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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Napoleon Gebrewold,

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No. CV 12-00559-PHX-FJM

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Petitioner,

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ORDER

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vs.

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Katrina Kane, et al.,

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Respondents.

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The court has before it petitioner's petition for writ of habeas corpus (doc. 1), petitioner's motion for preliminary injunction (doc. 2), respondents' motion to dismiss for mootness (doc. 14), and the Report and Recommendation of the United States Magistrate Judge recommending denial of petitioner's petition (doc. 17).

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Petitioner is a citizen of Ethiopia and a lawful permanent resident of the United States. He was convicted of possession of a controlled substance in 2010. An immigration judge determined that this conviction subjected petitioner to mandatory detention and he was not eligible for a bond hearing. Petitioner filed his petition seeking immediate release from immigration custody or a custody redetermination hearing before a neutral magistrate with the authority to grant bond. He also filed a motion for preliminary injunction seeking an order enjoining his detention pending resolution of his petition. On July 10, 2012, an immigration judge granted petitioner relief from removal and he was released from custody that day. The government moves to dismiss on grounds of mootness. The magistrate judge

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1 ordered petitioner to file a response to the motion to dismiss, but the order mailed to
2 petitioner was returned as unclaimed. Petitioner did not file a response to the motion to
3 dismiss or the Report and Recommendation.

4 An action is moot "when the issues presented are no longer live or the parties lack a
5 legally cognizable interest in the outcome." Lee v. Schmidt-Wenzel, 766 F.2d 1387, 1389
6 (9th Cir. 1985) (quotation omitted). The court agrees with the magistrate judge's
7 determination that because petitioner has been granted the relief he requested, this action is
8 moot.

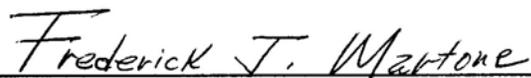
9 **IT IS THEREFORE ORDERED** accepting the recommendation of the magistrate
10 judge (doc. 17) and **DENYING** the petition for writ of habeas corpus on grounds of
11 mootness (doc. 1).

12 **IT IS ORDERED GRANTING** respondents' motion to dismiss on grounds of
13 mootness (doc. 14).

14 **IT IS ORDERED DENYING** petitioner's motion for preliminary injunction as moot
15 (doc. 2).

16 **IT IS FURTHER ORDERED DENYING** a certificate of appealability and leave
17 to proceed in forma pauperis on appeal.

18 DATED this 28th day of August, 2012.

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 Frederick J. Martone
22 United States District Judge
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