

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

WAYNE JOHNSON,

Plaintiff,

v.

MICHAEL MUKASEY, ET AL.,

Defendants.

3:08-cv-842 (CSH)

RULING ON PETITION FOR WRIT OF HABEAS CORPUS

On June 3, 2008, Petitioner Wayne Johnson, through counsel, filed the instant Petition for Habeas Corpus, claiming jurisdiction pursuant to the Immigration and Nationality Act, 8 U.S.C. § 1252(a)(5), seeking to be released from custody while his petition for review of an order denying him relief from deportation was pending before the Second Circuit Court of Appeals. [Doc. 1] On January 10, 2008, the Board of Immigration Appeals had affirmed the September 26, 2007 decision of an Immigration Judge denying Mr. Johnson's application for relief from deportation under the Convention Against Torture. Petitioner filed a timely appeal of that decision with the Second Circuit, and sought from this Court to be released from custody while his appeal was pending. The Government contests this Court's jurisdiction to grant the relief requested. [See Doc. 7]

The Court need not decide that question, because on September 30, 2008, the Second Circuit Court of Appeals issued a Summary Order in Petitioner's case, 08-0403-ag, "deny[ing] Johnson's petition for review to the extent it raises a question of law over which we have jurisdiction, and dismiss[ing] the remaining portions of the petition for lack of jurisdiction." The Second Circuit further ordered, "As we have completed our review, any stay of removal that the

Court previously granted in this petition is vacated, and any pending motion for a stay of removal in this petition is dismissed as moot.” Given that the Second Circuit has now completed its review, the Petition for Habeas Corpus [Doc. 1] before this Court seeking Petitioner’s release from custody while the appeal to the Second Circuit was ongoing is hereby FOUND TO BE MOOT.¹ The Clerk shall close the case.

It is SO ORDERED.

Dated: New Haven, Connecticut

May 6, 2011

/s/ Charles S. Haight, Jr.
CHARLES S. HAIGHT, JR.
SENIOR UNITED STATES DISTRICT JUDGE

¹ Petitioner has expressly disclaimed seeking anything beyond the limited relief described herein, the request for which has been rendered moot by the resolution of his appeal. “Mr. Johnson is not seeking adjudication on the merits of an old order of deportation. He is simply challenging his detention by the Government while his petition for review is pending with the Second Circuit Court of Appeals.” [Doc. 10 at 8-9]