petition is now moot. Instead, she requests for the first time that her period of supervised release be reduced to one year because she has been a model citizen since her release from prison. The issue of whether the petitioner should be released early from her supervised release is not one that the Court can resolve through this habeas

1 IT IS ORDERED that the Magistrate Judge's Report and Recommendation
2 (doc. #15) is accepted and adopted by the Court.

3 IT IS FURTHER ORDERED that the petitioner's First Amended Petition for
4 Writ of Habeas Corpus by a Person in Federal Custody (28 U.S.C. § 2241) (doc.
5 #4) is denied and that this action is dismissed as moot. The Clerk of the Court
6 shall enter judgment accordingly.

7 DATED this 27th day of May, 2009.

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10 Paul G. Rosenblatt
11 United States District Judge
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25 petition as it is an entirely separate issue. If the petitioner wishes to request an
26 early termination of her supervised release, she may seek that relief by filing a
separate motion with the Court that sets forth in detail the basis for her request
(and she must serve a copy of any such motion on the United States Attorney.)