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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JUAN MORAN,)	1:09-CV-00571 LJO SMS HC
)	
Petitioner,)	ORDER GRANTING RESPONDENT’S
)	MOTION TO DISMISS
v.)	[Doc. #12]
)	
JAMES D. HARTLEY, Warden,)	ORDER DISMISSING PETITION FOR WRIT
)	OF HABEAS CORPUS
Respondent.)	ORDER DIRECTING CLERK OF COURT
)	TO ENTER JUDGMENT

Petitioner is a state parolee proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On March 30, 2009, Petitioner filed the instant federal petition for writ of habeas corpus in this Court. Petitioner claims the California Board of Parole Hearings (“Board”) violated his federal constitutional rights by denying parole on November 6, 2007.

On June 29, 2009, Respondent filed a motion to dismiss the case for mootness. Respondent states that Petitioner has been granted parole release. He further states that on June 5, 2009, the Governor declined to review the Board’s grant of parole. Because Petitioner has been granted the relief he requested, the case is now moot. The case or controversy requirement of Article III of the Federal Constitution deprives the Court of jurisdiction to hear moot cases. Iron Arrow Honor Soc’y v. Heckler, 464 U.S. 67, 70 104 S.Ct. 373, 374-75 (1983); NAACP., Western Region v. City of

1 Richmond, 743 F.2d 1346, 1352 (9th Cir. 1984). A case becomes moot if the “the issues presented
2 are no longer ‘live’ or the parties lack a legally cognizable interest in the outcome.” Murphy v.
3 Hunt, 455 U.S. 478, 481 (1984). The Federal Court is “without power to decide questions that
4 cannot affect the rights of the litigants before them.” North Carolina v. Rice, 404 U.S. 244, 246
5 (1971) *per curiam*, quoting Aetna Life Ins. Co. v. Hayworth, 300 U.S. 227, 240-241, (1937).

6 **ORDER**

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. Respondent’s Motion to Dismiss is GRANTED;
9 2. The Petition for Writ of Habeas Corpus is DISMISSED as moot; and
10 3. The Clerk of Court is DIRECTED to enter judgment.

11 IT IS SO ORDERED.

12 **Dated:** August 26, 2009

/s/ Lawrence J. O’Neill
UNITED STATES DISTRICT JUDGE