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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID TRINIDAD GONZALEZ,

 Petitioner,

 v.

WARDEN CIOLLI,

 Respondent.

No. 1:20-cv-00724-DAD-SKO (HC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, GRANTING
RESPONDENT’S MOTION TO DISMISS,
AND DISMISSING PETITION AS HAVING
BEEN RENDERED MOOT

(Doc. Nos. 18, 19)

Petitioner David Trinidad Gonzalez is a former federal prisoner proceeding *pro se* and *in forma pauperis* with a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 29, 2021, the assigned magistrate judge issued findings and recommendations recommending that respondent’s motion to dismiss (Doc. No. 18) be granted and that the pending petition for writ of habeas corpus be dismissed as having been rendered moot by petitioner’s release from the custody of the U.S. Bureau of Prisons. (Doc. No. 19.) Specifically, the magistrate judge found that the pending petition has been rendered moot because petitioner had filed a motion for compassionate release under 18 U.S.C. § 3582 in his court of conviction and that court granted his motion, reducing his sentence to time served. (*Id.* at 2–3.) Thus, the

1 magistrate judge concluded that “[b]ecause Petitioner has been granted the relief he sought [i.e.,
2 release] and is no longer in custody, the petition is now moot.” (*Id.* at 3.)

3 The pending findings and recommendations were served on the parties with notice that
4 any objections thereto were to be filed within fourteen (14) days of the service of the findings and
5 recommendations. (*Id.* at 3–4.) On November 15, 2021, the service copy of the findings and
6 recommendations that was mailed to petitioner at his address of record was returned to this court
7 as “undeliverable, RTS – unable to forward.” Petitioner was required by Local Rule to file a
8 notice of change of address with this court within 63 days of that date, and he did not do so. No
9 objections to the pending findings and recommendations have been filed with this court, and the
10 time for doing so has now expired. Petitioner has also failed to file a notice of change of address
11 with the court as required, or otherwise communicate with the court regarding this action
12 following the issuance of the pending findings and recommendations.

13 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
14 *de novo* review of this case. Having carefully reviewed the entire file, the court concludes that
15 the findings and recommendations are supported by the record and proper analysis. Accordingly,
16 the pending petition will be dismissed as having been rendered moot.

17 Accordingly,

- 18 1. The findings and recommendations issued on October 29, 2021 (Doc. No. 19) are
19 adopted in full;
- 20 2. Respondent’s motion to dismiss the petition for writ of habeas corpus (Doc. No.
21 18) is granted;
- 22 3. The petition for writ of habeas corpus (Doc. No. 1) is dismissed as having been
23 rendered moot; and
- 24 4. The Clerk of the Court is directed to close this case.

25 IT IS SO ORDERED.

26 Dated: November 23, 2021

27 
28 UNITED STATES DISTRICT JUDGE