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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
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11 MIKE LEE WEBB,

12 Movant,

Case No.: 3:16-cv-01542-BEN  
3:91-cr-00663-BEN-1

13 v.

14 UNITED STATES OF AMERICA,

15 Respondent.  
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**ORDER**

**(1) DENYING AS MOOT MOTION  
TO VACATE, SET ASIDE, OR  
CORRECT SENTENCE UNDER  
28 U.S.C. § 2255; and**

**(2) DENYING AS MOOT  
APPLICATION TO FILE A SECOND  
OR SUCCESSIVE SECTION 2255  
MOTION.**

**[Docket Nos. 129, 137]**

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23 Movant Mike Lee Webb has filed a Motion to Vacate, Set Aside, or Correct  
24 Sentence pursuant to 28 U.S.C. § 2255 and an Application for Leave to File a Second or  
25 Successive Section 2255 Motion. (Docket Nos. 129, 137.)<sup>1</sup> In short, Movant's motions  
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28 <sup>1</sup> All docket citations refer to the criminal case docket, No. 91-cr-00663-BEN-1.

1 ask the Court to vacate his previous sentence and re-sentence him, but do not challenge  
2 his convictions. (See Docket No. 129 (“Because a conviction under § 844(i) is no longer  
3 a crime of violence after [*Johnson v. United States*, 135 S. Ct. 2551 (2015)] and because  
4 Mr. Webb has shown that he is otherwise entitled to relief under 28 U.S.C. § 2255, he  
5 respectfully requests that this Court grant his motion, vacate the sentence, and re-sentence  
6 him.”); Docket No. 137 (same).)

7 The Court takes judicial notice that, on December 11, 2017, while Movant’s  
8 motions were pending, he was released from the Bureau of Prisons’ custody. See Federal  
9 Bureau of Prisons Website, *Inmate Locator Detail for Michael Lee Webb*, Register No.  
10 29149-198, available at <https://www.bop.gov/inmateloc/>; *Qureshi v. Sanders*, 563 F.  
11 Supp. 2d 1154, 1156 n.2 (C.D. Cal. 2008) (taking judicial notice of Bureau of Prisons’  
12 (“BOP’s) “Inmate Locator” website that showed petitioner’s release from BOP’s  
13 custody).

14 As a result, Movant’s motions are moot. See *Aaron v. Peppers*, 790 F.2d 1360,  
15 1361-62 (9th Cir. 1986) (concluding petitioner’s habeas petition moot where petitioner  
16 has satisfied his sentence and “merely contests the imposition and duration of his  
17 sentence”). Therefore, Movant’s motions are denied.

18 **IT IS SO ORDERED.**

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20 Dated: April 6, 2018

21   
22 Hon. Roger T. Benitez  
23 United States District Judge  
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