



dismiss a habeas petition "if it plainly appears from the face of the petition and any exhibits annexed to it that the petitioner is not entitled to relief." See Rule 4, 28 U.S.C. foll. § 2254. Pursuant to Article III, Section 2, of the United States Constitution, federal courts can only consider ongoing cases or controversies. *Lewis v. Continental Bank Corp.*, 494 U.S. 472, 477-78 (1990). "This means that, throughout the litigation, the plaintiff must have suffered, or be threatened with, an actual injury traceable to the defendant and likely to be redressed by a favorable judicial decision." *Spencer v. Kemna*, 523 U.S. 1, 7 (1998). A case becomes moot, thereby divesting a court of jurisdiction, if the "issues presented are no longer 'live' or the parties lack a legally cognizable interest in the outcome." *Murphy v. Hunt*, 455 U.S. 478, 481 (1982).

An accused may challenge the legality of his extradition proceedings via a petition for writ of habeas corpus. See *Roberts v. Reilly*, 116 U.S. 80 (1885). However, "[o]nce the fugitive is returned to the demanding state, the right to challenge extradition becomes moot: the fugitive is no longer being detained by the asylum state, and so, the legality of his or detention there is no longer at issue." See *Barton v. Norrod*, 106 F.3d 1289, 1298 (6<sup>th</sup> Cir. 1997). Accordingly, because Burrell has been returned to Pennsylvania, the demanding state, the court will summarily dismiss as moot the instant petition challenging his detention in Delaware. The court also declines to issue a certificate of appealability. See 28 U.S.C. § 2253(c)(2); *United States v. Eyer*, 113 F.3d 470 (3d Cir. 1997); 3d Cir. L.A.R. 22.2 (2011). A separate order follows.

May 13, 2013  
DATE

  
UNITED STATES DISTRICT JUDGE