

United States District Court  
for the  
Southern District of Florida

Julio Rosabal Hernandez, Petitioner,	)	
	)	
v.	)	
Jeff Sessions as Attorney General of	)	Civil Action No. 17-24491-Civ-Scola
the United States and others,	)	
Respondents.	)	

**Order Adopting Magistrate Judge’s Report and Recommendation**

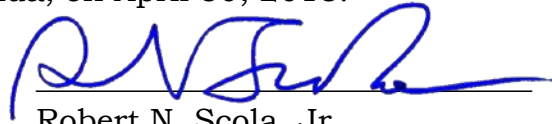
This case was referred to United States Magistrate Judge Patrick A. White, consistent with Administrative Order 2003-19 of this Court, for a ruling on all pre-trial, nondispositive matters and for a report and recommendation on any dispositive matters. On February 12, 2018, Judge White issued a report concerning Petitioner Julio Rosabal Hernandez’s petition for writ of habeas corpus under 28 U.S.C. § 2241, recommending that the Court dismiss Mr. Hernandez’s petition without prejudice because he is no longer in the United States Immigration and Customs Enforcement’s (“ICE”) custody, and as a result, his claim of unlawful detention is now moot. (Report, ECF No. 9.) After the initial fourteen-day objection period had passed, this Court entered an order (ECF No. 14), extending the objection period to April 19, 2018 because it appeared from the docket that Judge White’s report had been mailed to an expired address. This Court mailed its order extending the objection period and Judge White’s report to the address provided in the Government’s response to Judge White’s Order to Show Cause (ECF No. 8). Mr. Hernandez did not submit any objections before that deadline, and the time to do so has long passed. Consequently, this Court conducts a clear-error review of Judge White’s report. *See Macort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006).

The Court has considered Judge White’s report, the record, and the relevant legal authorities. Mr. Hernandez’s main contention in his § 2241 petition was that he was being unlawfully detained and the record indicates he has since been released from ICE’s custody. He thus obtained the relief he sought under § 2241. According, the Court agrees with Judge White’s conclusion that Mr. Hernandez’s § 2241 no longer presents a live controversy and this Court no longer has jurisdiction over his case.

The Court thus **affirms and adopts** Judge White’s report and recommendation (**ECF No. 9**). The Court **dismisses without prejudice** Mr. Hernandez’s petition for writ of habeas corpus (**ECF No. 1**). Finally, the

Court directs the Clerk to **close** this case and **deny** any pending motions as **moot**.

**Done and ordered**, at Miami, Florida, on April 30, 2018.

A handwritten signature in blue ink, appearing to read 'R. N. Scola, Jr.', written over a horizontal line.

Robert N. Scola, Jr.

United States District Judge