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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Halston Carter,

10 Petitioner,

11 v.

12 S. Lake,

13 Respondent.
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No. CV-14-2599-TUC-JGZ (EJM)

**REPORT AND
RECOMMENDATION**

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16 On December 24, 2014, Halston Carter (“Petitioner”), an inmate confined (at that
17 time) in the United States Penitentiary in Tucson, Arizona, filed a Petition for Writ of
18 Habeas Corpus pursuant to 28 U.S.C. § 2241. (Doc. 1). Petitioner alleged that the Bureau
19 of Prisons wrongfully deprived him of 40 days of Good Conduct Time. Respondent filed
20 an Answer (Doc. 8), and Petitioner did not file a Reply.

21 While Petitioner was incarcerated at USP-Tucson at the time of filing his Petition,
22 the Bureau of Prisons Inmate Locator indicates that Petitioner was released from federal
23 custody on October 13, 2016. Petitioner has not filed a notice of address change with the
24 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 RECOMMENDED** that the District Court enter an Order
6 dismissing the Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 (Doc. 1) as
7 moot.

8 Dated this 19th day of May, 2017.

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12 Eric J. Markovich
13 United States Magistrate Judge
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