

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

DWAIN JOHN BRICE,

Petitioner,

v.

CASE NO. 4:08-cv-353-SPM-AK

MICHAEL B. MUKASEY, et al.,

Respondents.

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**REPORT AND RECOMMENDATION**

This matter is before the Court on Doc. 1, Petition for Writ of Habeas Corpus, filed by Justo L. Carriles. Petitioner paid the filing fee. Respondents were directed to file a response, and they have filed a motion to dismiss based on the fact that no case or controversy exists, Petitioner having been released from detention. Doc. 5. Petitioner has not responded to the motion to dismiss, and thus, this cause is in a posture for decision.

In his petition, Petitioner did not contest his removal from the United States but rather challenged his continued detention after Respondents were unable to deport him within six months and were not likely to be able to deport him in the foreseeable future. Doc. 1. It is clear from the order of supervision attached to Respondents' motion to dismiss answer that Petitioner has indeed been released. Doc. 5, Ex. 1. This cause is therefore moot and should be dismissed, Petitioner having been granted all the relief requested in his petition.

In light of the foregoing, it is respectfully **RECOMMENDED** that the motion to dismiss, Doc. 5, be **GRANTED**, and that the petition for writ of habeas corpus be **DISMISSED** as moot.

**IN CHAMBERS** at Gainesville, Florida, this 9<sup>th</sup> day of December, 2008.

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.**