

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FREDERICK TED SPENCER,

Petitioner,

CASE NO. 09-13362

v.

HONORABLE PATRICK J. DUGGAN

DEBRA SCUTT,

Respondent.

_____ /

ORDER

On February 6, 2013, this Court issued an Opinion and Order conditionally granting Petitioner Frederick Ted Spencer's Writ of Habeas Corpus. Judgment was entered the same day and Respondent subsequently appealed. On January 19, 2014, after oral argument but while his habeas petition remained pending before the United States Court of Appeals for the Sixth Circuit, Mr. Spencer passed away. Mr. Spencer's counsel notified the Sixth Circuit of his passing and filed Mr. Spencer's death certificate. As a result, the Sixth Circuit entered an Order declaring Mr. Spencer's habeas petition moot. *Spencer v. Scutt*, No. 13-1233 (Feb. 20, 2014) (citing *Lockhart v. McCree*, 476 U.S. 162, 168 n.2, 106 S. Ct. 1758, 1762 n.2 (1986) and *Knapp v. Baker*, 509 F.2d 922 (5th Cir. 1975)). The Sixth Circuit's Order vacated this Court's February 6, 2013 Opinion and Order and

remanded the matter to this Court “with direction to dismiss Mr. Spencer’s petition as moot.” *Id.*

In accordance with the Sixth Circuit’s directive, this Court **DISMISSES** Mr. Spencer’s writ of habeas corpus **AS MOOT**.

Dated: March 3, 2014

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

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