

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

JEREMIAS CRUZ

PETITIONER

VS.

4:08-CV-02121-WRW-BD

**KARL BYRD, Sheriff,
Faulkner County, Arkansas**

RESPONDENT

ORDER

On September 9, 2009, Petitioner filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 (docket entry #1) claiming Respondent is holding him in the Faulkner County Jail in violation of his constitutional rights. The petition has not been served on Respondent. Petitioner has now filed a motion to voluntarily dismiss his petition (#2). In his motion, Petitioner claims his petition is now moot because his counsel has been provided with documentation that the United States Department of Immigration, Customs, and Enforcement (“ICE”) has custody, and the Faulkner County Jail is holding him pursuant to a contract it has with ICE to house people who are subject to deportation. Accordingly, the Court GRANTS Petitioner’s Motion to Dismiss (#2). Petitioner’s case is DISMISSED WITHOUT PREJUDICE.

IT IS SO ORDERED this 17th day of September, 2008.

/s/ Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE