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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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10	Fred Gelee,)	No. 10-CV-388-PHX-PGR (MHB)
)	
11	Petitioner,)	
	v.)	
12	Katrina Kane, et. al.,)	ORDER
)	(NON-DEATH PENALTY)
13	Respondents.)	
14	_____)	

15 Currently before the Court is Petitioner’s Petition for Writ of Habeas Corpus (Doc.
16 1), the Report and Recommendation of Magistrate Judge Burns (Doc. 20), the Objections to
17 the Report and Recommendation (Doc. 21), and the Reply to Objections (Doc. 22).

18 After reviewing *de novo* the Report and Recommendation of Magistrate Judge Burns,
19 the Court finds that, as established by Respondents, Petitioner is no longer in custody, his
20 habeas claims are moot, and he makes no factual allegations that would warrant application
21 of any of the narrow exceptions to the mootness doctrine to his case.

22 Accordingly,

23 IT IS HEREBY ORDERED that the Magistrate Judge’s Report and Recommendation
24 (Doc. 22) is ACCEPTED and ADOPTED by the Court.

25 IT IS FURTHER ORDERED that Petitioner’s Petition for Writ of Habeas Corpus
26 (Doc. 1) is DENIED as MOOT.

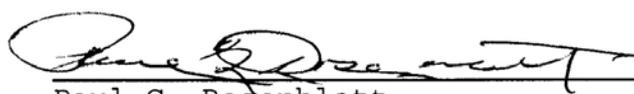
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IT IS FURTHER ORDERED **DENYING** a Certificate of Appealability and/or leave to proceed *in forma pauperis* on appeal because Petitioner has not made a substantial showing of the denial of a constitutional right.

DATED this 5th day of January, 2011.


Paul G. Rosenblatt
United States District Judge