

**In the United States District Court
for the Southern District of Georgia
Waycross Division**

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|-----------------------|---|-----------------|
| MANETIRONY CLERVRAIN, | * | |
| | * | |
| Plaintiff, | * | |
| | * | |
| v. | * | No. 5:18-cv-038 |
| | * | |
| TRACEY JOHNS, | * | |
| | * | |
| Defendant. | * | |

ORDER

Before the Court is Plaintiff Manetirony Clervrain’s “Motion for [‘Alien Status’] or [‘Pauperis Status’] or Criteria to Consider by Invoking the Ant(s) Movement Act (‘TAMA’).” Dkt. No. 19.

BACKGROUND

On April 27, 2018, Plaintiff, while incarcerated at the D. Ray James Correctional Facility in Folkston, Georgia, filed this action to challenge the conditions of his confinement. Dkt. No. 1. On December 6, 2018, observing that Plaintiff’s “initial filing appears to be a discovery motion but has been construed and docketed as a Complaint,” the Court ordered Plaintiff to amend his Complaint within fourteen days and provided Plaintiff with additional instructions for doing so. Dkt. No. 9 at 4-5. The Court cautioned Plaintiff that “failure to file an appropriate Amended Complaint also could result in the dismissal of his cause of action for failure to follow this Court’s Order.” Id. at 5.

Plaintiff filed no Amended Complaint. As a result, the Magistrate Judge issued a Report and Recommendation recommending that Plaintiff's Complaint be dismissed for failure to prosecute and failure to follow the Court's Order. Dkt. No. 10. The Court adopted the Report and Recommendation as the Order of the Court on March 7, 2019, dkt. no. 12, and Judgment was entered on March 11, 2019, dkt. no. 13.

Since that time, Plaintiff has filed two miscellaneous motions with the Court: a "Motion for Administrative Records, and for Writ of Certiorari and for Questioning Prisoners Injustice Reform Acts ('PICRA')," dkt. no. 14, and a "Motion for Supplemental Injustice Adversely Affected ['The Ant's'], and for ['Related Mat[t]ers'] for Justification Act ('TAJA')," dkt. no. 16. The Court denied both motions. Dkt. Nos. 15, 17. According to the Bureau of Prisons' ("BOP") website, Plaintiff was released from BOP custody on August 29, 2019.¹

DISCUSSION

Now, well over two years after Judgment was entered in this case, Plaintiff files the instant motion, titled "Motion for ['Alien Status'] or ['Pauperis Status'] or Criteria to Consider by Invoking the Ant(s) Movement Act ('TAMA')." Dkt. No. 19. It is unclear what relief Plaintiff seeks in this Motion. Plaintiff cites numerous statutes and caselaw unrelated to his original

¹ See https://www.bop.gov/mobile/find_inmate/byname.jsp.


Complaint without explaining their relevance. Id. Indeed, Plaintiff's Motion is largely incomprehensible. On page twenty-one of his thirty-page Motion, Plaintiff indicates that he wants to "reopen[]" his case and "stop mass deportation." Id. at 21. Thus, the Court liberally construes Plaintiff's motion as one to reopen his case.

To the extent Plaintiff seeks to reopen his conditions-of-confinement action, his motion is **DENIED as moot** due to his being released from BOP custody. "[T]he general rule in this circuit is that release of a prisoner will moot that prisoner's claims for injunctive and declaratory relief from prison conditions." Enfinger v. Ellington, No. 212-CV-114-WHA, 2015 WL 427029, at *5 (M.D. Ala. Feb. 2, 2015) (citing Smith v. Allen, 502 F.3d 1255, 1267 (11th Cir. 2007); McKinnon v. Talladega Cty., Ala., 745 F.2d 1360, 1363 (11th Cir. 1984); Zatler v. Wainwright, 802 F.2d 397, 399 (11th Cir. 1986)). Finally, to the extent Plaintiff seeks to challenge his own deportation (which is still unclear), his motion is **DISMISSED**. This Court cannot grant Plaintiff the relief he seeks; instead, he must petition the Board of Immigration Appeals. See Medina-Menendez v. U.S. Atty. Gen., 574 F. App'x 912 (11th Cir. 2014); Gonzales v. U.S. Atty. Gen., 432 F. App'x 927 (11th Cir. 2011); Yang v. U.S. Att'y Gen., 149 F. App'x 911 (11th Cir. 2005).

CONCLUSION

To the extent Plaintiff seeks to reopen his conditions-of-confinement action, his motion is **DENIED as moot**. To the extent Plaintiff seeks to challenge his own deportation, his motion is **DISMISSED**.

SO ORDERED, this 12 day of October, 2021.



HON. LISA GODBEY WOOD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA