

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 16-5487 CJC (MRW)	Date	September 22, 2016
Title	Ayala v. Presiding Judge		

Present: The Honorable Michael R. Wilner

Veronica Piper

n/a

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Petitioner:

Attorneys Present for Respondent:

None present

None present

Proceedings: ORDER TO SHOW CAUSE RE: DISMISSAL

1. The Court reviewed the City Attorney’s submission regarding Petitioner Ayala’s state court criminal cases. (Docket # 25.) The City Attorney informed the Court that Petitioner’s cases – which included extended competency proceedings while Petitioner was incarcerated in pretrial detention – concluded in late August 2016.

2. With that information in hand, the Court reviewed the Inmate Locator database on the Los Angeles County Sheriff’s website. That website indicates that Petitioner was released from custody on September 10. See attached printout.

3. This raises two potential case-ending problems for Petitioner. First, is his action moot? Petitioner sought habeas corpus relief from this Court based on his ongoing detention. If that detention is over (because of Petitioner’s plea and the termination of his related probation violation matters), then he cannot maintain this action further. Bonneau v. United States, 503 F. App’x 544, (9th Cir. 2013) (affirming dismissal of inmate’s petition; petitioner “fully served the custodial portion of the sentences he is attacking at the time he filed his habeas petition[.] Therefore, the district court could not grant him any effective relief.”); Marcelo v. Cate, 459 F. App’x 668 (9th Cir. 2011) (inmate released on parole cannot obtain habeas relief in federal court).

4. Petitioner’s second problem: if he’s been released from custody, he hasn’t updated his mailing address with the Court. Local Rule 41-6 requires a pro se litigant to maintain a current address with the Court. Failure to do so can lead to dismissal of the action. Carey v. King, 856 F.2d 1439, 1440 (9th Cir. 1988) (dismissal of an action based on a litigant’s failure to inform a district court of his or her address is reviewed for abuse of discretion); Hickman v. County of Butte, 586 F. App’x 285 (9th Cir. 2014) (same).

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5. Petitioner is therefore directed to file a declaration informing the Court of his current status by no later than October 11. Failure to do so (or the return of the order as undeliverable by jail authorities if based on Petitioner's release from custody) will result in the dismissal of the action pursuant to Federal Rule of Civil Procedure 41.



The Los Angeles County
Sheriff's Department

Welcome to
Inmate Information Center

← LASD HOME →

BACK

(The information was current as of: 09/22/2016 08:24 PST)

Search For Another Inmate

Back To The Search Result

Booking No.: 4665680 Last Name: AYALA First Name: JOSE Middle Name:

Sex: M Race: B Date Of Birth: 05/21/1977 Age: 38 Hair: BLK Eyes: BRO Height: 510 Weight: 150

Charge Level: M (Misdemeanor)

ARREST

Arrest Date: 05/16/2016 Arrest Time: 1200 Arrest Agency: 5410 Agency Description: LASD-LAC/USC MEDICAL CENTER JAIL WA
Date Booked: 05/16/2016 Time Booked: 2101 Booking Location: M72 Location Description: CRT - LOS ANGELES MUNI DIV 72

BAIL

Total Bail Amount: 0 Total Hold Bail Amount: 0.00 Grand Total: 0.00

HOUSING LOCATION

Housing Location: -
Permanent Housing Assigned Date: 09/10/2016 Assigned Time: 1033 Visitor Status: 0
Facility:
Address: City:
[Public Visiting Guidelines](#)
For County facility visiting hours, Please call (213) 473-6080 at Inmate Information Center.

COURT

Next Court Code: B01 Next Court Date: 09/30/2016 Next Court Time: 0830 Next Court Case: E654081942
Court Name: BEV HILLS MUNI/SUP DEPT B01
Court Address: 9355 BURTON WAY Court City: BEVERLY HILLSUPT

RELEASE

Actual Release Date: 09/10/2016 Release Time: 1243

CASE INFORMATION

Case No.	Court Name	Court Address	Court City	Bail Amt.	Fine Amt.	Court Date	Sent. Date	Sent. Day(s)	Disp Code
ZM*****				0	.00	08/26/2016		0	
5P*****	LOS ANGELES MUNI CT DIV 40	210 W. TEMPLE STREET	LOS ANGELESUPT	0	.00	08/29/2016	08/29/2016	0	PROB

<u>6C</u> *****	LOS ANGELES MUNI CT DIV 40	210 W. TEMPLE STREET	LOS ANGELESUPT	0	.00	08/29/2016	08/29/2016	30	SENT
<u>6M</u> *****	LOS ANGELES MUNI CT DIV 65	1945 S. HILL STREET	LOS ANGELESUPT	0	.00	08/30/2016	08/30/2016	0	TSER
<u>E6</u> *****				0	.00	09/30/2016	09/10/2016	0	CITE
<u>E6</u> *****				0	.00	09/30/2016	09/10/2016	0	CITE
<u>E6</u> *****	LOS ANGELES MUNI CT DIV 66	1945 S. HILL STREET	LOS ANGELESUPT	0	.00		08/30/2016	0	DISM
<u>ZM</u> *****				0	.00			0	
<u>13</u> *****	LOS ANGELES MUNI CT DIV 66	1945 S. HILL STREET	LOS ANGELESUPT	0	.00		08/30/2016	0	DISM
<u>ZM</u> *****				0	.00			0	
<u>D4</u> *****	LOS ANGELES MUNI CT DIV 66	1945 S. HILL STREET	LOS ANGELESUPT	0	.00		05/20/2016	0	DISM
Click on specific Case No. for detailed information.									