UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

ALEXANDRIA DIVISION

EDSON FORGUE,
Petitioner

VERSUS

JOSEPH P. YOUNG, et al.,
Respondents

CIVIL ACTION
SECTION "P"
NO. CV10-00989

JUDGE JAMES T. TRIMBLE
MAGISTRATE JUDGE JAMES D. KIRK

REPORT AND RECOMMENDATION OF MAGISTRATE JUDGE

Before the court is a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2241 by petitioner Edson Forgue, a native and citizen of Haiti. Forgue contends in his petition that he entered the United States as a refugee in 1993, became a lawful permanent resident in 1994, and was convicted of a removable offense and served his sentence. Forgue contends he was then taken into the custody of the U.S. Immigration and Customs Enforcement ("ICE") in April 2009 and was ordered removed. Forgue contests his continued detention, since April 2009, by ICE pending his removal from the United States. Forgue alleges in his petition that, due to the recent earthquake in Haiti, Haiti has refused to issue a travel document for Forgue and will not do so anytime in the reasonably foreseeable future. At the time of filing his petition, Forgue was being detained in the Federal Detention Center in Oakdale, Louisiana. The sole relief requested by Forgue is release

from custody pending his removal, pursuant to Zadvydas v. Davis, 533 U.S. 678, 121 S.Ct. 2491 (2001).

Respondents filed a motion to dismiss the petition (Doc. Item 10), showing through an affidavit by Lori W. Wilson, the Acting Officer-in-Charge of the ICE facility in Oakdale, Louisiana, that Forgue was released pursuant to an order of supervision on September 23, 2010.

Since Forgue has been released and thus has achieved the sole relief requested in his habeas petition, Forgue's habeas petition has been rendered moot. Therefore, the Respondents' motion to dismiss should be granted.

Conclusion

Based on the foregoing discussion, IT IS RECOMMENDED that the Respondents' motion to dismiss be GRANTED and Forgue's habeas petition be DENIED AND 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 **fourteen (14) 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 **fourteen (14) 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 FOURTEEN (14) CALENDAR 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 22nd day of October, 2010.

JAMES D. KIRK
UNITED STATES MAGISTRATE JUDGE