6 | 7 | 8 | UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

HAAMID DARCUIEL,

Petitioner,

V.

FEDERAL BUREAU OF PRISONS
ATWATER,

Respondent.

Case No.: 1:14-cv-01664-JLT

ORDER TO SHOW CAUSE WHY THE PETITION
SHOULD NOT BE DISMISSED AS MOOT

THIRTY DAY DEADLINE

In this case, the petition alleges that the Bureau of Prisons wrongfully denied Petitioner's request for home detention rather than placement in a half-way house at the end of his sentence, which was due to expire on March 11, 2015. (Doc. 1, p. 2). On August 26, 2015, the Court issued an order denying one of Petitioner's motions. (Doc. 17). That order was served on Petitioner but returned to the Court on September 17, 2015. In the meanwhile, the Court has verified that Petitioner has been released.

The case or controversy requirement of Article III of the Federal Constitution deprives the Court of jurisdiction to hear moot cases. <u>Iron Arrow Honor Soc'y v. Heckler</u>, 464 U.S. 67, 70 (1983); <u>N.A.A.C.P.</u>, <u>Western Region v. City of Richmond</u>, 743 F.2d 1346, 1352 (9th Cir. 1984). A case becomes moot if the "the issues presented are no longer 'live' or the parties lack a legally cognizable interest in the outcome." <u>Murphy v. Hunt</u>, 455 U.S. 478, 481 (1982). The Federal Court is "without power to decide questions that cannot affect the rights of the litigants before them." <u>North Carolina v.</u>

Rice, 404 U.S. 244, 246 (1971) per curiam, quoting Aetna Life Ins. Co. v. Hayworth, 300 U.S. 227, 240-241 (1937). In preparation for drafting a decision on the merits, the Court consulted the Bureau of Prisons' electronic database and determined that Petitioner was released from custody on March 11, 2015. Since the only issued raised in the petition is Petitioner's placement immediately prior to the completion of his sentence, it would appear that the petition is moot and should be dismissed. However, prior to dismissing the petition, the Court will afford the parties an opportunity to show cause why it should not be dismissed **ORDER** For the foregoing reasons, the Court HEREBY ORDERS as follows: 1. Within 30 days, the parties are ORDERED TO SHOW CAUSE in writing why the Petition should not be dismissed as moot. Petitioner is advised that his failure to comply with this order may result in an order that the Petition be dismissed pursuant to Local Rule 110. IT IS SO ORDERED. Dated: November 6, 2015 /s/ Jennifer L. Thurston UNITED STATES MAGISTRATE JUDGE