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10	UNITED STATES DISTRICT COURT	
11	EASTERN DISTRICT OF CALIFORNIA	
12	HAZEM MICHAEL MOUNAYER,) 1:11-cv-00122 MJS HC
13	Petitioner,	ORDER GRANTING MOTION TO DISMISS PETITION FOR WRIT OF
14	V.	HABEAS CORPUS AS MOOT
15	ERIC H. HOLDER, Attorney General,	(Doc. 13]
16	et al.,	
17	Respondents.	
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19	Petitioner filed a pro se Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. §	
20	2241 on January 24, 2011. Petitioner asserts his detention by the Bureau of Immigration and	
21	Customs Enforcement ("ICE") violates United States statutes and his constitutional right to due	
22	process of law. Both parties have consented to Magistrate Judge jurisdiction under 28 U.S.C.	
23	§ 636(c).	
24	I. <u>BACKGROUND</u>	
25	Petitioner claims to be a native of Palestine. ¹ Petitioner was taken into custody and	
26	placed in removal proceedings to the country of Jordan in September of 2010. In the habeas	
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28	¹ According to Petitioner's alien file, Petition	oner was born in Jordan. (Response, ECF No. 12.)

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

II. ANALYSIS

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

A federal court may not review a moot claim, because the exercise of federal judicial 10 power is conditioned on the existence of an Article III case or controversy. Liner v. Jafco, Inc., 11 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 effective relief can be granted." Outdoor Media Group, Inc. v. City of Beaumont, 506 F.3d 895, 14 900 (9th Cir. 2007) (quoting Vill. Of Gambell v. Babbityt, 999 F.2d 403, 406 (9th Cir. 1993)). 15 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. <u>CONCLUSION</u>

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

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1	Accordingly, the petition shall be dismissed without prejudice.	
2	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: <u>May 31, 2011</u> UNITED STATES MAGISTRATE JUDGE	
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