

1 petition filed January 24, 2011, Petitioner asserts only that his continued detention violated the
2 doctrine stated by the United States Supreme Court in Zadvydas v. Davis, 533 U.S. 678
3 (2001).

4 **II. ANALYSIS**

5 On April 8, 2011, Respondents filed a motion to dismiss the petition. Respondents
6 represented that on April 7, 2011, Petitioner was released from the custody of ICE under
7 supervision. The motion was accompanied by a copy of the ICE Release Notification stating
8 that Petitioner shall be released from custody pending removal. Respondents assert that the
9 petition is now moot.

10 A federal court may not review a moot claim, because the exercise of federal judicial
11 power is conditioned on the existence of an Article III case or controversy. Liner v. Jafco, Inc.,
12 375 U.S. 301, 306 n. 3, 84 S. Ct. 391, 11 L. Ed. 2d 347 (1964). A claim is moot when "the
13 issues presented are no longer live" and there exists no "present controversy as to which
14 effective relief can be granted." Outdoor Media Group, Inc. v. City of Beaumont, 506 F.3d 895,
15 900 (9th Cir. 2007) (*quoting* Vill. Of Gambell v. Babbityt, 999 F.2d 403, 406 (9th Cir. 1993)).
16 To maintain a claim, a litigant must continue to have a personal stake in all stages of the
17 judicial proceeding. Abdala v. INS, 488 F.3d 1061, 1063 (9th Cir. 2007). Thus, a petitioner's
18 release from detention under an order of supervision may, under certain circumstances, moot
19 a challenge to the legality of his extended detention. Id. at 1064-65, (*quoting* Riley v. INS, 310
20 F.3d 1253, 1256-57 (10th Cir. 2002)). Mootness is not automatic. Zegarra-Gomez v. United
21 States, 314 F.3d 1124, 1126-27 (9th Cir. 2003). But in order for a habeas petitioner to continue
22 to present a live controversy after release, there must be some collateral consequence that
23 may be redressed by success on the petition. Spencer v. Kemna, 523 U.S. 1, 7, 118 S. Ct.
24 978, 140 L. Ed. 2d 43 (1998); Abdala, 488 F.3d at 1064.

25 **III. CONCLUSION**

26 Because Petitioner has been released on supervision, which is the only relief he
27 requested or appears entitled to, and because there does not appear to be any collateral
28 consequence that could be addressed by continuing the litigation, the petition is moot.

1 Accordingly, the petition shall be dismissed without prejudice.

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ORDER

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The Petition for Writ of Habeas Corpus is DISMISSED without prejudice; and
5 2. The Clerk of Court is DIRECTED to enter judgment.

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7 IT IS SO ORDERED.

8 Dated: May 31, 2011

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

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