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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARCO OLAYO-XOCHILT,

Petitioner,

v.

MICHAEL L. BENOVA, Administrator,

Respondent.

Case No. 1:14-CV-01485-SMS HC

ORDER DISMISSING
THE PETITION AS MOOT

(Doc. 13)

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Petitioner Marco Olayo-Xochilt is a federal prisoner proceeding *pro se* with a petition for writ of habeas corpus pursuant to 20 U.S.C. § 2241. On September 24, 2014, Petitioner, proceeding *pro se*, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, alleging that a disciplinary hearing that resulted in multiple disciplinary sanctions against Petitioner was impermissibly conducted by a prison official who is not an employee of the Bureau of Prisons. On January 26, 2015, Respondent Michael L. Benov, the warden of TCI, moved to dismiss the petition as moot since the disciplinary action had been reheard by a Board of Prisons Disciplinary Hearing Officer. Petitioner did not respond to the motion to dismiss.

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The Court has reviewed the documentation submitted by Respondent in support of the motion, including the declaration of Randy J. McWilliams, a Disciplinary Hearing Officer employed by the Federal Bureau of Prisons, Federal Detention Center, SeaTac, Washington. The Court finds Respondent's motion to be supported by evidence establishing resolution of the Petitioner's claim. Accordingly, the Court DISMISSES the petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 as moot.

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IT IS SO ORDERED.

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Dated: February 11, 2015

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE