

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

HAMIR SINGH,
Petitioner

CIVIL ACTION
NO. CV08-0480-A

VERSUS

WARDEN, LASALLE DETENTION
CENTER, et al.,
Respondents

JUDGE DEE D. DRELL
MAGISTRATE JUDGE JAMES D. KIRK

REPORT AND RECOMMENDATION OF MAGISTRATE JUDGE

Before the court is respondents' motion to dismiss a petition for writ of habeas corpus filed by Hamir Singh ("Singh") on April 2, 2008, pursuant to 28 U.S.C. § 2241. Singh, a citizen of both India and Canada, contends he was ordered removed pursuant to a final order of removal on April 10, 2003. At the time of filing his petition, Singh contended he had been continuously detained by the Bureau of Immigration and Customs Enforcement ("BICE") since October 9, 2007, was at that time being detained in the LaSalle Detention Center in LaSalle Parish, Louisiana, and that he had cooperated with BICE in its efforts to remove him. For relief, Singh asks that he be released from custody pending his removal from the United States, pursuant to Zadvydas v. Davis, 533 U.S. 678, 121 S.Ct. 2491 (2001).

_____ Respondents filed a motion to dismiss (Doc. Item 10), showing through an affidavit by Scott Sutterfield, an Assistant Field

Office Director for BICE, that Singh had been removed from the United States on August 6, 2009. Since Singh has been released, and thus has achieved the relief requested in his habeas petition, Singh's habeas petition has been rendered moot.

Therefore, the Respondent's motion to dismiss should be granted and Singh's habeas petition should be dismissed as moot.

Conclusion

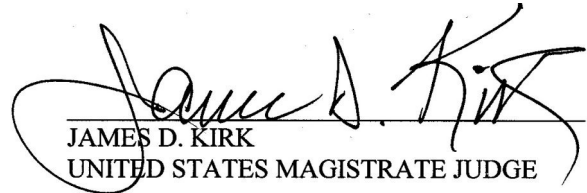
Based on the foregoing discussion, IT IS RECOMMENDED that Respondent's motion to dismiss (Doc. 10) be GRANTED and that Singh's habeas petition be DISMISSED AS MOOT.

Under the provisions of 28 U.S.C. § 636(b)(1)(c) and Fed.R.Civ.P. 72(b), the parties have **ten (10) business days** from service of this Report and Recommendation to file specific, written objections with the Clerk of Court. A party may respond to another party's objections within **ten (10) days** after being served with a copy thereof. A courtesy copy of any objection or response or request for extension of time shall be furnished to the District Judge at the time of filing. Timely objections will be considered by the district judge before he makes a final ruling.

A PARTY'S FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS, CONCLUSIONS AND RECOMMENDATIONS CONTAINED IN THIS REPORT WITHIN TEN (10) BUSINESS DAYS FROM THE DATE OF ITS SERVICE SHALL BAR AN AGGRIEVED PARTY, EXCEPT ON GROUNDS OF PLAIN ERROR, FROM ATTACKING ON APPEAL THE UNOBJECTED-TO PROPOSED FACTUAL FINDINGS AND

LEGAL CONCLUSIONS ACCEPTED BY THE DISTRICT JUDGE.

THUS DONE AND SIGNED at Alexandria, Louisiana, on this 27th
day of February, 2009.



JAMES D. KIRK
UNITED STATES MAGISTRATE JUDGE