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On August 13, 2008, Respondents filed a Suggestion of Mootness (Doc. No. 8) indicating that Petitioner was released from detention under an Order of Supervision on August 7, 2008. Respondents argue the case is now moot.


On August 20, 2008, this Court gave Petitioner until September 18, 2008, to show good cause why this case should not be dismissed as moot. The court specifically warned Petitioner that the case may be dismissed without further notice if he failed to respond. He did not respond. A review of the docket indicates that the order was returned as undeliverable. (Doc. No. 12.)

RECOMMENDATION

Based on the foregoing, the Magistrate Judge recommends that the District Court, after its independent review of the record, enter an order DISMISSING the Petition for Writ of Habeas Corpus as MOOT.

Pursuant to 28 U.S.C. §636 (b), any party may serve and file written objections within 10 days of being served with a copy of this report and recommendation. If objections are not timely filed, they may be deemed waived. If objections are filed, the parties should use the following case number: **08-1160-PHX-MHM.**

DATED this 25th day of September, 2008.



Jennifer C. Guerin
United States Magistrate Judge