

United States District Court
Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TROY ADAM ASHMUS,
Petitioner,

v.

**RON BROOMFIELD, WARDEN OF
CALIFORNIA STATE PRISON AT SAN
QUENTIN,**
Respondent

Case No. 4:93-cv-0594-YGR

DEATH PENALTY CASE


**ORDER DISMISSING PETITION WITH
PREJUDICE DUE TO PETITIONER’S DEATH**

Counsel for Petitioner has notified the court that Petitioner died on July 20, 2020. (*See* Dkt. No. 593.) The death of a habeas corpus petitioner renders the petition moot. *See, e.g., Garceau v. Woodford*, 399 F.3d 1101 (Mem.) (9th Cir. Mar. 3, 2005) (citing *Griffey v. Lindsey*, 349 F.3d 1157 (9th Cir. 2003) (“Because petitioner’s death renders this case moot, the petition for a writ of habeas corpus should be dismissed as moot.”)). *See also Farmer v. McDaniel*, 692 F.3d 1052 (Mem.) (9th Cir. 2012) (denying petition for rehearing en banc, dismissing appeal, and remanding to the district court for dismissal of the habeas petition as moot due to petitioner’s death during appellate proceedings). Accordingly, the stay entered in this matter on July 9, 2014 (*see* Docket No. 516), is **HEREBY LIFTED** and the petition for writ of habeas corpus is **DISMISSED WITH PREJUDICE**.

The Clerk of the Court is directed to close this file.

IT IS SO ORDERED.

Dated: July 23, 2020


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE