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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

THOMAS HOWARD LENART,  
  
                                    Petitioner,  
  
                                    v.  
  
ROBERT L. AYERS,  
  
                                    Respondent.

No. 2:05-cv-01912-MCE-CKD  
  
**DEATH PENALTY CASE**  
  
FINDINGS AND RECOMMENDATIONS

On February 16, 2024, petitioner filed a motion to dismiss the pending amended capital habeas petition on the ground that it is moot based on petitioner’s death. ECF No. 225. Petitioner’s death certificate was attached to the motion to dismiss. ECF No. 225-1. Respondent filed a statement of non-opposition to the motion. ECF No. 226. For the reasons stated in the motion, the undersigned finds that the amended habeas petition is moot and that no case or controversy remains for the court to adjudicate.

Accordingly, IT IS HEREBY RECOMMENDED that:

- 1. Petitioner’s motion to dismiss the amended habeas corpus application (ECF No. 225) be granted.
- 2. The Clerk of Court be directed to close this case.

1           These findings and recommendations are submitted to the United States District Judge  
2 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
3 after being served with these findings and recommendations, any party may file written  
4 objections with the court and serve a copy on all parties. Such a document should be captioned  
5 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the  
6 objections shall be served and filed within fourteen days after service of the objections. The  
7 parties are advised that failure to file objections within the specified time may waive the right to  
8 appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

9 Dated: February 28, 2024



CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

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