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2 NOT FOR PUBLICATION

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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA
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9 SERGEI LAWRIKOW,

10 Petitioner,

11 v.

12 DAVID KOLLUS,

13 Respondent.
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) No. CV-08-1403-PHX-GMS (LOA)

) **ORDER**

15 Pending before the Court is the Petition for Writ of Habeas Corpus of Petitioner
16 Sergei Lawrikow, filed pursuant to 28 U.S.C. § 2241 (Dkt. # 1), as well as Petitioner’s
17 Motion for Preliminary Injunction (Dkt. # 28). These documents argue that Petitioner is
18 entitled to be released from custody pending his deportation. On July 27, 2009, the magistrate
19 judge issued an Amended Report and Recommendation. (Dkt. # 31.) Respondent filed
20 objections. (Dkt. # 35.)

21 On September 2, 2009, Respondent filed a Suggestion of Mootness informing the
22 Court that Petitioner has just been deported and is therefore no longer being detained. (Dkt.
23 # 36.) Respondent has provided a copy of the Warrant of Removal/Deportation, which
24 provides that Petitioner was placed on a flight to Moscow on August 28, 2009, and thus is
25 no longer in custody. (Dkt. # 36 Ex. 1.)

26 This Court lacks jurisdiction to review moot issues. *Gator.com Corp. v. L.L. Bean,*
27 *Inc.*, 398 F.3d 1125, 1128 (9th Cir. 2005) (“It is an inexorable command of the United States
28 Constitution that the federal courts confine themselves to deciding actual cases and

1 controversies.”). The test for mootness is whether the court can give a party any effective
2 relief in the event that it decides the matter on the merits in its favor; “[t]hat is, whether the
3 court can ‘undo’ the effects of the alleged wrongdoing.” *Reimers v. Oregon*, 863 F.2d 630,
4 632 (9th Cir. 1989).

5 Here, the pending petition and motion for a preliminary injunction challenge
6 Petitioner’s detention and seek his release from custody pending deportation. In view of
7 Petitioner’s release from custody, the relief he requests can no longer be effected by this
8 Court. Therefore, no “case or controversy” under Article III of the United States
9 Constitution remains, and the petition is moot. *Picrin-Peron v. Rison*, 930 F.2d 773, 776 (9th
10 Cir. 1991) (finding that because the petitioner only requested a release from custody and had
11 been released the court could provide no further relief and the petition was properly
12 dismissed). This case must therefore be dismissed.

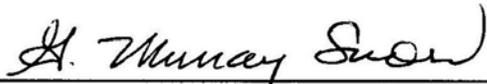
13 **IT IS THEREFORE ORDERED** that the Petition for Writ of Habeas Corpus (Dkt.
14 # 1) is **DENIED AS MOOT**.

15 **IT IS FURTHER ORDERED** that the Motion for Preliminary Injunction of
16 Petitioner (Dkt. # 28) is **DENIED AS MOOT**.

17 **IT IS FURTHER ORDERED** that the Amended Report and Recommendation (Dkt.
18 # 31) and the objections thereto (Dkt. # 35) are likewise **MOOT** and ordered terminated.

19 **IT IS FURTHER ORDERED** that the Clerk of the Court shall **TERMINATE** this
20 action.

21 DATED this 4th day of September, 2009.

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24 _____
25 G. Murray Snow
26 United States District Judge
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