

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

JOE LOUIS DANSBY

PETITIONER

V.

CIVIL NO. 4:02-cv-04141

RAY HOBBS, Director
Arkansas Department of Corrections

RESPONDENT

MEMORANDUM OPINION

Petitioner, Joe Louis Dansby, filed this Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 in the Eastern District of Arkansas on October 11, 2002. The Petition was transferred to this Court on November 20, 2002. (ECF No. 1). Petitioner subsequently filed a First Amended Petition on June 20, 2003. (ECF No. 13). In his First Amended Petition, Petitioner petitioned the Court for a writ of habeas corpus under 28 U.S.C. § 2254 on the ground that he was in the custody of the Arkansas Department of Correction pursuant to two convictions for capital murder and two sentences of death in violation of the Fifth, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution. (ECF No. 13).

The Court, most recently, held an evidentiary hearing in this matter on July 23, 2013. The parties briefed the issues raised in this hearing, and the Court held the matter under advisement. However, before the Court could issue a ruling, Petitioner's counsel filed a Notice of Death on July 9, 2014 informing the Court Petitioner died on July 7, 2014. Subsequently, the Court received an Order of Discharge by Death from the Arkansas Department of Corrections Ouachita River Unit. This Order of Discharge indicated Petitioner was discharged from the Arkansas Department of Correction on July 8, 2014 due to his July 7, 2014 death. ECF No. 279.

Petitioner's First Amended Petition for Writ of Habeas Corpus does not survive his death.

See Hann v. Hawk, 205 F.2d 839, 840 (8th Cir. 1953) (holding an appeal of judgment granting writ of habeas corpus became moot upon the death of the prisoner). *See also Farmer v. McDaniel*, 692 F.3d 1052 (9th Cir. 2012) (ordering the district court to dismiss as moot the petition for writ of habeas corpus when the petitioner died while the appeal of the judgment on the petition was pending); *Griffey v. Lindsey*, 349 F.3d 1157 (9th Cir. 2003) (same); *Himman v. McCaughtry*, 14 F.3d 350 (7th Cir. 1994); *Knapp v. Baker*, 509 F.2d 922 (5th Cir. 1975) (*per curiam*) (petitioner's death rendered appeal of district court's grant of writ of habeas corpus moot). Accordingly, Petitioner's First Amended Petition for Writ of Habeas Corpus (ECF No. 13) is **DISMISSED** as moot.

IT IS SO ORDERED this 14th day of August 2014.

/s/ Susan O. Hickey
Susan O. Hickey
United States District Judge