

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

JOSEPH CONTRERAS,

Petitioner,

v.

R.J. SUBIA,

Warden, Mule Creek State
Prison, Respondent.

No. 2:07–CV–01626–NRS

ORDER

Petitioner Contreras was a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Contreras challenged the California Board of Parole Hearings’s refusal to grant him parole. After Contreras filed his petition, he was released from prison on parole. Respondent Subia filed a motion to dismiss soon thereafter.

Because Contreras is no longer “in custody,” his habeas petition is moot and this court no longer has jurisdiction. *Zichko v. Idaho*, 247 F.3d 1015, 1019 (9th Cir. 2001) (internal citation omitted). “The general rule concerning mootness has long been that a petition for habeas corpus becomes moot when a prisoner completes his sentence before the court has addressed the merits of his petition.”

Id. (quoting *Larche v. Simons*, 53 F.3d 1068, 1069 (9th Cir. 1995) (citing *Robbins v. Christianson*, 904 F.2d 492, 494 (9th Cir. 1990))).

Accordingly, IT IS HEREBY ORDERED that the Respondent's motion to dismiss is granted and this case is dismissed.

DATED: **August 10, 2009**

A handwritten signature in black ink that reads "N. Randy Smith". The signature is written in a cursive style with a large, stylized initial "N".

Honorable N. Randy Smith
Ninth Circuit Court of Appeals Judge