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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

AVELINO RAMOS,

No. CIV S-07-0868-JAM-CMK-P

Petitioner,

vs.

FINDINGS AND RECOMMENDATIONS

D.K. SISTO, et al.,

Respondents.

_____ /

Petitioner, a state prisoner proceeding with appointed counsel, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging the denial of parole.

Respondent notified the court that Petitioner has been granted parole and released from custody.

On July 15, 2010, the undersigned issued an order for Petitioner to show cause in writing, within 30 days, why his petition should not be dismissed as moot. No response has been received.

Based on Petitioner’s release from custody, the undersigned finds that this action is moot in that there is no relief on Petitioner’s petition which the court can now grant.

Based on the foregoing, the undersigned recommends that Petitioner’s petition for writ of habeas corpus be dismissed as moot.

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1 These findings and recommendations are submitted to the United States District
2 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 14 days
3 after being served with these findings and recommendations, any party may file written
4 objections with the court. Responses to objections shall be filed within 14 days after service of
5 objections. Failure to file objections within the specified time may waive the right to appeal.
6 See Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

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8 DATED: August 25, 2010

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10 **CRAIG M. KELLISON**
11 UNITED STATES MAGISTRATE JUDGE
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