

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01636-BNB

BRIAN PERCEVAL,

Applicant,

v.

JEANNE RAEL, and
DIANE SCHULZ,

Respondents.

ORDER DISMISSING CASE

Applicant, Brian Perceval, initiated this action by filing *pro se* an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 (ECF No. 1). On June 11, 2014, Magistrate Judge Boyd N. Boland ordered Respondents to file a Preliminary Response limited to addressing whether Applicant is in custody and the affirmative defenses of timeliness under 28 U.S.C. § 2244(d) and exhaust of state court remedies. On July 18, 2014, Respondents filed their Preliminary Response (ECF No. 10). On August 6, 2014, Mr. Perceval filed a Motion to Dismiss (ECF No. 11) asking the Court to dismiss the instant action because his claims now are moot. That motion will be granted. See Fed. R. Civ. P. 41(a)(2). Accordingly, it is

ORDERED that Applicant's Motion to Dismiss (ECF No. 11) is granted and the instant action is dismissed without prejudice.

DATED at Denver, Colorado, this 12th day of August, 2014.

BY THE COURT:

s/Lewis T. Babcock
LEWIS T. BABCOCK, Senior Judge
United States District Court