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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

JUAN ANTONIO CUBILLAS,  
  
                    Petitioner,  
  
          v.  
  
CRAIG APKER,  
  
                    Respondent.

Case No. 1:17-cv-01713-EPG-HC  
  
ORDER FOR PETITIONER TO SHOW  
CAUSE WHY PETITION FOR WRIT OF  
HABEAS CORPUS SHOULD NOT BE  
DISMISSED AS MOOT

Petitioner is proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. In the petition, Petitioner challenges the Federal Bureau of Prisons’ (“BOP”) denial of a *nunc pro tunc* designation of a state prison for service of his federal sentence. Petitioner alleges that the BOP improperly failed to afford Petitioner sentencing credit from December 3, 2014 through August 6, 2015 when Petitioner was in state custody. (ECF No. 1).

The jurisdiction of federal courts is limited to “actual, ongoing cases or controversies.” Lewis v. Continental Bank Corp., 494 U.S. 472, 477 (1990). “This case-or-controversy requirement subsists through all stages of federal judicial proceedings,” which “means that, throughout the litigation, the plaintiff ‘must have suffered, or be threatened with, an actual injury traceable to the defendant and likely to be redressed by a favorable judicial decision.’” Spencer v. Kemna, 523 U.S. 1, 7 (1998) (quoting Lewis, 494 U.S. at 477).

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1 In the answer, Respondent states that Petitioner has a projected release date of July 1,  
2 2018, (ECF No. 13 at 2), and it appears that Petitioner is no longer in the BOP's custody.<sup>1</sup>  
3 Therefore, Petitioner is no longer suffering from an actual injury that can be redressed by a  
4 favorable judicial decision.

5 Accordingly, IT IS HEREBY ORDERED that Petitioner shall show cause why the  
6 petition should not be dismissed as moot within **THIRTY (30) days** from the date of service of  
7 this order. Petitioner is forewarned that failure to follow this order may result in a  
8 recommendation for dismissal of the petition pursuant to Federal Rule of Civil Procedure 41(b)  
9 (a petitioner's failure to prosecute or to comply with a court order may result in a dismissal of the  
10 action).

11 IT IS SO ORDERED.

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13 Dated: August 28, 2018

14 /s/ Eric P. Gray  
15 UNITED STATES MAGISTRATE JUDGE  
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27 <sup>1</sup> A search of the BOP's inmate locator using Petitioner's inmate number produces a result of "Released On:  
28 06/29/2018." See Federal Bureau of Prisons Inmate Locator, <https://www.bop.gov/inmateloc/> (search by "BOP Register Number" for "21702081") (last visited August 24, 2018).