

1 **II. DISCUSSION**

2 The case or controversy requirement of Article III of the Federal Constitution deprives the
3 Court of jurisdiction to hear moot cases. Iron Arrow Honor Soc’y v. Heckler, 464 U.S. 67, 70 104
4 S.Ct. 373, 374-75 (1983); N.A.A.C.P., Western Region v. City of Richmond, 743 F.2d 1346, 1352
5 (9th Cir. 1984). A case becomes moot if the “the issues presented are no longer ‘live’ or the parties
6 lack a legally cognizable interest in the outcome.” Murphy v. Hunt, 455 U.S. 478, 481 (1982). The
7 Federal Court is “without power to decide questions that cannot affect the rights of the litigants before
8 them.” North Carolina v. Rice, 404 U.S. 244, 246 (1971) *per curiam*, quoting Aetna Life Ins. Co. v.
9 Hayworth, 300 U.S. 227, 240-241 (1937).

10 As mentioned, the only issue in the petition concerned Petitioner’s placement prior to his
11 release from custody. It now appears that Petitioner has been released from custody. Hence, the issue
12 raised in the petition no longer involves a case or controversy and is, therefore, moot.

13 **ORDER**

14 For the foregoing reasons, the Court **ORDERS**:

- 15 1. The petition for writ of habeas corpus (Doc. 1), is **DISMISSED** as **MOOT**;
16 2. The Clerk of the Court is **DIRECTED** to enter judgment and close the file;
17 3. No certificate of appealability is required.

18
19 IT IS SO ORDERED.

20 Dated: January 28, 2016

/s/ Jennifer L. Thurston
21 UNITED STATES MAGISTRATE JUDGE