

**RECEIVED**  
U.S. DISTRICT COURT OF LA  
TONY R. BROOKS, CLERK  
ALEXANDRIA, LOUISIANA  
DATE 9/14/11  
BY gbr

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION

---

JEAN SMITH

CIVIL ACTION NO. 11-274

VERSUS

JUDGE TRIMBLE

DAVID COLES, ET AL.

MAGISTRATE JUDGE KIRK

---

**J U D G M E N T**

Before the court is the report and recommendation of the magistrate judge recommending denial and dismissal of petitioner's habeas corpus petition<sup>1</sup> and, additionally, a more recent motion to dismiss the petition by defendants.<sup>2</sup> Our independent (de novo) review of the entire record in this matter reveals that petitioner is a citizen of Haiti who, at the time his petition was filed, was detained at LaSalle Detention Center pending removal from the United States. Petitioner claimed that he was being detained since August 2008 and that the government has failed to obtain travel documents. Petitioner requests release pending removal.

The report and recommendation of the magistrate judge recommends denial of petitioner's petition based upon a finding that petitioner has not demonstrated a substantial likelihood that he would not be removed to Haiti within the reasonably foreseeable future.

Defendants' recent motion asserts that petitioner has now been released on an order of supervision dated August 11, 2011, making his habeas corpus petition ripe for dismissal as moot.

---


<sup>1</sup> R. 14.

<sup>2</sup> R. 16.

The court agrees. The sole relief requested by petitioner was his release pending removal, which he has obtained.<sup>3</sup> Accordingly, it is hereby

**ORDERED, ADJUDGED and DECREED** that petitioner's petition for writ of habeas corpus is **DENIED** and **DISMISSED** with prejudice as **MOOT**. Thereby, defendants' motion for dismissal is **GRANTED** in full.

**THUS DONE AND SIGNED** in chambers at Alexandria, Louisiana this 14<sup>th</sup> day of September, 2011.

  
\_\_\_\_\_  
**JAMES T. TRIMBLE, JR.**  
**UNITED STATES DISTRICT JUDGE**

---

<sup>3</sup> The record reflects that notice of the defendants' recent motion was returned to the court with a notation that petitioner is no longer detained at LaSalle Detention Center. This supports defendants' assertion that petitioner is no longer detained and has obtained the requested relief. See R. 18.