

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION**

MICHAEL PEREZ,)	
)	
)	
vs.)	Cause No. 2:13-cv-060-JMS-WGH
)	
J.F. CARAWAY,)	
)	
)	
Respondent.)	

Entry and Order Dismissing Action

I.

Michael Perez seeks a writ of habeas corpus challenging the Bureau of Prisons' computation of a complex medley of federal and state sentences. He does not challenge the validity of any of the underlying convictions.

A petitioner satisfies the "in custody" requirement, when the challenged conviction has not fully expired at the time he files a habeas petition. *Carafas v. Lavallee*, 391 U.S. 234, 238 (1968). While actual physical detention is not required, there must be some restraint on the liberty of a person to be "in custody." *Maleng v. Cook*, 490 U.S. 488, 491 (1989) (per curiam). Generally "once the sentence imposed for a conviction has completely expired, the collateral consequences of that conviction are not themselves sufficient to render an individual 'in custody' for the purposes of a habeas attack upon it." *Id.* at 492.

In this case, Perez has been released from custody of the Bureau of Prisons and he is no longer in the physical custody of any authority, nor is he serving the sentences referenced above. The collateral consequence of his convictions is supervised release. That is not a sufficient basis

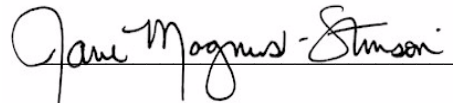
on which to support the “in custody” which is required for a habeas action challenging the computation of one or more sentences. His release from confinement has rendered the action moot because a favorable decision could no longer award him any meaningful relief. An action which is moot must be dismissed for lack of jurisdiction, and that is the disposition required here.

II.

Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: 12/27/2013

A handwritten signature in black ink that reads "Jane Magnus-Stinson". The signature is written in a cursive style with a horizontal line underneath the name.

Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

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