

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

SIMON RHODES,

Petitioner,

vs.

Case No. 3:14-cv-841-J-34MCR

ERIC H. HOLDER, JR.,
etc.; et al.,

Respondents.

ORDER OF DISMISSAL WITHOUT PREJUDICE

On July 21, 2014, Petitioner Simon Rhodes filed a pro se Petition for Writ of Habeas Corpus (Petition; Doc. 1) pursuant to 28 U.S.C. § 2241. Rhodes filed an Amended Petition (Doc. 5) on August 8, 2014. In the Amended Petition, Rhodes seeks his release from the custody of the United States Immigration and Customs Enforcement (ICE). On October 1, 2014, Respondents filed a Motion to Dismiss (Motion; Doc. 8) with exhibits (Resp. Ex). In the Motion, they assert that Rhodes was released from ICE custody on September 22, 2014, see Resp. Ex. A, Warrant of Removal/Deportation, and as such, this case no longer presents a case or controversy, and therefore should be dismissed as moot.

Motion at 1-2. In an Order dated October 3, 2014, the Court directed Rhodes to respond to Respondents' Motion by November 5, 2014. See Order (Doc. 9), filed October 3, 2014. Additionally, the Court advised Rhodes that his failure, by the designated deadline, to respond to the Motion would result in the dismissal of this action without further notice.

In prosecuting this action, Rhodes is responsible for complying with the Court's Order. On October 24, 2014, Rhodes' copy of the Order (Doc. 9) was returned as undeliverable. As of the date of this Order, Rhodes has neither responded to Respondents' Motion, explained his noncompliance, nor requested additional time to comply with the Court's Order. Thus, given that Rhodes has not filed any documents in this case since September 25, 2014, and the designated time period to respond to the Court's Order (Doc. 9) having passed on Wednesday, November 5, 2014, as well as it appearing that this action is now moot, this Court concludes that the dismissal of this case is appropriate at this time.

Accordingly, it is now

ORDERED AND ADJUDGED:

1. This case is **DISMISSED without prejudice.**
2. The Clerk of Court shall enter judgment dismissing this case without prejudice, closing the case and terminating any pending motions.

3. The Clerk of Court shall send Rhodes a copy of this Order to his last known address on file with this Court: Krome Service Processing Center in Miami, Florida.

DONE AND ORDERED at Jacksonville, Florida, this 1st day of December, 2014.


MARCIA MORALES HOWARD
United States District Judge

sc 11/28
c:
Simon Rhodes
Counsel of Record