

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
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

VINCENT A. MOSBY,

Petitioner,

vs.

RANDY GROUNDS, Warden,

Respondent.

Case No: C 10-01332 SBA

ORDER DISMISSING ACTION

Petitioner Vincent A. Mosby, who is represented by counsel, filed the instant habeas action to challenge a 2009 decision by the Governor reversing a decision by the Board of Parole Hearings (“BPH”) granting him parole. However, the Court has been advised by the California Department of Corrections and Rehabilitation that, subsequent to the commencement of this action, Petitioner was paroled.


“[T]he function of the writ [of habeas corpus] is to secure immediate release from illegal physical custody,” which is the only relief a court has the power to grant. PicrinPeron v. Rison, 930 F.2d 773, 775 (9th Cir. 1991) (internal citation omitted). Thus, when a habeas petitioner has been released from the confinement of which he complains, the petition must be dismissed as moot because the court can no longer provide the requested relief. Id. at 776 (dismissing § 2241 petition because petitioner had been granted immigration parole and released from custody). Accordingly,

IT IS HEREBY ORDERED THAT the instant action is DISMISSED as moot. In the event the information received by the Court regarding Petitioner’s release on parole is incorrect, Petitioner shall notify the Court within seven days of the date this Order is filed and request that the action be reinstated. The Clerk shall close the file and terminate any pending matters.

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

IT IS SO ORDERED.

Dated: February 13, 2013


SAUNDRA BROWN ARMSTRONG
United States District Judge

G:\Sbalc2\K...\Prisoner\10-0338 - Daily - Order Denying Petition for Writ of Habeas Corpus.docx