

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

JEAN MICHEL,  
ALIEN # A99-573-871,

Petitioner,

vs.

Case No. 4:08cv463-MP/WCS

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

Respondents.

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**REPORT AND RECOMMENDATION**

Petitioner, proceeding *pro se*, submitted a petition seeking a writ of habeas corpus under § 2241 on October 22, 2008. Doc. 1. There were several mail issues when Petitioner was transferred from the Wakulla County Jail to Oakdale, Louisiana, and then returned, but eventually, service was directed. Doc. 9. Respondents have now filed a motion to dismiss the § 2241 petition, asserting it is moot because Petitioner has been "removed from the United States to the Bahamas on December 18, 2008 . . . ." Doc. 17.

This petition sought release from detention, and Petitioner alleged being a native of the Bahamas, that he had been in detention for nearly a year, and claimed Respondents were unable to effect his removal, yet refused to release him. Doc. 1 Petitioner did not challenge the validity of the removal order, only indefinite detention under Zadvydas v. Davis, 533 U.S. 678 (2001).

In the motion to dismiss, Respondents have shown Petitioner was removed on December 18, 2008. Doc. 17. Petitioner is no longer in Respondents custody and, thus, the case is moot. Because there is nothing left for the Court to do, this case should be dismissed.

In light of the foregoing, it is respectfully **RECOMMENDED** that the motion to dismiss, doc. 17, be **GRANTED**, and this § 2241 petition be **DISMISSED** as moot.

**IN CHAMBERS** at Tallahassee, Florida, on January 27, 2009.

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.**