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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**8
9 Wanna Win,

No. CV 13-1019-PHX-DGC (MHB)

10 Petitioner,

11 vs.

ORDER

12 Jon Gurule,

13 Respondent.
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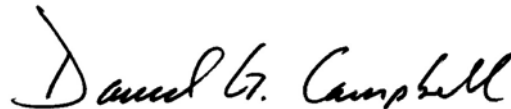
15 Petitioner Wanna Win (A073-219-873) has filed a *pro se* Petition for Writ of
16 Habeas Corpus pursuant to 28 U.S.C. § 2254 seeking his immediate release from custody
17 on the grounds that his detention with no prospect that his removal would be effected in
18 the reasonably foreseeable future was not authorized by law. *See Zadvydas v. Davis*, 533
19 U.S. 678 (2001) (when there is no reasonable likelihood that a foreign government will
20 accept an alien's return in the reasonably foreseeable future, the INS may not detain the
21 alien for more than the presumptively reasonable period of six months).

22 On May 23, 2013, mail sent to Petitioner by the Clerk of Court was returned as
23 undeliverable. (Doc. 3.) Additionally, the Immigration and Customs Enforcement (ICE)
24 online Detainee Locator, <https://locator.ice.gov/odls/homePage.do>, indicates that
25 Petitioner is no longer in ICE custody. A habeas corpus petition filed by a petitioner who
26 "challenge[s] only the length of his detention, as distinguished from the lawfulness of the
27 deportation order, [is] rendered moot by his removal." *Abdala v. INS*, 488 F.3d
28 1061, 1062 (9th Cir. 2007). Similarly, a habeas corpus "petitioner's release from

1 detention under an order of supervision ‘moots his challenge to the legality of his
2 extended detention.’” *Id.* at1064 (quoting *Riley v. INS*, 310 F.3d 1253, 1256-57 (10th
3 Cir. 2002). Because Petitioner has not filed a notice of change of address, an order to
4 show cause why this action should not be dismissed as moot would be futile. *See Carey*
5 *v. King*, 856 F.2d 1439, 1441 (9th Cir. 1988) (“An order to show cause why dismissal is
6 not warranted or an order imposing sanctions would only find itself taking a round trip
7 tour through the United States mail.”). Accordingly, this action will be dismissed as
8 moot.

9 **IT IS ORDERED** that the Petition (Doc. 1) and this action are **dismissed** as moot.
10 The Clerk of Court must enter judgment accordingly.

11 Dated this 29th day of May, 2013.

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16 David G. Campbell
17 United States District Judge
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