

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF CALIFORNIA

3
4 MARCUS LAMAR JOHNSON,
5 Petitioner,
6 v.
7 PAUL COPENHAVER, Warden,
8 Respondent.

No. 1:14-cv-01672-LJO-SKO HC

**ORDER REQUESTING
SUPPLEMENTAL BRIEFING**

9
10 Petitioner Marcus Lamar Johnson is a former federal prisoner proceeding with a petition
11 for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner seeks to credit time served in
12 state custody toward his federal sentence as permitted by *Barden v. Keohane*, 921 F.2d 476 (3d
13 Cir. 1990). Respondent contends that Petitioner's sentence cannot be treated as if it ran
14 concurrently with his state sentence. On December 8, 2016, Petitioner notified the Clerk of Court
15 that his address had changed to Grady County Jail, Chickasha, Oklahoma.

16
17 Generally, a petitioner's challenge to his sentence becomes moot upon the completion of
18 the challenged sentence. *See, e.g., United States v. Palomba*, 182 F.3d 1121 (9th Cir. 1999).
19 Accordingly, the Court hereby DIRECTS the parties to submit supplemental briefs, not to exceed
20 ten pages, addressing the question of whether the Court retains jurisdiction to consider the
21 petition in the above-captioned matter, within thirty days of this order.

22
23 IT IS SO ORDERED.

24
25 Dated: June 27, 2017

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE