

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

WITSON L. JOSEPH,
INS # A35-185-954,

Petitioner,

vs.

Case Number 4:08cv64-RH/WCS

MICHAEL MUKASEY,
MICHAEL CHERTOFF,
MICHAEL ROZOS,
DAVID HARVEY, and
DEPARTMENT OF
HOMELAND SECURITY

Respondents.

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REPORT AND RECOMMENDATION

Prior to reviewing this case on the merits, an order was entered on August 21, 2008, noting that the *pro se* Petitioner has initiated this case on February 11, 2008, doc. 1, by filing a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Doc. 16. There had been a period of delay in review and it was unclear whether Petitioner was still located at the Wakulla County Jail. See doc. 16. The parties were to provide a status update before a ruling was issued on the merits of the petition. *Id.*

Petitioner's copy of that order was returned to the Court as "undeliverable." Doc. 18. Respondents filed a response on August 27, 2008, asserting that Petitioner has been given the relief he requested, release from detention. Doc. 17. Respondents assert that this case is moot due to Petitioner's release on May 28, 2008. *Id.*

Attached to that response are documents showing Petitioner was released on an Order of Supervision. Doc. 17-2. Respondents have not provided an address for Petitioner.

It is apparent that this case is now moot because Petitioner has received the relief requested in the petition. There is nothing further for the Court to do. Moreover, Petitioner had been directed to file a notice of change of address should he be transferred, released from detention, or otherwise relocated, doc. 10, p. 3, but nothing has been filed by Petitioner. Having failed to alert the Court that he was released from detention months ago, Petitioner has abandoned this litigation.

RECOMMENDATION

In light of the foregoing, it is respectfully **RECOMMENDED** that the § 2241 petition be **DISMISSED** because this case is moot and Petitioner has been released from detention.

IN CHAMBERS at Tallahassee, Florida, on September 17, 2008.

s/ William C. Sherrill, Jr.
WILLIAM C. SHERRILL, JR.
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.