

**NOT FOR PUBLICATION**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE**

|                |   |                               |
|----------------|---|-------------------------------|
| _____          | : |                               |
| LAVON BARRETT, | : |                               |
|                | : | Civil Action No. 16-3268(RMB) |
| Petitioner,    | : |                               |
|                | : |                               |
| v.             | : | <b>OPINION</b>                |
|                | : |                               |
| MARK KIRBY,    | : |                               |
|                | : |                               |
| Respondent.    | : |                               |
| _____          | : |                               |

**BUMB**, U.S. District Judge

On June 6, 2016, Petitioner, an inmate incarcerated in the Federal Correctional Institution in Fairton, New Jersey, filed a petition under 28 U.S.C. § 2241 challenging his prison disciplinary sanctions, including loss of one-year RDAP drug completion, and 40 days of good conduct time. (Pet., ECF No. 1.) The Court ordered Respondent to file an Answer to the petition. (Order, ECF No. 3.) On August 10, 2016, Respondent submitted a letter requesting dismissal of the petition as moot because Petitioner was provided the relief requested in his petition, including expunging the incident report, restoring lost good conduct time, and reinstating Petitioner in the RDAP program. (Letter, ECF No. 5.)

A habeas petition is moot when a petitioner's change in circumstances "forestalled any occasion for meaningful relief."

Nunes v. Decker, 480 F. App'x 173, 175 (3d Cir. 2012) (per curiam) (quoting Artway v. Att'y Gen., 81 F.3d 1235, 1246 (3d Cir. 1996) (citation omitted)); see Scott v. Schuykill, FCI, 298 F. App'x 202, 204 (3d Cir. 2008)(finding § 2241 petition moot because it was not redressable by a favorable judicial decision after prisoner was released). Petitioner no longer has a claim that is redressable in a § 2241 proceeding because the BOP expunged the challenged incident report, restored Petitioner's good time credits, and reinstated him in the RDAP program. See Marine v. Quintana, 347 F. App'x 736 (3d Cir. 2009)(finding § 2241 petition moot where incident report was expunged, good time credits were restored, and petitioner was no longer in custody.)

Therefore, in the accompanying Order filed herewith, the Court will dismiss the habeas petition as moot.

DATED: August 25, 2016

s/RENÉE MARIE BUMB  
RENÉE MARIE BUMB  
United States District Judge