

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JERMAINE HARDIMAN,
Petitioner,
v.
WARDEN J. ENGLEMAN,
Respondent.

Case No. 2:22-cv-06504-DSF-PD
**ORDER DISMISSING
PETITION FOR WRIT OF
HABEAS CORPUS**

On September 12, 2022, Petitioner Jermaine Hardiman, who was an inmate at the Federal Correctional Institution in Terminal Island, California, filed a “Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241.” [Dkt. No. 1.] Petitioner alleged that the Bureau of Prisons (“BOP”) failed to apply his time credits toward service of his sentence or placement into pre-release custody, and he asked the Court to order the BOP to apply the credits, release him immediately, and place him in prerelease custody or on supervised release. On December 12, 2022, the government moved to dismiss the Petition on the grounds that it is moot, because the BOP had applied the credits and scheduled Petitioner for transfer to pre-release custody on December 14, 2022, and that to the extent Petitioner intends to contest the


1 BOP’s application of the credits, he has failed to exhaust his available
2 administrative remedies. [Dkt. No. 12.]

3 On December 27, 2022, Petitioner filed a request for dismissal of this
4 action without prejudice. [Dkt. No. 15.] Petitioner is currently located at a
5 residential reentry center in San Pedro. See <https://www.bop.gov/inmateloc/>
6 (last visited January 12, 2023). As Petitioner has obtained the remedy he
7 sought, his claim is moot and the Petition should be dismissed for lack of
8 jurisdiction. See *Abdala v. Immigration and Naturalization Service*, 488 F.3d
9 1061, 1065 (9th Cir. 2007) (habeas petition moot where petitioner’s release
10 and deportation “cur[ed] his complaints” about the length of his detention);
11 *Bishop Paiute Tribe v. Inyo County*, 863 F.3d 1144, 1155 (9th Cir. 2017) (“A
12 federal court lacks jurisdiction to hear a case that is moot.”).

13 Accordingly, IT IS ORDERED that the government’s motion and
14 Petitioner’s request to dismiss the Petition [Dkt. Nos. 12, 15] are granted and
15 that Judgment be entered dismissing the Petition without prejudice.

16 IT IS SO ORDERED.

17 DATED: January 17, 2023

18 
19 _____
20 Honorable Dale S. Fischer
21 UNITED STATES DISTRICT JUDGE
22
23
24
25
26
27
28