

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION

ROBERT A. HULL,

Petitioner,

v.

CASE NO. 1:08-cv-229-MMP-AK

GEORGE SHELDON &
WILLIAM BAXTER,

Respondents.

REPORT AND RECOMMENDATION

This cause is before the Court on Respondents' motion to dismiss. Doc. 22. Petitioner has not filed a reply, and the time for doing so has expired. This cause is therefore in a posture for decision. Having carefully considered the matter, the Court recommends that the motion be granted.

Petitioner was placed into Respondents' custody pursuant to a state court order adjudging him to be incompetent to proceed as a defendant in a pending criminal case. Doc. 22, Ex. A. On May 6, 2009, the state court was advised by Respondent Baxter that Petitioner had regained his competency. Doc. 22, Ex. B. Shortly thereafter, the state court ordered Petitioner transported from Respondents' facility to the custody of the Sheriff of Lee County, Florida. Doc. 22, Ex. C. The transfer of custody was effected as evidenced by Petitioner's change of address. Doc. 22, Ex. D. Subsequently, the state court entered an order finding Petitioner competent to proceed to trial. Doc. 22, Ex. E.

In the instant petition, Petitioner challenged his continued detention by the Department of

Children and Families in the North Florida Evaluation and Treatment Center. Because he has been released from the instant Respondents' custody, he has achieved the relief he sought. This cause is therefore moot.

In light of the foregoing, it is respectfully **RECOMMENDED** that Respondents' motion to dismiss, Doc. 22, be **GRANTED**, and this cause be **DISMISSED AS MOOT**.

IN CHAMBERS at Gainesville, Florida, this 14th day of August, 2009.

s/A.Kornblum
ALLAN KORNBLUM
UNITED STATES MAGISTRATE JUDGE

NOTICE TO THE PARTIES

A party may file specific, written objections to the proposed findings and recommendations within 15 days after being served with a copy of this report and recommendation. A party may respond to another party's objections within 10 days after being served with a copy thereof. Failure to file specific objections limits the scope of review of proposed factual findings and recommendations.