

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

**EMMANUEL ALCE,
Agency No. 072-445-242,**

Petitioner,

vs.

Case No. 4:09cv82-RH/WCS

**ERIC H. HOLDER, JR.,
ATTORNEY GENERAL OF THE
UNITED STATES, et al.,**

Respondents.

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ORDER and REPORT AND RECOMMENDATION

Petitioner, who is *pro se*, initiated this case on March 3, 2009, doc. 1, by filing a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner asserted that he was being held in indefinite detention and sought release from custody. *Id.* After service was directed, Petitioner filed a notice of change of address indicating he was transferred to Pennsylvania, doc. 12, and most recently to the Suffolk County Sheriff's Department in Boston, Massachusetts. Doc. 14. Respondents filed a motion to dismiss this petition, arguing that Petitioner's case is moot as he was released from the custody of ICE on August 17, 2009, "since the government of the Bahamas declined to issue Petitioner travel documents." Doc. 15, p. 2. Attached to Respondents' motion, doc. 15,

is the Release Notification showing that he was released to an Order of Supervision.

Doc. 15, ex. 1.

The motion also contains a certificate of service which states the document was provided to Petitioner at his "last known address of record," which was the Sheriff's Department, House of Correction, in Boston, Massachusetts. That is the same address Petitioner used when providing his recent notice of address change, doc. 14. The Clerk shall send this Order and Report and Recommendation to Petitioner at that address. It is unknown whether Petitioner will receive this mailing or if the Sheriff's Department will forward mail. If Petitioner receives this and does not contest this dismissal, he need not take any further action. If Petitioner contests dismissal, he shall have a fifteen day period of time in which to file an objection to this report and recommendation.

ORDER:

Accordingly, it is **ORDERED** that the Clerk shall provide a copy of this report and recommendation to Petitioner at the address listed on Petitioner's notice of change of address, doc. 14, and in the certificate of service provided on Respondents' motion, doc. 15.

REPORT AND RECOMMENDATION:

It is respectfully **RECOMMENDED** that the § 2241 petition filed by Petitioner Emmanuel Alce be **DISMISSED as moot** since he has been released from custody.

IN CHAMBERS at Tallahassee, Florida, on August 19, 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.