

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

**ANTHONY BROWN,
ALIEN # A96-002-427,**

Petitioner,

vs.

Case No. 4:08cv79-RH/WCS

**MICHAEL B. MUKASEY,
ATTORNEY GENERAL OF THE
UNITED STATES, et al.,**

Respondents.

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REPORT AND RECOMMENDATION

Pro se Petitioner Anthony Brown filed this, his second § 2241 petition brought pursuant to Zadvydas v. Davis, 533 U.S. 678 (2001), on February 20, 2008. Doc. 1. On June 12, 2008, Respondents filed an Answer to the petition. Doc. 15. Petitioner filed a brief reply, doc. 17, and submitted a copy of his birth certificate with his response. Due to changed circumstances, a supplemental order directed a response from the parties. Doc. 18. Petitioner's copy of that order was returned to the Court as undeliverable. Doc. 19.

On December 11, 2008, Respondents filed a response to the supplemental order, doc. 18, and advised that Petitioner had been released from detention to an order

of supervision on July 25, 2008. Doc. 20. Attached to the response is a copy of the order supervision, containing Petitioner's signature and dated July 25th. Doc. 20-2 (exhibit 1). Respondents, thus, submit that this case is moot and "no longer presents a case or controversy which can provide the relief the Petitioner has sought herein . . ." Doc. 20, p. 1.

Accordingly, this § 2241 petition is moot because the relief requested by Petitioner, release from detention, was granted. Petitioner did not contest his removal from this country, only a period of alleged indefinite detention. Since he is no longer in custody and has been released from detention, there is nothing left for this Court to remedy.

Moreover, Petitioner had been ordered to "immediately file a notice of change of address with this Court should he be released from custody, transferred to another detention facility, or otherwise re-located." See docs. 14, 16. Nothing has been received from Petitioner advising of his new address or informing the Court that he had been released. Petitioner has abandoned this litigation and it should be dismissed.

In light of the uncontested assertion by Respondents, it is respectfully **RECOMMENDED** that this second § 2241 habeas petition filed by Anthony Brown be **DISMISSED as moot**.

IN CHAMBERS at Tallahassee, Florida, on December 12, 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.