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4 **UNITED STATES DISTRICT COURT**  
5 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

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7 **DORU GABRIEL TRIFU,**

8 **Petitioner,**

9 **v.**

10 **CRAIG APKER, Warden,**

11 **Respondent.**

**1:15-cv-01114-LJO-MJS (HC)**

**ORDER DISMISSING AS MOOT HABEAS  
PETITION (ECF NO. 1); DECLINING TO  
ADOPT AS MOOT FINDINGS AND  
RECOMMENDATIONS (ECF NO. 20);  
AND DENYING AS MOOT MOTION FOR  
INJUNCTIVE RELIEF (ECF. NO. 14)**

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14 Petitioner, a federal prisoner proceeding pro se with a petition for writ of habeas corpus pursuant  
15 to 28 U.S.C. § 2241, challenges the implementation and collection of restitution and felony assessments  
16 under the Inmate Financial Responsibility Program (“IFRP”) by private prison employees. ECF No. 1.  
17 Petitioner is incarcerated at Taft Correctional Institution’s (“TCI”), a federal prison owned and operated  
18 by Management and Training Corporation (“MTC”) pursuant to a contract with the Bureau of Prisons  
19 (“BOP”). Among other things, Petitioner asserts that the action of taking his restitution was an abuse of  
20 process in light of the language of federal regulations including 28 C.F.R. § 545.10 which limits the  
21 authority of the Bureau of Prisons to collect restitution. *Id.* at 3. 28 C.F.R. § 545.10 provides that BOP  
22 “staff” shall assist an inmate in developing a financial plan for meeting financial obligations. 28 C.F.R. §  
23 500.1 in turn defines “staff” as “any employee of the Bureau of Prisons or Federal Prison Industries,  
24 Inc.”

25 It is undisputed that personnel at MTC denied Petitioner’s request for a review of his IFRP and

1 refused to permit him to appeal to BOP, indicating that the “issue is not appealable to the BOP.” See  
2 ECF No. 1 at 16. In response to this Court’s request for supplemental briefing, BOP presented evidence  
3 indicating that BOP accepted and processed Petitioner’s administrative appeal concerning his IFRP.  
4 (ECF No. 34.) On September 5, 2017, this Court ordered Petitioner to show cause “in writing on or  
5 before October 20, 2017 why his Petition . . . should not be dismissed as moot because the claim  
6 Petitioner originally raised is no longer in dispute.” ECF No. 36. Petitioner failed to respond to the OSC  
7 by the relevant deadline.

8           The Court finds that the Petition is moot because Petitioner has received the relief he requested:  
9 review of his IFRP by BOP. Accordingly, the Petition (ECF No. 1) is DISMISSED AS MOOT. For the  
10 same reason, the Court DECLINES TO ADOPT the magistrate judge’s Findings and Recommendations  
11 because those are also moot. Finally, Petitioner’s pending motion for injunctive relief is DENIED AS  
12 MOOT. The Clerk of Court is directed to CLOSE THIS CASE.

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14 IT IS SO ORDERED.

15 Dated: October 30, 2017

/s/ Lawrence J. O’Neill  
UNITED STATES CHIEF DISTRICT JUDGE