

United States District Court
For the Northern District of California

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

No. C 08-00845 CW

MATTHEW ADAM JAY,
Petitioner,

v.

BEN CURRY and MATTHEW CATE,
Respondents.

No. C 08-1998 CW

MATTHEW ADAM JAY,
Petitioner,

v.

BEN CURRY and ARNOLD SCHWARZENEGGER,
Respondents.

ORDER GRANTING
RESPONDENTS' MOTIONS
TO DISMISS AND
CLOSING CASES

The above-captioned cases are petitions for writs of habeas corpus challenging 2006 and 2007 Board of Parole Hearings' (Board) decisions denying Petitioner parole. Neither petition challenged the validity of the underlying conviction. Respondents in the above-captioned cases move to dismiss the petitions as moot because Petitioner was released on parole on October 26, 2009 following adjudication of a state court case in which Petitioner challenged

1 the Governor's January 6, 2009 reversal of the Board's grant of
2 parole. In both cases, Petitioner has filed a statement of non-
3 opposition and confirms that he has been released from custody.

4 "A case is moot when the issues are no longer 'live' or the
5 parties lack a legally cognizable interest in the outcome." Powell
6 v. McCormack, 395 U.S. 486, 496 (1969). A habeas petition is moot
7 after an inmate seeking release on parole is released on parole and
8 he has not challenged the validity of the original conviction.
9 Fendler v. United States Bureau of Prisons, 846 F.2d 550, 555 (9th
10 Cir. 1988).

11 By being released on parole, Petitioner received the due
12 process that he requested in the captioned cases and there is no
13 longer a "live" controversy between the parties.

14 Therefore, based on the fact that Petitioner has been
15 released on parole, the motions to dismiss are granted. No
16 judgments shall enter because this order is not a ruling on the
17 merits of the petitions. The clerk shall close the case files.

18 IT IS SO ORDERED.

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20 Dated: December 14, 2009



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22 CLAUDIA WILKEN
23 United States District Judge
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