

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
KELVIN PUSH JARLEE,)	
)	
Petitioner,)	
)	C.A. No. 17-12287-PBS
v.)	
ANTONE MONIZ,)	
)	
Respondent.)	
_____)	

ORDER GRANTING MOTION (ECF No. 13) TO DISMISS

March 6, 2018

Saris, C.D.J.

On November 20, 2017, petitioner Kelvin Push Jarlee, an immigration detainee being held at the Plymouth County Correctional Facility, filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging his continued detention. The respondent subsequently notified the court that petitioner was scheduled to be removed from the United States within 30 days and the court requested the government inform the Court when petitioner has been removed. By Electronic Order dated February 16, 2018, the court requested a status report concerning petitioner's removal.

Now before the court is respondent's status report and motion to dismiss the petition as moot. Petitioner was removed from the United States to Liberia on December 21, 2017.

The government is correct in suggesting that, in light

petitioner's removal, this case is now moot and should be dismissed. "Under Article III of the Constitution, federal courts may adjudicate only actual, ongoing cases or controversies." Lewis v. Cont'l Bank Corp., 494 U.S. 472, 477 (1990) (citations omitted). Petitioner's release moots his petition because this Court is no longer presented with a case or controversy, as is required by the Constitution. See Mangual v. Rotger-Sabat, 317 F.3d 45, 60 (1st Cir. 2003) (citation omitted) ("If events have transpired to render a court opinion merely advisory, Article III considerations require dismissal of case.").

ACCORDINGLY, for the reasons stated above, the Motion to Dismiss (Docket No. 13) is granted and the habeas petition is dismissed as moot.

SO ORDERED.

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