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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PER SUNE ALFTIN,
Plaintiff,
v.
JOHN F. KELLY, *et al.*,
Defendants.

Case No. [17-cv-01052-SI](#)
Related Case No. 16-cr-00239 SI

**ORDER DENYING PLAINTIFF'S
MOTION FOR TEMPORARY
RESTRAINING ORDER AND CLOSING
CASE**

Re: Dkt. No. 3

On March 7, 2017, the Court held a hearing on plaintiff's motion for a temporary restraining order. Alftin seeks a temporary restraining order directing defendants to provide a substantive response to the Bureau of Prisons ("BOP") regarding Alftin's deportability status prior to the date set for Alftin's voluntary surrender. For the reasons set forth at the hearing, the Court does not find it appropriate to grant relief requested, and DENIES the motion. The Court has been informed that on March 10, 2017, Alftin voluntarily surrendered to Taft Correctional Institution.

At the hearing, counsel for the Bureau of Prisons ("BOP") agreed to send a letter to Taft requesting that Taft expeditiously make the request to U.S. Customs and Immigration Enforcement ("ICE") for a determination of Alftin's deportability status. Further, counsel for defendants stated that she would request (through ICE counsel) that ICE appropriately expedite the process to make the deportability determination after ICE receives the BOP request.

Plaintiff's petition for mandamus seeks the same relief as the motion for a temporary restraining order. In light of the denial of that motion and the fact that Alftin has surrendered to

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Taft, the Court finds that there is no longer a case or controversy. The Clerk shall close the file.

IT IS SO ORDERED.

Dated: March 13, 2017



SUSAN ILLSTON
United States District Judge