

1 **WO**

2

3

4

5

6

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

7

8

9

Farid Morceli,

)

No. CV 11-1225-PHX-GMS

10

Petitioner,

)

**ORDER**

11

vs.

)

12

Katrina Kane,

)

13

Respondent.

)

14

15

16

Pending before the Court is Petitioner’s Petition for Writ of Habeas Corpus, filed pursuant to 28 U.S.C. § 2241 (Doc. 1). Petitioner argues that he is entitled to be released from custody pending his deportation. On February 14, 2012, Respondent filed a Notice re Suggestion of Mootness (Doc. 12). Pursuant to the government’s Order of Supervision attached to the Notice (Doc. 12-1), Petitioner was released from immigration detention on September 13, 2011. On February 28, 2012, the magistrate judge issued a Report and Recommendation. (Doc. 13.)

23

This Court lacks jurisdiction to review moot issues. *Gator.com Corp. v. L.L. Bean, Inc.*, 398 F.3d 1125, 1128 (9th Cir. 2005) (“It is an inexorable command of the United States Constitution that the federal courts confine themselves to deciding actual cases and controversies.”). The test for mootness is whether the court can give a party any effective relief in the event that it decides the matter on the merits in its favor; “[t]hat is, whether the

26

27

28

1 court can ‘undo’ the effects of the alleged wrongdoing.” *Reimers v. Oregon*, 863 F.2d 630,  
2 632 (9th Cir. 1989).

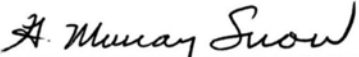
3 Here, the pending Petition seeks his release from custody pending deportation. In  
4 view of Petitioner’s release from custody, the relief he requests can no longer be effected by  
5 this Court. Therefore, no “case or controversy” under Article III of the United States  
6 Constitution remains, and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

10 **IT IS THEREFORE ORDERED** that the Petition for Writ of Habeas Corpus (Doc..  
11 1) is **DENIED AS MOOT**.

12 **IT IS FURTHER ORDERED** that the Report and Recommendation (Doc. 13) is  
13 likewise **MOOT** and ordered terminated.

14 **IT IS FURTHER ORDERED** that the Clerk of the Court shall **TERMINATE** this  
15 action.

16 DATED this 5th day of March, 2012.

17  
18   
19 \_\_\_\_\_  
20 G. Murray Snow  
21 United States District Judge  
22  
23  
24  
25  
26  
27  
28