

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 17-9143-PJW Date May 17, 2018
Title Oscar E. Vargas v. Warden

Present: The Honorable Patrick J. Walsh, Magistrate Judge
Isabel Martinez None None
Deputy Clerk Court Reporter / Recorder Tape No.
Attorneys Present for Petitioner: None Attorneys Present for Respondent: None

Proceedings: Petitioner’s Custody Status (IN CHAMBERS)

On May 14, 2017, the Court’s order granting Petitioner’s request for an extension of time was returned, undelivered, from his most recent address at RJ Donovan Correctional Facility with the notation, “Inactive offender.” (Doc. No. 18.) The Court has checked the State of California Inmate Locator website, at <https://inmatelocator.cdcr.ca.gov/>, and no record of Petitioner is to be found. Because Petitioner was or is challenging a five-year prison sentence that was imposed in January 2016, the Court presumes that he has been released.

Further, the Court notes that, in 2013, Petitioner filed a habeas petition whilst in federal immigration custody pending removal. (See *Vargas v. ICE*, CV 13-172-JFW (PJW).) That being so, it appears Petitioner may have been removed from the country following his release from state custody.

Accordingly, Petitioner is ordered to show cause why his Petition should not be dismissed as moot (because there is no further relief the Court can grant) no later than **June 18, 2018**. Respondent is ordered to submit a brief stating its position by the same date.

cc:

Oscar E. Vargas
CDC AI-4145
RJ Donovan Correctional Facility
480 Alta Road
San Diego, CA 92179

David Elgin Madeo
CAAG - Office of the Attorney General
300 South Spring Street, Suite 1702
Los Angeles, CA90013

Initials of Preparer _____ : _____
im

S:\PJW\Cases-State Habeas\VARGAS, O 9143\MO_custody status.wpd