



1 Magistrate Judge ordered the parties, by August 4, 2014, to file supplemental briefing addressing  
2 “their respective positions as to whether any of petitioner’s grounds for relief set forth in the  
3 Petition are moot.” (Docket No. 11). The July 24, 2014, Order mailed to petitioner was returned  
4 to the Court with a stamped notation that petitioner was “no longer in custody.” (Docket No. 12).  
5 To date, petitioner has not provided her current address to the Court. On August 14, 2014,  
6 respondent filed an untimely Response to the Magistrate Judge’s Order, in which it indicates that  
7 petitioner was removed from the United States on November 20, 2013. Exhibit 1 to Response.

8  
9 **II.**

10 **DISMISSAL IS APPROPRIATE**

11 Petitioner’s case should be dismissed as moot, as it appears that she is no longer in federal  
12 custody. A case becomes moot when “it no longer present[s] a case or controversy under Article  
13 III, § 2, of the Constitution.” Spencer v. Kemna, 523 U.S. 1, 7, 118 S.Ct. 978, 140 L.Ed.2d 43  
14 (1998). In order to satisfy the case-or-controversy requirement, the parties must have a personal  
15 stake in the outcome of the suit through “all stages of federal judicial proceedings.” United States  
16 v. Verdin, 243 F.3d 1174, 1177 (9th Cir. 2001). If it appears that the Court is without power to  
17 grant the habeas relief requested by a petitioner, the case is moot. See Picrin-Peron v. Rison, 930  
18 F.2d 773, 775 (9th Cir. 1991). As petitioner challenged the lawfulness of her detention, and she  
19 is now no longer in custody as indicated by the returned mail to the Court and respondent’s  
20 representations, the Court is without power to grant the relief petitioner requested in the Petition --  
21 i.e., that petitioner “be released immediately from [Department of Homeland Security] custody either  
22 without bond or on an order of supervision.” (Petition at 22). Thus, petitioner’s case has been  
23 rendered moot. See, e.g., Riley v. I.N.S., 310 F.3d 1253, 1256-57 (10th Cir. 2002) (finding that a  
24 petitioner did not meet any of the exceptions to the mootness doctrine, and thus that his release from  
25 detention under an order of supervision mooted his challenge to the legality of his extended  
26 duration); see also Abdala v. I.N.S., 488 F.3d 1061, 1064-65 (9th Cir. 2007) (“For a habeas petition  
27 to continue to present a live controversy after the petitioner’s release or deportation, . . . there  
28

1 must be some remaining 'collateral consequence' that may be redressed by success on the  
2 petition.") (citation omitted).

3 Additionally, petitioner's failure to inform the Court of her current address in and of itself  
4 warrants dismissal. Local Rule 41-6 states:

5 A party proceeding pro se shall keep the Court and opposing parties  
6 apprised of such party's current address and telephone number, if  
7 any, and e-mail address, if any. If mail directed by the Clerk to a pro  
8 se plaintiff's address of record is returned undelivered by the Postal  
9 Service, and if, within fifteen (15) days of the service date, such  
10 plaintiff fails to notify, in writing, the Court and opposing parties of said  
11 plaintiff's current address, the Court may dismiss the action with or  
12 without prejudice for want of prosecution.

10 Since August 2013, the Orders sent by the Court to petitioner have been returned as undelivered.  
11 Petitioner has not apprised the Court of a new address, and in fact has not had any contact with  
12 the Court since May 2013, when she filed the instant Petition.

13 In light of the foregoing, the Court finds that dismissal of the Petition is appropriate. IT IS  
14 THEREFORE ORDERED that this action is **dismissed**.

15  
16 DATED: August 18, 2014



HONORABLE JOSEPHINE L. STATON  
UNITED STATES DISTRICT JUDGE