

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

HENDRIX LIZARZABAL,

Petitioner,

vs.

Case No. 3:15-cv-1307-J-34JBT

LORETTA LYNCH, UNITED STATES
ATTORNEY GENERAL, et al.,

Respondents.

ORDER OF DISMISSAL WITHOUT PREJUDICE

On November 2, 2015, Petitioner Hendrix Lizarzabal filed a pro se Petition for Writ of Habeas Corpus (Petition; Doc. 1) pursuant to 28 U.S.C. § 2241. In the Petition, Lizarzabal seeks his release from the custody of the United States Immigration and Customs Enforcement (ICE). On December 7, 2015, the Court directed Respondents to respond to the Petition within sixty days. Lizarzabal's copy of the Order was returned to the Court as undeliverable with the notation "released" on December 15, 2015. On February 1, 2016, Respondents filed a Notice of Removal (Notice; Doc. 8) with an exhibit (Resp. Ex. A, Declaration of Deportation Officer Hector H. Diaz-Martinez). In the Notice, they assert that Lizarzabal was removed from the United States on December 24, 2015, see Resp. Ex. A, is no longer in the custody of ICE, and as such, his case should be dismissed, see Notice at 1. The Court concludes

that this case no longer presents a case or controversy, and therefore the dismissal of this case is appropriate at this time.

Accordingly, it is now

ORDERED AND ADJUDGED:

1. This case is **DISMISSED without prejudice as moot.**
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 Lizarzabal a copy of this Order to his last known address on file with this Court (Baker County Detention Center).

DONE AND ORDERED at Jacksonville, Florida, this 4th day of February, 2016.


MARCIA MORALES HOWARD
United States District Judge

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c:
Hendrix Lizarzabal
Counsel of Record