

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

**SAMBO UNG,
ALIEN # A027-314-984,**

Petitioner,

vs.

Case No. 4:10cv365-WS/WCS

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

Respondents.

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ORDER and REPORT AND RECOMMENDATION

Petitioner, proceeding *pro se*, filed a petition seeking a writ of habeas corpus under § 2241 on August 27, 2010. Doc. 1. At that time, Petitioner was detained at the Wakulla County Jail in Crawfordville, Florida. Doc. 1, p. 3. Petitioner alleged being a native of Cambodia, the country of his birth, and asserted that Respondents were unable to effect his removal, would not be able to do so in the reasonably foreseeable future, yet refused to release him. *Id.*, at 2. Service was directed in mid-September, 2010, doc. 3, and on November 4, 2010, Respondents filed a motion to dismiss. Doc. 11. The motion asserts that the petition is moot because Petitioner "was released from the custody of Immigration and Customs Enforcement (ICE) on October 28, 2010."

Doc. 11. The motion states that Petitioner was released "since the government of Cambodia declined to issue Petitioner travel documents." *Id.*, at 2.

Therefore, because Petitioner has essentially been afforded the relief he sought, release from detention, this § 2241 petition should now be dismissed as moot. Petitioner has not filed any opposition to the motion, nor has he filed a change of address since his release. The motion to dismiss, doc. 11, contains a certificate of service which indicates the document was provided to Petitioner at his last address or record which was the Wakulla County Jail. The motion was also sent to Petitioner's forwarding address. The Clerk of Court will also be directed to provide a copy of this report and recommendation to Petitioner at that location. If Petitioner does not contest this dismissal, he need not take any further action. Petitioner shall have a fifteen day period of time in which to file any opposition to this report and recommendation.

Accordingly, it is

ORDERED:

1. The Clerk shall provide a copy of this report and recommendation to Petitioner at his address of record and at the address listed in the Order of Supervision: 3001 Shaboygan Avenue, North Port, Florida 34286.

2. Petitioner shall have fifteen days to submit any opposition to this recommendation to dismiss his § 2241 petition as moot.

It is further **RECOMMENDED** that the § 2241 petition filed by Petitioner be **DISMISSED as moot** since he has been released from detention and granted the relief sought.

IN CHAMBERS at Tallahassee, Florida, on November 15, 2010.

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 14 days after being served with a copy of this report and recommendation. A party may respond to another party's objections within 14 days after being served with a copy thereof. Failure to file specific objections limits the scope of review of proposed factual findings and recommendations.