

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

CALVIN CANNADY

PETITIONER

v.

No. 1:13CV23-A-A

EDDIE SCOTT

RESPONDENT

MEMORANDUM OPINION

This matter comes before the court on the *pro se* petition of Calvin Cannady for a writ of *habeas corpus* under 28 U.S.C. § 2241. On October 10, 2011, he was indicted for one count of burglary and larceny of a business. At the time he filed the instant petition, Cannady was a pretrial detainee in the Clay County Jail in West Point, Mississippi. In his petition, Cannady challenges the legality of his pretrial detention and seeks to have the charges against him dismissed and to be released from custody. The State has moved to dismiss the petition for failure to state a claim under 28 U.S.C. § 2241. On October 16, 2013, after Cannady filed this case, he obtained the relief he sought in his petition – the charges against him were dismissed and he was released from custody. His unconditional release from custody has rendered the instant case moot. *Lane v Williams*, 455 U.S. 624 (1982). For this reason, the instant petition for a writ of *habeas corpus* will be dismissed with prejudice.

Cannady has requested that he proceed with the instant case under theories of: false arrest, malicious prosecution, judicial misconduct, and reckless endangerment of life. These claims cannot be brought through *habeas corpus*; instead Cannady must prosecute these claims in a suit filed under 42 U.S.C. § 1983. A final judgment consistent with this memorandum opinion will issue today.

SO ORDERED, this, the 26th day of November, 2013.

/s/ Sharion Aycock
U.S. DISTRICT JUDGE