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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY JUNKIN,
Petitioner,
v.
RICK HILL,
Respondent.


No. 2:18-cv-00290-TLN-DB

ORDER

The Office of the Attorney General has filed a notice in this action that Petitioner died on April 30, 2018. (ECF No. 18.) Accordingly, this action is dismissed. See *United States v. Oberlin*, 718 F.2d 894, 896 (9th Cir. 1983) (“[A]ctions upon penal statutes do not survive the death of the wrongdoer.”); *Burbine v. Scribner*, 445 F. App’x 923, 924 (9th Cir. 2011) (finding that death of petitioner mooted habeas appeal); see also *Spencer v. Kemna*, 523 U.S. 1, 7 (1998) (holding that when a habeas petitioner is no longer incarcerated, the habeas petition is moot absent “collateral consequences”).

IT IS SO ORDERED.

Dated: November 14, 2018



Troy L. Nunley
United States District Judge