

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

## JAMES LORIN PORTER, Sr.,

Petitioner,

V.

R. J. SUBIA, *et al.*,

## Respondents.

CASE NO. 2:07-cv-00657-RSL-JLW

## ORDER OF DISMISSAL

Petitioner was a state prisoner at the Mule Creek State Prison in Ione, California. He filed a petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, challenging the Board of Parole Hearing's August 23, 2005, decision finding petitioner unsuitable for parole.

The Court was recently informed that petitioner passed away on July 31, 2008. Although approximately four months passed between petitioner's death and the reassignment of petitioner's case to this District on November 24, 2008, respondent only apprised the Court on February 5, 2009, by Supplemental Answer. (*See* Docket No. 22).

## ORDER OF DISMISSAL -1

1 Petitioner's death renders his petition moot. Accordingly, this action is DISMISSED.  
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3 The Clerk is directed to send a copy of this Order to respondent and to the Honorable John L.  
4 Weinberg.  
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8 DATED this 13<sup>th</sup> day of February, 2009.  
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Robert S. Lasnik

Robert S. Lasnik

United States District Judge

12 Recommended for Entry this  
13 13th day of February, 2009.  
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/s/  
John L. Weinberg  
United States Magistrate Judge

ORDER OF DISMISSAL -2