

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

JERMMMAINE RABESS,

Petitioner,

v.

CASE NO. 4:12cv593-RH/CAS

ERIC H. HOLDER, JR. et al.,

Respondents.

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ORDER OF DISMISSAL

An immigration judge ordered the petitioner's removal from the United States. The petitioner filed this habeas proceeding alleging he had been retained for more than six months and challenging any further detention. The case is before the court on the magistrate judge's report and recommendation, ECF No. 4. No objections have been filed. The report and recommendation concludes that the case should be dismissed because the petitioner has not paid the filing fee or moved for leave to proceed *in forma pauperis*, despite the magistrate judge's order to do so. The clerk mailed a copy of the report and recommendation to the petitioner at the facility where he was detained when he filed this case, but the postal service returned the mailing with the notation "NO LONGER HERE,"

perhaps suggesting that the petitioner has been removed from the country or released from custody. Either would render this case moot. Upon consideration,

IT IS ORDERED:

The report and recommendation is ACCEPTED and adopted as the court's opinion. The clerk must enter judgment stating, "The petition is dismissed without prejudice." The clerk must close the file.

SO ORDERED on March 7, 2013.

s/Robert L. Hinkle
United States District Judge