

1 WO
2
3
4
5

6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 Kelly Lynn Kincer,

10 Petitioner,

11 v.

12 Louis Winn, Jr.,

13 Respondent.
14

No. CV-13-00504-TUC-EJM

ORDER

15
16 On June 19, 2013 Kelly Lynn Kincer, an inmate confined (at that time) in the
17 United States Penitentiary in Tucson, Arizona, filed a Petition for Writ of Habeas Corpus
18 pursuant to 28 U.S.C. § 2241. (Doc. 1). Petitioner alleged that the Bureau of Prisons
19 wrongfully deprived him of 7 days of Good Conduct Time. Respondent filed a Return
20 and Answer (Doc. 14), and Petitioner did not file a Reply.

21 While Petitioner was incarcerated at USP—Tucson at the time of filing his
22 Petition, the Bureau of Prisons Inmate Locator indicates that Petitioner was released from
23 federal custody on February 11, 2016. Petitioner has not filed a notice of address change
24 with the Court as required by LRCiv 83.3(d).

25 Because Petitioner has already been released from custody, the Petition is now
26 moot and dismissal is appropriate. *North Carolina v. Rice*, 404 U.S. 244, 246 (1971)
27 (“federal courts are without power to decide questions that cannot affect the rights of
28 litigants in the case before them”); *Mitchell v. Dupnick*, 75 F.3d 517, 528 (9th Cir. 1996);

1 *Fendler v. U.S. Bureau of Prisons*, 846 F.2d 550, 555 (9th Cir. 1988) (finding that release
2 of petitioner on parole mooted his petition seeking earlier release date on the grounds
3 contending that Parole Commission had improperly delayed his release date).

4 Accordingly,

5 **IT IS HEREBY ORDERED** dismissing the Petition for Writ of Habeas Corpus
6 under 28 U.S.C. § 2241 as moot. (Doc. 1). The Clerk shall enter judgment accordingly
7 and close its file on this matter.

8 Dated this 3rd day of May, 2016.

9
10
11 

12 Eric J. Markovich
13 United States Magistrate Judge
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28