

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

JACQUELIN JASON DARIUS,
ALIEN # A71-898-482,

Petitioner,

vs.

Case No. 4:08cv84-MP/WCS

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

Respondents.

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REPORT AND RECOMMENDATION

Petitioner, proceeding *pro se*, filed a petition seeking a writ of habeas corpus under § 2241. Doc. 1. Petitioner was being held at the Wakulla County Jail, having been in immigration detention since August 13, 2007. Doc. 1, pp. 1, 3. Petitioner sought release from custody under Zadvydas v. Davis, 533 U.S. 678 (2001), although not challenging the validity of the removal order, claiming he was being held indefinitely. *Id.* Service was directed and Respondents filed a motion to dismiss the petition. Doc. 16. Respondents advise that this case is moot because Petitioner was removed from the United States to Haiti on March 26, 2008. *Id.*

Because Petitioner has been afforded the relief he sought, release from detention, this § 2241 petition should now be dismissed as moot. Petitioner's copy of a prior court order was returned to the Court as undeliverable, doc. 10, noting Petitioner was "no longer" there. Nothing has been received from Petitioner since March 7, 2008, when he filed his *in forma pauperis* motion. It is apparent Petitioner has abandoned this litigation and been released from custody.

In light of the uncontested assertion by Respondent, it is respectfully **RECOMMENDED** that the § 2241 petition filed by Petitioner Jacquelin Jason Darius be **DISMISSED as moot** since it appears Petitioner has been released from detention.

IN CHAMBERS at Tallahassee, Florida, on December 3, 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.