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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Alexander Adame-Rodriguez,
Petitioner,
v.
Jeff B. Sessions, et al.,
Respondents.

No. CV-16-02951-PHX-DJH
ORDER

This matter is before the Court on Petitioner’s Petition for Writ of Habeas Corpus (the "Petition") pursuant to 28 U.S.C. § 2241 (Doc. 6) filed September 1, 2016, and the Report and Recommendation (“R&R”) (Doc. 23) issued by United States Magistrate Judge Bridget Bade on September 13, 2017. On May 30, 2017, Respondents filed a Notice of Petitioner’s Release from Immigration Custody and Suggestion of Mootness (Doc. 14). The Notice and Suggestion of Mootness states that Petitioner has been released from the custody of Immigration and Customs Enforcement and placed on supervised release. Documents attached to the Notice show that an Order of Supervision was issued on May 12, 2017. (Doc. 14-1 at 4-7). As of the date of this Order, Petitioner has not responded to the Notice, including Respondents’ assertion that his Petition is rendered moot as a result of his release.

On August 10, 2017, Judge Bade issued an Order directing Petitioner to “show cause why his petition should not be dismissed as moot in view of his apparent release from custody.” (Doc. 19 at 2). Petitioner has not responded to the order to show cause,

1 though he has filed a Notice of Change of Address (Doc. 22) in which he provides a
2 mailing address in Miami, Florida. Based on the above information, Judge Bade
3 concluded in the R&R that the Petition is moot. She therefore recommends that the
4 Petition be dismissed.

5 A habeas corpus “petitioner’s release from detention under an order of supervision
6 ‘moots his challenge to the legality of his extended detention.’” *Abdala v. INS*, 488 F.3d
7 1061, 1064 (9th Cir. 2007) (quoting *Riley v. INS*, 310 F.3d 1253, 1256-57 (10th Cir.
8 2002)). Similarly, a habeas corpus petition filed by a petitioner who “challenge[s] only
9 the length of his detention, as distinguished from the lawfulness of the deportation order,
10 [is] rendered moot by his removal.” *Id.* at 1062. Because Petitioner’s release from
11 custody has rendered his claim of unlawful detention moot, the Petition will be
12 dismissed.

13 Accordingly,

14 **IT IS ORDERED** that Magistrate Judge Bade's R&R (Doc. 23) is **accepted** and
15 **adopted** as the order of this Court.

16 **IT IS FURTHER ORDERED** that the Petition for Writ of Habeas Corpus
17 pursuant to 28 U.S.C. § 2241 (Doc. 6) is **dismissed as moot**.

18 **IT IS FURTHER ORDERED** that the Clerk of Court shall terminate this action
19 and enter judgment accordingly.

20 **Dated** this 19th day of October, 2017.

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Honorable Diane J. Humetewa
United States District Judge