UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

LOUIS FONTELLIO,)				
Petitioner,)				
)				
v.)	Civ.	Action	No.	17-10848-PBS
)				
SHERIFF THOMAS M. HODGSON,)				
Respondent.)				

MEMORANDUM AND ORDER

June 26, 2017

SARIS, C.D.J.

On May 12, 2017, petitioner Louis Fontellio, while in custody as an immigration detainee at the Bristol County House of Correction, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging his continued detention. On June 12, 2017, the respondent moved to dismiss the petition because travel documents were obtained for Mr. Fontellio and his removal was reasonably foreseeable. By Electronic Order dated June 14, 2017, the respondent was directed to file a status report on July 10, 2017 stating whether petition has been removed from the United States. Now before the Court is Respondent's Status Report stating that Mr. Fontellio was removed from the United States on June 19, 2017.

In its motion to dismiss for failure to state a claim, respondent argues that Mr. Fontellio's continued detention remains lawful and that he had not demonstrated that there was no significant likelihood of removal in the reasonably foreseeable future. On a motion to dismiss for failure to state a claim pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, the Court accepts as true all well-pleaded facts in the light most favorable to the plaintiff and draws all reasonable inferences from those facts in favor of the plaintiff. <u>United States ex rel. Hutcheson v. Blackstone Med., Inc.</u>, 647 F.3d 377, 383 (1st Cir. 2011).

Here, the motion to dismiss explained that there was a significant likelihood of Mr. Fontellio's removal in the reasonably foreseeable future and the continued detention remains lawful and the subsequent Status Report confirmed that Mr. Fontellio was removed from the United States.

ACCORDINGLY, the respondent's motion to dismiss is granted and the habeas petition is dismissed. SO ORDERED.

> /s/ Patti B. Saris PATTI B. SARIS CHIEF UNITED STATES DISTRICT JUDGE

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