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United States District Court  
For the Northern District of California

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

ELKIN GOMEZ,	)	No. C 07-4833 MMC (PR)
	)	
Petitioner,	)	<b>ORDER DISMISSING PETITION AS</b>
	)	<b>MOOT AND FOR FAILURE TO</b>
v.	)	<b>COMPLY WITH COURT ORDER</b>
	)	
B. CURRY, Warden,	)	
	)	
Respondent.	)	
_____	)	

On September 20, 2007, petitioner, a California prisoner incarcerated at the Correctional Training Facility at Soledad (“CTF”), and proceeding pro se, filed the above-titled petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging the denial of parole by the California Board of Parole Hearings. Thereafter, respondent filed an answer to the petition and petitioner filed a traverse.

By order filed May 20, 2010, the Court directed the parties to file supplemental briefs setting forth their respective views as to the effect, if any, of the Ninth Circuit’s recent decision in Hayward v. Marshall, 603 F.3d 546 (9th. Cir. 2010) (en banc). Respondent filed a supplemental brief on June 2, 2010; petitioner filed a supplemental brief on June 8, 2010.

Recently, the Court was apprised that petitioner was released on parole at some point subsequent to the filing of his supplemental brief. Consequently, the Court, by order filed November 5, 2010, ordered petitioner to show cause why the instant petition should not be

1 dismissed as moot. The Court further informed petitioner that his failure to respond to the  
2 order within twenty days would result in dismissal of the petition. The Court directed the  
3 Clerk to serve a copy of the order on petitioner at his last known address at CTF.

4 More than twenty days have passed from the date the Court's order was filed, and  
5 petitioner has not responded thereto. Further, the copy of the order sent to petitioner at CTF  
6 has been returned to the court as undeliverable, with a notation on the envelope that  
7 petitioner has been paroled. (Docket No. 19.)

8 Accordingly, the instant petition is hereby DISMISSED, both as moot and by reason  
9 of petitioner's failure to comply with the Court's order to notify the Court of a change of  
10 address so as to avoid dismissal of the petition for failure to prosecute. (See Order to Show  
11 Cause, filed Apr. 14, 2008, at 3:18-21.)

12 The Clerk shall close the file.

13 IT IS SO ORDERED.

14 DATED: December 1, 2010

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16 MAXINE M. CHESNEY  
17 United States District Judge  
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