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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Thomas W. Glynn,)	
)	
Petitioner,)	No. CV-08-0523-PHX-PGR (MHB)
vs.)	
)	
Sheriff Joe Arpaio,)	<u>ORDER</u>
)	
Respondent.)	

Petitioner, while incarcerated on state criminal charges, filed a petition pursuant to 28 U.S.C. § 2241 seeking either an arraignment on, or the dismissal of, a related federal indictment pending in this Court in United States v. Glynn, CR-07-1323-PHX-GMS. The petitioner stated in his petition that more than 100 days had passed since he had been federally indicted and he had not yet been arraigned. In an order entered on June 13, 2008, Magistrate Judge Burns ordered the petitioner to show cause why his petition should not be dismissed as moot because he had by then been arraigned on the federal charge underlying his petition. The Magistrate Judge entered her pending Report and Recommendation on July 1, 2008, noting that the petitioner had not responded to the show cause order and recommending that the petition be dismissed as moot. On September 30, 2008, the petitioner filed a letter stating that he had not timely

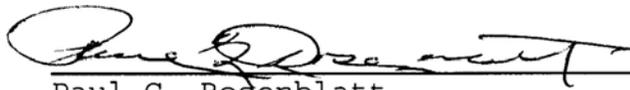
1 responded to the show cause order because his place of incarceration had been
2 changed and he had not received the show cause order until August 8, 2008; he
3 requested that he be allowed to file a late response to the show cause order.

4 The Court concludes that a response to the show cause order by the
5 petitioner would be a useless act at this time because the record in CR-07-1323-
6 PHX-GMS establishes the following: that the petitioner was arraigned on the
7 federal charge on May 7, 2008, that he pleaded guilty to the federal charge on
8 August 19, 2008, and that he was sentenced on the federal charge on December
9 10, 2008. Since the petitioner's federal criminal case has now been terminated,
10 this action is moot. Therefore,

11 IT IS ORDERED that the Magistrate Judge's Report and Recommendation
12 (doc. #19) is accepted and adopted by the Court.

13 IT IS FURTHER ORDERED that the petitioner's Petition Under 28 U.S.C.
14 § 2241 for a Writ of Habeas Corpus by a Person in Federal Custody is denied as
15 moot and that this action is dismissed. The Clerk of the Court shall enter
16 judgment accordingly.

17 DATED this 21st day of January, 2009.

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20 
21 Paul G. Rosenblatt
United States District Judge