



1 **II. ANALYSIS**

2 Respondent presents evidence to the Court that Petitioner was removed from the  
3 United States to Sierra Leone on July 19, 2010. Because the petition for habeas relief attacks  
4 issues regarding Petitioner's continued detention, the petition is now moot. The  
5 case-or-controversy requirement of Article III, § 2, of the United States Constitution "subsists  
6 through all stages of federal judicial proceedings ... The parties must continue to have a  
7 personal stake in the outcome of the lawsuit." Lewis v. Continental Bank Corp., 494 U.S. 472,  
8 477-78, 110 S. Ct. 1249, 1253-54, 108 L. Ed. 2d 400 (1990) (internal quotations omitted). If  
9 it appears that the Court is without the power to grant the relief requested by a habeas  
10 petitioner, then that case is moot. See Picrin-Peron v. Rison, 930 F.2d 773, 775 (9th Cir.  
11 1991).

12 The relief that Petitioner requested in his habeas petition, i.e., due process regarding  
13 a disciplinary violation, can no longer be granted by the Court. Therefore, this habeas action  
14 relating to his did-continued detention, is moot. See Abdala v. I.N.S., 488 F.3d 1061, 1064 (9th  
15 Cir. 2007) (holding that "there must be some remaining 'collateral consequence' that may be  
16 redressed by success on the petition" in order to continue to seek habeas corpus relief);  
17 Picrin-Peron, 930 F.2d at 775.

18 The United States Supreme Court has held that speculation and conjecture of future  
19 improper conduct is insufficient to defeat mootness, and that the "the injury or threat of injury  
20 must be both real and immediate, not conjectural or hypothetical." City of L.A. v. Lyons, 461  
21 U.S. 95, 101-02, 108-09, 103 S. Ct. 1660, 1664-65, 75 L. Ed. 2d 675 (1983) (internal  
22 quotations omitted). As Petitioner is no longer detained, his habeas petition alleging due  
23 process violations in a disciplinary hearing is now moot. See Kaur v. Holder, 561 F.3d 957,  
24 959 (9th Cir. 2009); Abdala, 488 F.3d at 1064-65.

25 **III. CONCLUSION**

26 The Petition for Writ of Habeas Corpus is moot because the petition challenges a  
27 disciplinary hearing that would effect the terms of his detention. Petitioner is no longer  
28 detained as he has been removed from the United States. There is no existing case or

1 controversy over which this Court may exercise jurisdiction. Accordingly the case is moot and  
2 must be dismissed.

3 **ORDER**

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. The Petition for Writ of Habeas Corpus is DISMISSED with prejudice;  
6 2. The Clerk of Court is DIRECTED to dismiss all pending motions as MOOT; and  
7 3. The Clerk of Court is DIRECTED to enter judgment.

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10 IT IS SO ORDERED.

11 Dated: November 3, 2010

*1s/ Michael J. Seng*  
UNITED STATES MAGISTRATE JUDGE