

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

BILLY G. ASEMANI, #339-096
Plaintiff,

v

WARDEN KATHLEEN S. GREEN,
Defendant.

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Civil Action No. RDB-16-776

MEMORANDUM OPINION

This matter is before the court on Billy G. Asemani's emergency petition to prevent his removal from protective custody status at Eastern Correctional Institution (ECI). (ECF 1). Counsel filed an expedited Response at direction of this Court (ECF 6). Counsel filed a Response with a declaration and exhibits (ECF 5) which the Court indicated will be treated as a Motion for Summary Judgment. (ECF 6). Asemani has filed a Reply in which he seeks dismissal of the petition as moot. (ECF 7 at 1). Upon consideration of the pleadings, counsels' Response, treated as a Motion for Summary Judgment will be dismissed and the Petition will be dismissed as moot.

DISCUSSION

On March 14, 2016, Asemani filed an emergency petition to prevent his alleged imminent removal from protective custody status at ECI. Asemani asserted he has multiple enemies in the general prison population at ECI and removal from protective custody would place him in immediate danger. (ECF 1).

On April 14, 2016, counsel from the Office of the Attorney General filed a response supported by the declaration of James P. Williams, a correctional case manager for inmates on

protective custody status at ECI (ECF 5-1), and copies of Asemani's housing record (traffic history) and List of Enemies. (ECF 5-2, 5-3).

Williams attests that inmates on protective custody status are assigned to Housing Unit # 5 at ECI. Williams explains that Asemani was transferred on March 4, 2016 to ECI from Western Correctional Institution (WCI) where he was also on protective custody as part of a "PC transfer swap." ECF 5-1 at ¶ 3; *see also* ECF 5-2. Williams attests that none of Asemani's enemies is currently housed at ECI. ECF 5-1 at ¶ 4; *see also* ECF 5-3. Williams states there is presently no intention to remove Asemani from protective custody. (ECF 5-1 ¶5). Williams explains that protective custody inmates receive an annual status review unless circumstances necessitate earlier consideration. (ECF 5-1 at ¶ 5).

Acknowledging there is no intention to remove him from protective custody at the present time, Asemani indicates that he "sees no need to prosecute this claim further and moves for dismissal" of this case as moot. (ECF 7). His request will be granted.

CONCLUSION

For the foregoing reasons, this case will be dismissed and closed. A separate Order follows.

APRIL 26, 2016
Date

Richard D. Bennett
RICHARD D. BENNETT
UNITED STATES DISTRICT JUDGE

FILED ENTERED
LOGGED RECEIVED

APR 27 2016
AT BALTIMORE
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND

BY _____ DEPUTY