

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

WALLACE MITCHELL,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 18-1151 (RMC)
)	
LENNARD JOHNSON,)	
)	
Respondent.)	

MEMORANDUM OPINION

For several years while incarcerated at the District of Columbia Jail pursuant to a D.C. Superior Court writ, Wallace Mitchell has routinely petitioned this Court for a writ of habeas corpus after facing disciplinary actions at the jail. The instant petition, filed on May 10, 2018, arises from a disciplinary decision rendered on November 2, 2017, which Mr. Mitchell alleges resulted in his “loss of 20 days good time” and “placement in punitive segregation.” Pet. [Dkt. 1] ¶ 6.

Pending before the Court is Warden Lennard Johnson’s Response to the Court’s June 22, 2018 Order to Show Cause why the writ should not issue. Resp. [Dkt. 9].¹ On September 28, 2018, Mr. Mitchell was ordered to file his reply by October 30, 2018, and warned that his failure to comply might result in dismissal of the case. Order [Dkt. 10]. Mr. Mitchell has not filed a reply despite being told that the “allegations . . . of an answer to an order to show cause . . . , if not traversed, shall be accepted as true except to the extent that the judge finds from the evidence that they are not true.” *Id.* at 1 (quoting 28 U.S.C. § 2248).

Warden Johnson asserts that the petition is moot because Mr. Mitchell “is not in any kind of special housing status, let alone the non-existent ‘punitive segregation’ status” giving

¹ Page number citations to Warden Johnson’s Response refer to the electronic case filing (ECF) page numbers.

rise to this action. Resp. at 2. He has proffered the Declaration of Jennifer Postell, Program Specialist for the District of Columbia Department of Corrections, confirming (1) Mr. Mitchell's current housing designation in "a general population unit," and (2) the nonexistence of a "punitive segregation" housing unit. *Id.* at 17 (Postell Decl. ¶¶ 5, 7). This Court has no reason to disbelieve Warden Johnson's unrefuted evidence. Therefore, Mr. Mitchell's habeas petition will be dismissed as moot for the comprehensive reasons stated in *Mitchell v. Johnson*, No. 17-cv-764 (RMC), 2018 WL 4637361 (D.D.C. Sept. 27, 2018) (dismissing Mr. Mitchell's similarly pled habeas petition as moot). A separate order will issue contemporaneously.

Date: December 13, 2018

A handwritten signature in cursive script, reading "Rosemary M. Collyer", written over a circular official seal of the United States District Court for the District of Columbia.

ROSEMARY M. COLLYER
United States District Judge